



Harassment Policy

Resolution 90-23-29, Adopted June 6, 2023

I. Purpose

The Board of Directors (Board) of the Golden Rain Foundation (GRF) requires a clear and consistent policy to address claims of harassment, abuse and intimidation. Harassment, abuse and/or intimidation are strictly prohibited in the community. This Harassment Policy (Policy) provides guidance relative to such behavior.

This policy applies to:

- a. Members;
- b. Residents;
- c. GRF Board and advisors; and
- d. Member's or resident's guests.

The claims of harassment, abuse and/or intimidation may be against:

- a. Members;
- b. Residents;
- c. GRF Board and advisors;
- d. Member's or resident's guests; and
- e. VMS employees.

VMS investigates incidents of harassment, abuse and/or intimidation from an employer's standpoint pursuant to the VMS Anti-Harassment Policy, and by necessary implication, there will be overlap when an employee is harassed by any of the foregoing and vice-versa.

This Policy has been adopted by the GRF Board to exercise its duties to maintain, protect and enhance the value and desirability of Laguna Woods Village and the interests of all of its members.

II. Definitions

- a. Abuse - See details under Conditions for Abuse.
- b. Community - Laguna Woods Village, including, but not limited to, the community center, gate houses, clubhouses and amenities.
- c. Claimant - Member, resident, board member, advisor, member's or resident's guest who submits a claim of alleged harassment, abuse and/or intimidation (claim) involving member, resident, board member, advisor, member's or resident's guest, and/or employee.
- d. Director - A board member from GRF or VMS boards of directors.
- e. Governing documents - All of the following, collectively: the Trust Agreement, Articles of Incorporation, Bylaws, rules and regulations, and resolutions or policies duly adopted by boards of directors of GRF; all as may be lawfully amended or modified from time to time.

- f. Harassment - See details under Conditions for Harassment.
- g. Intimidation - See details under Conditions for Intimidation.
- h. Member - any person who is an owner/shareholder of a Unit in United Laguna Woods Mutual (United) or Third Laguna Hills Mutual (Third) or The Towers Mutual No. Fifty (Mutual 50).
- i. Resident - An approved occupant of a residence in Laguna Woods Village.
- j. Respondent - Member, resident, board member, advisor, member's or resident's guest, or employee who is the subject of harassment, abuse and/or intimidation claim.
- k. Staff - Employees of VMS.

III. Conditions for Harassment

Below are various definitions and descriptions of harassment under both federal and California law:

- a. Federal law: "harassment" "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]).
- b. California law: "harassment" 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 that person, and that serves no legitimate purpose (Code of Civil Procedure §527.6[b][3]).
- c. Department of Housing and Urban Development (HUD) "Final Rule": Recent federal regulations/guidelines enacted by the Department of Housing and Urban Development (HUD) impose certain obligations on GRF with regard to the investigation and treatment of reported harassment. The new guidelines, adopted in August 2016, were enacted in an effort to further define and address housing discrimination in the form of harassment. In that regard, HUD's new guidelines now deem any form of harassment in housing or within housing developments a form of illegal discrimination. Based on HUD's guidelines, homeowners' associations, including GRF are required to evaluate alleged harassment to investigate whether a resident is being subjected to harassment to the extent that it may amount to illegal housing discrimination. Pursuant to the guidelines, GRF is required to investigate all reported claims of potential harassment of residents and, as appropriate, take all action permitted under the governing documents to address such harassing behavior (24 CFR 100.600).

IV. Conditions for Abuse

Below are various definitions and descriptions of abuse under both federal and California law:

- a. Federal law: "abuse" is defined to mean "the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm" (42 USC §1397[j]).
- b. California law: "abuse" includes, but is not limited to, intentionally or recklessly causing or attempting to cause bodily injury, sexual assault and placing a person in reasonable apprehension of imminent serious bodily injury to that

person or to another. Abuse is not limited to the actual infliction of physical injury or assault (Family Code §6203). For purposes of this Policy, “abuse” also includes conduct that creates a hostile work environment as defined under California law.

V. Conditions for Intimidation

Below are various definitions and descriptions of intimidation under both federal and California law:

- a. Federal law: “intimidation” is defined to mean “a serious act or course of conduct directed at a specific person that (i) causes fear or apprehension in such person; and (ii) serves no legitimate purpose” (18 USC §1514[d][1]).
- b. California law: “intimidation” was noted “to make timid or fearful; to inspire or affect with fear; to make fearful; to frighten ... to deter, as by threats. ...” (In re Bell, 19 Cal. 2d 488, 122 P.2d 22 [1942][dissent]).

