



WHEREAS, the Board of Directors (“Board”) of **PGA WEST RESIDENTIAL ASSOCIATION, INC.** (“Association”) has the authority and responsibility to adopt rules and regulations for the benefit of the owners, and a duty to provide a hostile free work environment for the Association’s staff, Board members, vendors, contractors, employees, and other workers.

WHEREAS, the Board wishes to promote an environment in which the Association’s staff, Board members, vendors, contractors, employees and workers are treated with respect, and are not the recipient of any discrimination or harassing behavior, either verbal, physical, or in writing, nor any threatening behavior, by owners (including their guests, tenants, residents, occupants, and all other persons affiliated with the owners' units);

NOW, THEREFORE, LET IT BE RESOLVED THAT the Board of the Association hereby adopts the following Anti-Harassment & Anti-Discrimination Policy (“Policy”), which includes enforcement procedures, that are applicable to all owners, including such owners whose guests, tenants, residents, occupants, and all other persons affiliated with the owners' units are the offending party:

Rules of Conduct

- The term "harassment" includes words, writings, gestures, or actions which intimidate or abuse another person. Harassment includes following or tormenting someone to the point of causing the person distress, fear, or harm. Abuse includes without limitation berating, belittling, insulting, hurtful, threatening, or offensive wrongs, acts, and language. Harassment also includes defamation, libel, and slander.
- Abusive or harassing behavior of any kind, either verbal, physical or in writing, or any form of intimidation or aggression, will not be tolerated by the Association. All owners (including their guests, tenants, residents, occupants, and all other persons affiliated with the owners' units) are prohibited from stalking, harassing, or obstructing others within the Association’s development, including Association staff, Board members, vendors, contractors, employees, and workers.
- Owners (including their guests, tenants, residents, occupants, and all other persons affiliated with the owners' units) shall be prohibited from engaging in any activity that threatens the safety of Association staff, Board members, vendors, contractors, employees, and workers.
- At all times Association employees, contractors, vendors, property management personnel and the individual members of the Board, as applicable, shall be treated with courtesy and respect by owners (including the owner's tenants, residents, guests, family members, trustees, and all other persons affiliated with the owner's unit).
- Owners (including their guests, tenants, residents, occupants, and all other persons affiliated with the owners' units) behave in a manner that is respectful and professional when interacting with any person on the Association’s development, including other homeowners and residents, Association staff, board members, vendors, contractors, employees, and workers.
- Owners (including their guests, tenants, residents, occupants, and all other persons affiliated with the owners' units) shall be prohibited from engaging in profanity, vulgar or threatening language, towards Association staff, Board members, contractors, vendors, and employees.
- Owners (including their guests, tenants, residents, occupants, and all other persons affiliated with the owners' units) shall be prohibited from sexually harassing any individual in the Association’s development, including Association staff, Board members, vendors, contractors, employees, and workers.

- Owners (including their guests, tenants, residents, occupants, and all other persons affiliated with the owners' units) shall be prohibited from exhibiting hostility toward any individual in the Association's development based upon color, creed, sex, national origin, or age or any state or federal protections of persons within any designated class of which the foregoing are only six examples of same.
- Owners (including their guests, tenants, residents, occupants, and all other persons affiliated with the owners' units) shall be prohibited from engaging in physical altercations of any kind or threatening behavior, including without limitation, physical force and touching of the person or the persons property with Association staff, Board members, vendors, contractors, employees, and workers.
- Owners (including their guests, tenants, residents, occupants, and all other persons affiliated with the owners' units) are prohibited from possessing firearms or other weapons in any part of the Association common areas, including but not limited to pool areas, and Association facilities.

Application and Enforcement

- The foregoing rules shall be construed broadly to apply and bind all owners within the development as well as all residents, guests, family members, tenants, trustees, and all other persons affiliated with the owner's home. To the extent non-owners are violating the foregoing rules, the owner affiliated with non-owner shall be responsible for the non-owner's actions, the record owner shall not direct or allow such violations, and the owner shall take all reasonable steps available to prevent further violations from occurring, including without limitation, enforcing any applicable lease agreement, trust or operating agreement, enforcing any applicable law, terminating the lease agreement, or other action that would aid in preventing further violations of this Policy. Violations of this Policy are deemed violations of the governing documents subject to enforcement by the Association.
- Alleged violations of this Policy shall be submitted in writing to the Association's General Manager.
- To determine if harassment and/or discrimination has occurred, the General Manager will evaluate the nature of the unwelcome conduct, the context in which the incident(s) occurred, the severity, scope, frequency [although one action alone can be significant enough to qualify as an act of discrimination or harassment], duration, and location of the conduct, and the relationships of the people involved. Actions may include:
 - Further investigation of the incident and attempt to document witness accounts of the violation(s).
 - A first violation may result in written notice from the Board or other disciplinary or legal action as the Board, in its sole discretions decides.
 - A second violation may result in a notice to a hearing before the Board in which disciplinary action such as fines, restricted use of amenities, and/or legal action may be taken or the Board can choose to take legal action, withing its sole discretion. The Board may also consider levying an assessment against an owner for the harassing conduct for costs, attorney fees, expenses, and/or damages incurred by the Association.
 - The General Manager and/or Board of Directors may request to participate in dispute resolution
 - The Board of Directors may decide whether the alleged conduct constitutes a violation of this Policy, and the Board of Directors may decide not to pursue enforcement if the Board concludes - after an investigation - that pursuit of enforcement under this Policy is not warranted. In the alternative, the Board may decide, in its sole discretion that the action is so severe that the actions should not be addressed through a disciplinary process but

rather the Association should engage in immediate legal action to address same.

- In the event the General Manager is one of the parties to the dispute, the Board of Directors, or its designee, shall assume the responsibility to investigate and document the violation.

In extreme and immediate situations of harassment and/or discrimination, the Association or the

harassed person may decide to contact 911 and governmental agencies/entities, including without

limitation, law enforcement for immediate help.

ADOPTED BY BOARD RESOLUTION AS PART OF THE MEETING AGENDA ON SEPTEMBER 7, 2023

Name: Paula Turner, Board Secretary

Signature: *Paula Turner*

Date: September 7, 2023