



Anti-Harassment Policy

Harassment defined

Pursuant to California Code of Civil Procedure Section 527.6(b)(3), "harassment" is defined as unlawful violence; a credible threat of violence; or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner.

California Code of Civil Procedure Section 527.6(b)(1) defines a "course of conduct" as a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private emails, interoffice mail, facsimile, or computer email.

A "credible threat of violence" is defined by California Code of Civil Procedure Section 527.6(b)(2) as a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.

The Board further expands the definition of harassment to include actions, comments, or communications that constitute disruptive behavior; or which include profanity; personal attacks; threats; language intended solely to insult, offend, or degrade; or other language or gestures any reasonable person would find unduly intimidating or abusive.

Declaration

The Board declares that any behavior by owners, residents, or guests towards employees, officers, or directors of the Association; or towards agents and contractors working for the Association and their employees and subcontractors; or towards service providers working on-site on behalf of owners or residents, which meet the definition of “harassment” above, shall be considered an annoyance and a nuisance as defined in the CC&Rs, and shall be subject to discipline, which may lead to monetary fines or the suspension of membership privileges, following notice and hearing.

Moreover, should harassing behavior continue, the Board will pursue all legal remedies available to the Association, including but not limited to the filing of a lawsuit seeking an injunction and/or monetary damages, and/or filing for a restraining order, in order to protect the Association’s operations from disruption and threats to the Association’s financial interests due to the offender creating a hostile work environment which the Association is obligated to prevent, as well as to defend the well-being of Association employees and agents. Should such legal action become necessary, the Board will also seek an award against the offending owner and/or resident for reimbursement of attorney’s fees incurred in gaining his/her compliance, as well as reimbursement for any other fees, penalties, or other costs incurred as a result of the matter.

Neighbor-to-Neighbor Disputes

Nothing in this Anti-Harassment Policy shall modify the Neighbor-to-Neighbor Dispute Policy of the Association. Complaints about harassment solely between owners, residents, or their guests shall be handled under the Association’s Neighbor-to-Neighbor Dispute Policy.

Operating Rule
Effective August 29, 2022