VI. Examples of Harassment, Abuse and/or Intimidation

Examples of harassment, abuse and/or intimidation in community, subject to review and interpretation by committee, may include:

- a. Physical intimidation;
- b. Threatening bodily harm or to harm one’s property;
- c. Discriminatory shouting and yelling;
- d. Stalking, such as following someone around to intimidate or “make a point”;
- e. Disrupting organized activities in progress, including board and committee meetings;
- f. Entering the second floor of the community center without escort or pass with intent to disrupt operations;
- g. Interfering, instructing or otherwise disrupting the work of vendors or staff;
- h. Unreasonable, and/or hostile telephone calls and/or emails without a legitimate purpose to a resident, vendor or staff;
- i. Disparaging someone;
- j. Humiliating someone; and/or
- k. Other behavior that the ordinary person would find unreasonable and/or threatening.

VII. Reporting Harassment, Abuse and/or Intimidation Claims

To report a claim: members, residents, GRF, directors, advisors, and guest’s, and/or invitees may contact:

- a. Security Department
 - i. Telephone: 949-580-1400
- b. Compliance Division
 - i. Telephone: 949-268-2255; or
 - ii. Email: compliance@vmsinc.org

Staff may inform the claimant to call the Security Department for documentation of the reported harassment, abuse and/or intimidation. Staff may also inform the claimant to call the Orange County Sheriff’s Department (OCSD) if harassment, abuse and/or intimidation occur.

VIII. Enforcement

A. General

1. GRF is authorized to take disciplinary action against a GRF Member if they or their Resident, co-occupant, tenant, guest or invitee violates the Governing Documents. GRF may take any lawful action against anyone it determines has committed Harassment within the Community and while using the amenities.
2. The Board has the discretion to determine which actions are violations of this Policy and which actions do not require further action by GRF.
3. This Policy does not apply to activities within the areas governed by the Housing Mutuals and GRF will not pursue such issues within those areas.
4. The Board may, after a hearing, impose monetary fines, suspend the GRF Member(s) privileges and/or initiate legal action. GRF Member(s) are entirely responsible for ensuring that the Governing Documents are followed by anyone they allow into the community. This includes any co-occupant, tenant, guest or other invitee.

B. Board Member or Committee Member Discipline

1. The Board may take disciplinary actions against a GRF Director or Committee member who violates this Policy. Prior to taking any disciplinary action, the Board's officers and legal counsel shall review the evidence and investigate the alleged violation.
2. If it is determined that this Policy has been violated, legal counsel will notify the Director or Committee member in writing and copy the Compliance Division of the violation and instruct the Compliance Division to provide a 10- day Notice of Hearing to the Director or Committee member. Following the hearing by the Board, the Director or Committee Member will be notified of the Board's decision regarding any disciplinary action.
3. Such disciplinary action may include removal of the Director or Committee Member from all Committees. If the disciplined Committee Member was appointed to the Committee(s) by a Housing Mutual pursuant to Section 7.3 of the Bylaws, the Board may request that the President of the Housing Mutual immediately remove the Committee Member from all Committees. Failure of the President of the Housing Mutual to remove the Committee Member upon request may result in a demand to the Housing Mutual's board of directors that such Committee Member be removed from all Committees.
4. If the conduct of the Director or Committee Member also violates GRF's Code of Ethics Policy, additional disciplinary action may be taken against that Director or Committee Member in accordance with the Code of Ethics Policy.

C. Neighbor-to-Neighbor Dispute

1. Resolution 90-04-72, adopted October 5, 2004, by the Board established a member discipline process for the purpose of holding disciplinary hearings in a timely manner and ensuring progressive discipline. The Board is obligated to evaluate and impose if appropriate, member discipline under its Bylaws and §5855 of the Davis-Stirling Act.
2. The GRF Member disciplinary process is coordinated by the Compliance Division. A complaint may be registered by calling the Security Department at 949-580-1400 or the Compliance Division at 949-268-CALL or via email at compliance@vmsinc.org.

D. Third-Party Dispute

1. By way of the initial investigation, should Staff identify objective evidence of a violation by a GRF Member or their Resident or guests, Staff will send a letter to the offending party describing the allegation(s) and the disciplinary action that may ensue if not corrected.

IX. VMS Harassment by Board Member, Committee Member or Advisor

VMS has a legal obligation to provide its Employees with a workplace free from any type of inappropriate conduct by Directors, Committee Members and/or advisors. Complaints of a violation of this policy toward Employees may be submitted in writing to VMS' Director of Human Resources and the Board President. If the situation is an emergency requiring intervention, call the Security Department.

Staff will report the violation to the Board President and the Compliance Division for further action.