

WESTLAKE LAKE MANAGEMENT ASSOCIATION

Anti-Harassment and Anti-Discrimination Policy

Effective February 2024

I. PURPOSE AND EFFECT OF THE PROPOSED POLICY

Westlake Lake Management Association (“Association”) requires a clear and consistent policy for addressing harassment and discrimination on and around the Westlake Lake Recreational Area, including the Lake and Lake Property, and for handling complaints arising from same. The following is intended to provide clear guidelines and procedures for responding to such complaints.

This policy has been adopted by the Board of Representatives (the “Board”) in the exercise of its authority to maintain, protect and enhance the Lake by expressing a consistent policy for the Board to address alleged discrimination and harassment.

II. GOVERNING LEGAL AUTHORITY

Westlake Lake Management Association, through its volunteer Board of Representatives, is responsible for management, control and administration of the Westlake Lake Recreational Area, which is subject to the Association’s Tenth Certificate of Amendment of the Lake Recreational Area Restrictions (“CC&Rs”), Bylaws, Rules and Regulations, Articles of Incorporation (collectively referred to as the “Governing Documents”), and applicable law;

Pursuant to the Fair Employment and Housing Act (California Government Code § 12955(a)): “It shall be unlawful [f]or the owner of any housing accommodation to discriminate against or harass any person because of the race, color, religion, sex, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information of that person.” The Association is not a provider of a housing accommodation, but it maintains and operates the Lake, which is used by its Members, which reside in residential communities or are a commercial property open to the public;

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).);

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;

Article 6, Section 6.5, of the CC&Rs prohibits nuisance conduct and illegal activity;

The Association, by and through the Board of Representatives, may adopt, in its discretion, rules and regulations not inconsistent with the provisions of the Governing Documents. (CC&Rs, Art. 5 § 5.5.)

III. ANTI-HARASSMENT, ANTI-DISCRIMINATION AND ENFORCEMENT ACTION

1. Members and their tenants, occupants, guests and invitees must be respectful to one another and to the Board, officers, managers, staff, vendors and others within the Lake and Lake Property. At Board meetings, said respectful and orderly conduct is particularly critical, to ensure that business is carried out in an orderly and expeditious fashion.

2. All Member comments and communications, whether during Board meetings or otherwise within the Lake and Lake Property, and whether directed towards other Members, Representatives, management, staff, vendors or otherwise, must avoid disruptive behavior, profanity, personal attacks, threats or harassment. There shall be no personal verbal attacks, including attacks against officers, Representatives, Members, staff, management or vendors.

3. All Members, tenants, occupants, guests and invitees, while present on or around the Lake, shall behave courteously and refrain from threatening, intimidating or use of abusive language.

4. The Association is authorized to take disciplinary action against any Member(s) found to be in violation of the Governing Documents, including, but not limited to, this Policy. When a complaint is lodged regarding the occurrence of a violation, the Board has a fiduciary duty to investigate and impose, if appropriate, discipline as set forth in the Governing Documents. The Member is responsible for any conduct by its tenants, occupants, guests and invitees in violation of the Policy and may be disciplined for the same.

5. The Board has the authority to impose monetary fines, suspend membership(s) privileges, and/or bring forth legal action. The Member(s) are entirely responsible for ensuring that the Governing Documents are followed by anyone they allow onto the Lake or Lake Property. This includes any tenants, occupants, guests and invitees.

6. The Association is committed to providing an inclusive and welcoming environment for all Members, residents, guests, management, contractors, subcontractors, and vendors.

7. To determine if harassment is taking place, the Association will evaluate the nature of the unwelcome conduct, the context in which the incident occurred, the severity, scope, frequency, duration and location of the conduct, and the relationships of the people involved. The Association, through management, the Board or otherwise, will inform the reporting parties to call local law enforcement if and when the behavior occurs and the persons subject to this type of harassment and threats of violence can seek a restraining order.

8. If a Member, resident, guest, management, contractor, subcontractor, or vendor feels that he or she has been harassed and/or discriminated against within the Lake or Lake Property, they should immediately report the matter to management in writing. If that person is not available or the individual feels that it would be unproductive to inform that person, they should immediately inform the President in writing. Once the matter has been reported, it will be investigated and any necessary corrective action will be taken where appropriate.

9. All complaints of unlawful harassment and/or discrimination will be handled in as discreet and confidential a manner as is possible under the circumstances.

10. This Policy shall not affect any other covenant, condition, restriction or other rule set forth in the Association's Governing Documents.