

# **NORTH SHORE AT LAKE HART HOMEOWNERS ASSOCIATION, INC.**

## **ANTI-HARASSMENT POLICY**

- SUBJECT:** Adoption of Anti-Harassment Policy.
- PURPOSE:** To facilitate the efficient operation of North Shore at Lake Hart Homeowners Association, Inc and afford Owners and Non-Owners an opportunity to provide input and comments on decisions affecting the community in a respectful manner while interacting with staff, board members and all other volunteers.
- AUTHORITY:** Declaration of Covenants, Conditions and Restrictions for North Shore at Lake Hart, Bylaws and Article of Incorporation of the Association and pursuant to Florida Statutes governing Homeowners' Associations.
- EFFECTIVE DATE:** **August 3, 2021**
- RESOLUTION:** The Association hereby adopts the following policy for Anti-Harassment.

North Shore at Lake Hart Homeowners Association, Inc., herein referred to as the Association, is committed to maintaining a work environment that is free from discrimination and harassment in which employees at all levels can devote their full attention and best efforts to the job. Neither discrimination nor harassment have any place in the Community.

Comments are to be offered in a calm and civilized manner and without profanity, personal attacks or shouting. Comments are to be relevant to the Community or Association issue immediately at hand or being discussed.

The Association will not tolerate any form of harassment or discrimination based on the following:

**Race, sex, gender identity, sexual orientation, national origin, age, disability, religion, or any other characteristic that is protected by law.**

### **APPLICATION OF POLICY**

This policy applies to Owners and Non-Owners alike, [including visitors] who harass, badger, bully, scream, yell, address in an excessively elevated voice, and/or otherwise act aggressively towards Association staff, board members and other volunteers. A confirmed complaint of harassment will result in restriction of that Owner's access to Association property.

The examples below are just that – examples. It is impossible to list every type of behavior that can be considered harassment in violation of this policy. In general, any conduct based on these traits that could interfere with an individual's work performance or could create an offensive environment will be considered harassment in violation of this policy.

## **NORTH SHORE AT LAKE HART HOMEOWNERS ASSOCIATION, INC.**

### **Sexual Harassment, or Harassment Based on Gender Identity or Sexual Orientation**

Sexual harassment (whether opposite-sex or same-sex, or based on gender identity or sexual orientation) is strictly prohibited. Examples include the following:

- ❑ Sexually offensive jokes or comments
- ❑ “Sexist” or “discriminatory” comments or behavior (in other words, conduct that demeans other individuals because of their sex, gender identity, or sexual orientation, even if not vulgar, lewd, or sexually provocative)
- ❑ Physical assaults or other touching that is sexual in nature
- ❑ Promising favorable treatment or threatening unfavorable treatment based on the employee’s response to sexual demands
- ❑ Displays of sexually oriented reading materials or pictures, including electronic materials
- ❑ Punishing a staff member for complaining about harassment, including but not limited to, any of the above

### **Harassment Based on Race, National Origin (ethnic group), Age, Disability, or Religion**

Harassment based on these other traits deserves special mention and is also strictly prohibited. Examples include, but are not limited to, the following:

- ❑ Jokes or negative comments about these characteristics
- ❑ Displays of reading materials or pictures containing negative material about these characteristics, including electronic materials
- ❑ Vandalism or “pranks” based on these characteristics
- ❑ Name-calling based on these characteristics
- ❑ Punishing an employee for complaining about any of these types of harassment
- ❑ Yelling
- ❑ Screaming
- ❑ Speaking in an excessively loud voice.
- ❑ Cursing and/or name calling.
- ❑ Using vulgar hand gestures.
- ❑ Speaking in a disrespectful manner.
- ❑ Speaking out of turn during meetings and without being recognized.
- ❑ Refusing to leave the area when instructed to do so by a Board or Staff Member

***Special note about religion.* It is not a violation of this Policy for employees to discuss religion, or to read or view religious materials, at work during non-working time and in non-working areas. Adverse treatment of anyone because of their beliefs, different beliefs, or lack of belief, may be considered “harassment” within the meaning of this Policy.**

### **“Harassing” Use of Electronic Communications**

For purposes of this policy, “Electronic Communications” include emails, text messages, instant messages, use of the internet, and use of any social media, including but not limited to Facebook, Instagram, and/or Snapchat. Harassment through the use of Electronic Communications is prohibited.

## **NORTH SHORE AT LAKE HART HOMEOWNERS ASSOCIATION, INC.**

This policy protects staff and volunteers from harassment, as well as harassment by customers or vendors of the Association or any other person or entity who is in a business relationship with the Association.

### **VIOLATION OF POLICY**

- Individuals/Owners/Board Members/Staff may report violation of this Anti-Harassment/Discrimination Policy to counsel for the Association.
- Confidentiality of individual claimant(s) reporting violation(s) of the Anti-Harassment/Discrimination Policy will be protected.
- Individual claimant(s) reporting harassment will not be punished for reporting harassment or participating in a harassment investigation.
- Prompt, thorough, and impartial investigation of harassment complaints will be ensured.
- When necessary, prompt, and effective corrective and preventative action will be taken including but not limited to deeming person(s) a disturbance and/or nuisance and restricting person's access to Association property.

