

# **MARSDEN COMMUNITY ASSOCIATION ANTI-HARASSMENT AND NONDISCRIMINATION POLICY**

## **ANTI-HARASSMENT POLICY**

Marsden Community Association relies on directors, officers, agents, vendors, independent contractors and volunteers. They are entitled to perform their Association-related services in an environment free from discrimination and harassment. Discrimination or harassment of any director, officer, agent, vendor, independent contractor or volunteer in connection with service to the Association is prohibited.

Each Association director, officer, agent, vendor, independent contractor and volunteer is required to comply with this policy. Members, residents and guests must also comply with this policy in their interactions with directors, officers, agents, vendors, independent contractors and volunteers. Failure to comply by a director, officer, agent, vendor, independent contractor or volunteer can lead to disciplinary action up to and including removal or termination. Failure to comply by a member, resident or guest can lead to disciplinary and/or legal action against the responsible member.

Applicable law prohibits discrimination or harassment based on race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic conditions), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding or related medical conditions), gender, gender identity, gender expression, reproductive health decision making, age (40 years and over), sexual orientation, veteran or military status, domestic violence victim status, political affiliation, and any other characteristic protected by state or federal anti-discrimination law.

Harassment includes verbal or physical conduct intended to (or which causes despite lack of intent) threaten, intimidate, coerce or demean. This includes, but is not limited to, sexual harassment, bullying, hazing, threats, unlawful violence and stalking. Harassment also includes unwelcome behavior that creates a hostile or offensive work environment. The victim need not be the intended target of the harassment.

Reporting. A director, officer, agent, vendor, independent contractor or volunteer who experiences or witnesses behavior they believe constitutes harassment or discrimination at or in connection with the Association are encouraged to report the matter immediately. A director, officer, agent, vendor, independent contractor or volunteer who feels safe enough to do so should inform the harasser directly that the conduct is unwelcome and must stop. A director, officer, agent, vendor, independent contractor or volunteer can report Association-related harassment to their supervisors, their human resources representative, any member of Association management or to the Association's President or Vice President. A director, officer, agent, vendor, independent contractor or volunteer may also report such harassment anonymously to the Association's manager or Board President.

Investigation and Response. Reports of harassment or discrimination are taken seriously and will be investigated promptly. If it is determined that harassment or discrimination occurred in connection with the Association and/or in violation of the Association's governing documents,

the Association will take appropriate action to attempt to address the situation. Where the harassment or discrimination is by an Association director, officer, agent, independent contractor or volunteer in connection with their Association role, potential responsive actions by the Association include disciplinary action and/or termination or removal where the same is an option. Or, for harassment or discrimination by a member or a member's co-resident, tenant or guest against another member or resident in violation of the Association's governing documents, potential responsive actions by the Association include fines, suspension of privileges and/or taking legal action against the responsible member.

Complaints will be treated as confidential to the extent possible. Although the identity of the complainant may need to be revealed during the course of the investigation, the person responsible for investigating on behalf of the Association will take reasonable steps to protect against retaliation. In addition to an investigation, the complaint may be referred to law enforcement depending upon the circumstances.

The Association encourages any director, officer, agent, vendor, independent contractor or volunteer who has suffered Association-related discrimination or harassment to report such behavior immediately. Retaliation for reporting discrimination or harassment is prohibited. Claims of retaliation will be investigated and appropriate action taken.

The Association is committed to maintaining a discrimination and harassment-free environment for its directors, officers, agents, vendors, independent contractors and volunteers to provide their services to the Association. The Association expects directors, officers, agents, vendors, independent contractors and volunteers to act with respect and professionalism. Further, the Association expects all members, their co-residents, tenants and guests to refrain from any harassment of Association directors, officers, agents, vendors, independent contractors or volunteers.

### **NONDISCRIMINATION POLICY**

As stated in the Association's CC&Rs recorded July 13, 2006, at Section 4.3.1(c):

**Association Governance.** This Section 4.3 applies to Board actions and Design Review Committee decisions in connection with interpretation and enforcement of the Restrictions, architectural and landscaping control, regulation of uses within the Properties, rule making and oversight of committees. Actions taken or decisions made in connection with these matters shall be reasonable, fair and nondiscriminatory.

The volunteer officers, directors, committee members and other Association volunteers and the Association agents and employees (if any), including management company representatives, shall not discriminate in the provisions or enjoyment of services, amenities, privileges and other conditions against any Association member, resident or guest on the basis of any protected characteristic, including, but not limited to, race, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, veteran or military status, genetic information ancestry, national origin, familial status or disability. (See page 1, paragraph 3 above for the list of protected characteristics.)

If an Association member or resident feels that they have been harassed or discriminated against on the basis of a protected characteristic or on any other unlawful basis, by an Association member, resident or guest, or by an Association director, committee member, agent or volunteer, they should immediately report the matter to Association management. If the Association manager is not available or the reporting individual feels that it would be unproductive to inform that person, the reporter should immediately contact the Association President or Vice President. Once the matter has been reported, the Association will promptly investigate the allegation, and disciplinary and/or enforcement action will be taken where appropriate.

Please note, the Association does not have unlimited jurisdiction or control over conduct that is discriminatory or harassing. This nondiscrimination policy deals with two types of conduct: (1) alleged discrimination or harassment by an Association director, officer, agent, committee member, management agent, independent contractor or volunteer against an Association member or resident; and (2) alleged discrimination or harassment of a member or resident by another member or the resident or guest of another member's lot in connection with living within the Association and/or using Association common areas. Further, the Association does not have the police power of a government. The Association's options for responding to discrimination or harassment are much more limited and include warning letters, fines, suspensions of common area recreational privileges and potentially filing a lawsuit with the Riverside County superior court to seek a court order compelling or prohibiting certain conduct.

Complaints will be treated as confidential to the extent possible and information disclosed on a need-to-know basis. However, the identity of the complainant and/or a copy of the complaint may need to be revealed or produced during the course of the investigation or in connection with any resulting disciplinary or enforcement action.

#### ACCOMODATION REQUESTS

Members or residents with a disability who need an accommodation in application of the Association's governing documents so as to permit that member or resident equal opportunity to use and enjoy their dwelling can seek a disability accommodation from the Association. The Association anticipates responding to such requests promptly and seeking and exchanging information from the requesting party where necessary to evaluate the accommodation request.

The undersigned Secretary of Marsden Community Association hereby certifies the foregoing Anti-Harassment Policy and Nondiscrimination Policy was adopted by the Board at a duly noticed and agendized open Board meeting held on \_\_\_\_\_, 2024, after the proposed policy was distributed by general notice for members to review and comment for not less than 28 days and after the Board considered any such member comments.

Dated: \_\_\_\_\_ 2024,

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Secretary, Marsden Community Association