

Subject: Harassment Policy

Purpose: To Preclude Harassment among Residents, Guests, Staff and Vendors

Rossmoor residents, guests, staff and vendors are entitled to be free from harassment and arbitrary discrimination pursuant to all federal, state, and local laws, while on Rossmoor Walnut Creek property.

Federal Law: Under federal law, "harassment" is defined to mean "a serious act or a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose." (18 U.S.C.A. §1514(d)(1)(B).)

California Law: California defines "harassment" 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. (Code Civ. §527.6(b)(3).)

"Course of Conduct" is defined 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 mails, interoffice mail, facsimile, or computer email. (Code Civ. §527.6(b)(1).)

"Credible threat of violence" is 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. (Code Civ. §527.6(b)(2).)

Department of Housing and Urban Development (HUD) "Final Rule": New guidelines were enacted in an effort to further define housing discrimination in the form of harassment. In that regard HUD's new guideline, adopted in August 2016 and referred to as the Final Rule, now deem harassment in housing a form of illegal discrimination. Based on HUD's guidelines the Board must now evaluate alleged harassment from a perspective of a housing provider, which HUD deems homeowners association Boards as just that, and to investigate whether a resident is being subjected to harassment to the extent that it, under the Final Rule, amounts to illegal housing discrimination. (24 CFR 100.600.)

Rossmoor residents and their guests may not harass other residents or guests, staff or vendors.

Behaviors directed toward residents, guests, staff or vendors, such as the following, are prohibited and shall constitute "harassment":

- verbal or physical violence, implied or actual (threats)
- personal insults and yelling
- unwanted or offensive physical contact, filming, photography, and recording or infringement on personal space
- threatening bodily harm
- threatening harm to one's property
- stalking, or following someone to intimidate
- unreasonably disrupting organized activities in progress
- unreasonably interfering, obstructing or otherwise disrupting the work of vendors or staff
- unreasonable, hostile and excessive telephone calls, text messages, and emails to a resident, staff or vendor
- sexually suggestive language or gestures
- disruptive behavior, personal attacks, or harassment during Rossmoor Walnut Creek meetings
- creating a hostile work environment for staff or hired vendors
- other behavior which an ordinary reasonable person would find unreasonable and/or threatening.
- harassment, bullying, or abusive conduct on social media platforms. This includes, but is not limited to, posting or sharing threatening, defamatory, or derogatory content.

Harassment may arise from a course of repeated conduct or incidents which, by themselves, might not seem serious or unreasonable until examined as a whole course of conduct, or may arise from even a single serious unreasonable and hostile incident.

Members found to have willfully and/or habitually violated this Policy may be subject to discipline pursuant to Rossmoor Walnut Creek policy, as indicated in Policy 100.

Persons subjected to harassment as defined herein should report such incidents to a Member of Rossmoor Walnut Creek's Senior Staff, Human Resources, and/or the Rossmoor Walnut Creek's Board of Directors. All such incidents will be initially reviewed by the General Manager of Rossmoor Walnut Creek or his or her designee for a determination whether to pursue an investigation, and may send an initial correspondence to the member(s) alleged to be in violation based on the results of such investigation. If harassing behavior persists or if there is a second violation or if serious and potentially unlawful conduct occurs, correspondence to the member(s) alleged to be in violation will be sent from Rossmoor Walnut Creek's Board President and a hearing will be scheduled, as indicated in Policies 100 and 101.1. In cases where conduct may constitute a violation of law, the individual experiencing harassment—not Rossmoor Walnut Creek management—is responsible for filing any formal complaint with law enforcement. Management may offer support, guidance, or assistance as appropriate, but does not act as the reporting party.

Authority: Policy

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