**In order to enforce this policy in a fair and consistent manner, the following penalties are in place that will result from each incident regarding Owners and Non-Owners and their guests, not including vendors:**

**1st Confirmed Incident within a five-year period** - loss of Access Card/Phone App/Gate Remote privilege (for the Owners and Non-Owners alike) for three (3) months including restricted access to the Clubhouse.

**2nd Confirmed Incident within a five-year period** - loss of Access Card/Phone App/Gate Remote privilege (for the Owners and Non-Owners alike) for six (6) months including restricted access to the clubhouse (cumulative on top of any current loss of privileges).

**3rd Confirmed Incident within a five-year period** - loss of Access Card/Phone App/Gate Remote privilege (for the Owners and Non-Owners alike) for one (1) year including restricted access to the clubhouse (cumulative on top of any current loss of privileges).

**4th Confirmed Incident within a five-year period** - loss of Access Card/Phone App/Gate Remote privilege (for the Owners and Non-Owners alike) for five (5) years including restricted access to the clubhouse (cumulative on top of any current loss of privileges).

## **NORTH SHORE AT LAKE HART HOMEOWNERS ASSOCIATION, INC.**

**Penalties for behavior of vendors and potential vendors (after confirmation following an investigation) such as follows:**

**1st Confirmed Incident within a five-year period** - loss of ability to perform any work on Association property and access beyond gates for three (3) months including restricted access to the Clubhouse.

**2nd Confirmed Incident within a five-year period** - loss of ability to perform any work on Association property and access beyond gates for two (2) years including restricted access to the clubhouse (cumulative on top of any current loss of privileges).

**3rd Confirmed Incident within a five-year period** - loss of ability to perform any work on Association property and access beyond gates for five (5) years including restricted access to the clubhouse (cumulative on top of any current loss of privileges).

Amendment. This Policy may be amended at any time by majority vote of the Board of Directors. The aforementioned penalties herein are in addition to any other remedies available to the Association either via statute and/or the governing documents of the Association, to include fines.

**PRIOR TO IMPOSING ANY OF THE ABOVE PENALTIES, THE ASSOCIATION SHALL FOLLOW THE PROCEDURAL STEPS FOR FINES/SUSPENSIONS AS SET FORTH IN FLA. STAT. 720.305 AND AS EXPRESSLY STATED, IN PART, BELOW:**

Fla. Stat. 720.305(2) The association may levy reasonable fines. A fine may not exceed \$100 per violation against any member or any member's tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association unless otherwise provided in the governing documents. A fine may be levied by the board for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may not exceed \$1,000 in the aggregate unless otherwise provided in the governing documents. A fine of less than \$1,000 may not become a lien against a parcel. In any action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from the non-prevailing party as determined by the court.

Fla. Stat 720.305(2)(a) An association may suspend, for a reasonable period of time, the right of a member, or a member's tenant, guest, or invitee, to use common areas and facilities for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. This paragraph does not apply to that portion of common areas used to provide access or utility services to the parcel. A

## **NORTH SHORE AT LAKE HART HOMEOWNERS ASSOCIATION, INC.**

suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

Fla. Stat. 720.305(2)(b) A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days' notice to the parcel owner and, if applicable, any occupant, licensee, or invitee of the parcel owner, sought to be fined or suspended and an opportunity for a hearing before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee, by majority vote, does not approve a proposed fine or suspension, the proposed fine or suspension may not be imposed. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board. If the proposed fine or suspension levied by the board is approved by the committee, the fine payment is due 5 days after the date of the committee meeting at which the fine is approved. The association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any tenant, licensee, or invitee of the parcel owner.

Fla. Stat. 720.305(3) If a member is more than 90 days delinquent in paying any fee, fine, or other monetary obligation due to the association, the association may suspend the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until the fee, fine, or other monetary obligation is paid in full. This subsection does not apply to that portion of common areas used to provide access or utility services to the parcel. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park. The notice and hearing requirements under subsection (2) do not apply to a suspension imposed under this subsection.

Fla. Stat. 720.305(4) An association may suspend the voting rights of a parcel or member for the nonpayment of any fee, fine, or other monetary obligation due to the association that is more than 90 days delinquent. The notice and hearing requirements under subsection (2)(b) do not apply to a suspension imposed under this subsection. The suspension ends upon full payment of all obligations currently due or overdue to the association.

**NORTH SHORE AT LAKE HART HOMEOWNERS ASSOCIATION, INC.**

Fla. Stat. 720.305(5) All suspensions imposed pursuant to subsection (3) or subsection (4) must be approved at a properly noticed board meeting. Upon approval, the association must notify the parcel owner and, if applicable, the parcel's occupant, licensee, or invitee by mail or hand delivery.

Fla. Stat. 720.305(6) The suspensions permitted by paragraph (2)(a) and subsections (3) and (4) apply to a member and, when appropriate, the member's tenants, guests, or invitees, even if the delinquency or failure that resulted in the suspension arose from less than all of the multiple parcels owned by a member.