

HIGH DESERT RESIDENTIAL OWNERS ASSOCIATION

Policy Regarding Inappropriate Member Conduct

Adopted August 17, 2017

I. Authority

This policy is adopted in accordance with Section III C, Paragraphs 3.15 and 3.16, of the High Desert Residential Owners Association (HDROA) By-Laws, which set forth the general powers and duties of the Board of Directors (BOD) with respect to the administration of the Association's affairs, in accordance with Article IV, Paragraphs 4.3 and 4.4 of the Declaration of CC&Rs which establish the right of the BOD to make and enforce reasonable rules and policies governing the use of High Desert, and in accordance with Article XII, Paragraph 12.5(e), which establishes the right of the BOD to restrict or prohibit any activities that create monetary costs for the Association or other Owners, that create a danger to the health or safety of occupants of other Units, or that create an unreasonable source of annoyance.

II. Background and Purpose

The HDROA desires to operate in an orderly environment which is free of harassment, provides equal access to services for all Members, and encourages open and respectful discourse among members of the Board, management, and the general membership. From time to time, individual Members have engaged in behaviors which have proven disruptive to the orderly functioning of the organization, created an unpleasant working environment for employees and volunteers, and taxed the resources of the organization to the extent that services to other Members are compromised. The purpose of this policy is to define and address those instances of inappropriate conduct and provide for appropriate sanctions on Members who persist in engaging in them.

III. Policy

The HDROA deems certain actions and behaviors by Members, Guests, Invitees, Directors and Officials, or other personnel to be detrimental to the proper functioning of the organization and injurious to the enjoyment and well-being of the community and, therefore, subject to appropriate sanctions and limitations. Such unacceptable behaviors include but are not limited to:

- Harassing, pressuring, threatening, or otherwise attempting to intimidate any Board Member, Officer, management company representative, or contractor employee.
- Displaying overt hostility towards any group or individual within the community based on race, color, creed, sex, sexual orientation, national origin, or age.
- Placing demands on the HDROA, the management company, or other vendor resources (collectively or individually referred to as "Resources") such that the owner is consuming more time than typically required of such Resources. Examples of such demands include, but are not limited to, multiple calls, in-person visits, e-mails, or voice messages to HDROA or management staff on a daily or weekly basis.

- Using abusive, hateful, demeaning, or profane language in written or verbal communications.
- Contacting HDROA or management staff on more than one occasion with complaints about matters or actions that are not in violation of HDROA's governing documents.
- Contacting HDROA or management staff again on complaints that owner has already raised with HDROA and HDROA has addressed according to its policy.
- Making unwelcome sexual advances or engaging in other verbal or physical conduct which is offensive to the individual(s) involved and serves to create a hostile working environment for employees, volunteers or contracted personnel.
- Attempting to interfere with or provide unauthorized direction to contracted workers or other employees in the performance of their duties and work assignments.
- Purporting to act in an official capacity on behalf of HDROA, misrepresenting oneself as to title or authority within the organization, or attempting to unilaterally enforce any covenant, rule or policy of the Association without the express authorization of the Board of Directors.
- Interfering with any emergency response personnel, utility worker, delivery person, or tradesman having legitimate business on the High Desert premises.

IV. Notifications

- A. Any Member accused of violating this Policy shall be given a formal written notice of the nature of the alleged violation including, where appropriate, a directive to cease and desist from the inappropriate conduct that prompted the complaint. If the Member fails to comply with that directive, or if the violation occurs again after notice has been given, then appropriate sanctions shall be applied per paragraph VII.
- B. Members shall report any inappropriate and discourteous conduct, or conduct believed to be in violation of this Policy, to the Community Manager or to the President of the BOD.

V. Applicability to Non-Members

All Members shall be responsible for the conduct of their residents, family members, guests and invitees while on High Desert property. Members shall be responsible for ensuring that their residents, family members, guests and invitees comply with this Policy and all governing documents. Sanctions for violations of this policy will be assessed against the responsible Member regardless of who committed the unacceptable behavior.

VI. Disclaimer

Nothing herein is intended to imply the existence of an employment relationship between the Association and the employees of its contractors, vendors, or suppliers, nor to impose a liability upon the Association for actions taken or the failure to take action in any situation involving such employees. However, to the extent that our contractors, vendors, and suppliers are subject to the anti-discrimination provisions of Title VII of the Civil Rights Act of 1964, it is our intent to fully support their efforts to maintain compliance with that Title.

VII. Sanctions

Any Member who is found to be in violation of this policy will be subject to remedial action, including, but not limited to, injunctive relief being sought against him/her, fines, denial of services, and/or suspension of membership privileges. Such remedial action shall be at the sole discretion of the Board of Directors. Further, a Member found to be in violation shall be charged the attorney's fees incurred by the Association in any enforcement effort as a Specific Assessment, per Section 10.6 of the Declaration.

Adopted by the Board of Directors on August 17, 2017

By _____, HDROA Secretary