

## **Tink Wig Mountain Lake Forest Property Owners Association Harassment Policy**

Tink Wig Mountain Lake Forest Property Owners Association (“Tink Wig”) is committed to maintaining an environment free from bullying and harassment, which can be a form of workplace discrimination. All employees have a right to work in an environment free from bullying or harassing conduct, including sexual harassment. Tink Wig requires that all employees (including contractors), Board directors and property owners refrain from bullying or harassing anyone, including coworkers, members of the public, vendors, and clients while on Tink Wig property or when conducting Tink Wig-related business.

### **Policy Statement**

1. This policy applies to all employees, board members, contractors or property owners who bully or harass others on Tink Wig property or when conducting Tink Wig-related business (including in-person, phone and email communications).
2. Tink Wig will not tolerate bullying or harassment of any kind. A confirmed complaint of bullying or harassment will result in disciplinary action or penalties, as appropriate, against the offender(s).
3. This policy will be distributed to all current employees and posted in a prominent location in the workplace. The policy will also be distributed to new employees during orientation.
4. Property owners will be notified of this policy through:
  - a. incorporation of the policy into the Administrative Rules which are available in the office and on the Tink Wig website.
  - b. notification via an email from the executive director. Notification email should be sent annually as a reminder.
  - c. inclusion of the policy in the new property owner information packet
5. Individuals that report bullying or harassment in good faith are protected from retaliation by Tink Wig or any employee of Tink Wig. Retaliation includes but is not limited to employee discipline, discharge, further acts of discrimination, or other adverse actions when those acts are intended to punish an employee for reporting harassment, opposing discrimination, or filing or assisting with a complaint to local, state, or federal antidiscrimination agencies.
6. Tink Wig will promptly investigate complaints of bullying, harassment, or retaliation. Such investigations will be fair and impartial. All employees, board members and property owners of Tink Wig are required to cooperate with investigations of bullying, harassment, or retaliation that take place on Tink Wig time or properties.

### **Definitions**

**Bullying** is verbal or physical conduct that seeks to harm, intimidate, or coerce another person. Bullying is not necessarily based on a person’s membership in a protected category like race, sex, age, or disability, among others.

**Harassment** is persistent and unwelcome conduct because of any of the bases protected by law (race, sex, age, disability, etc.). Harassment exists whenever:

- The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment.
- Submission to harassing conduct is made, either explicitly or implicitly, a term or condition of an individual's employment,
- Submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual.

**Sexual harassment** is one type of harassment and includes unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. Unwelcome verbal or physical conduct of a sexual nature includes the repeated making of unsolicited, inappropriate gestures or comments and the display of sexual materials.

### **Recognizing Bullying or Harassment**

It is impossible to list every type of behavior that can be considered bullying or harassment in violation of this policy. In general, any conduct that could interfere with an individual's work performance or create a hostile work environment is forbidden. This may be the case even if the offending individual did not intend to be offensive. **Even mild offensive conduct can be considered bullying or harassment if someone has made it clear that it is unwelcome.**

Some examples include:

- Verbal: Jokes, insults, and innuendoes; threats; degrading sexual remarks; whistling; cat calls; comments on a person's body or sex life; or pressures for sexual favors; participating in derogatory or insulting gossip.
- Non-Verbal: Intimidating or confrontational body language; gestures, staring, touching, hugging, or patting; blocking a person's movement; standing too close; brushing against a person's body; display of sexually suggestive or degrading pictures; racist or other derogatory cartoons or drawings.

### **Intervention and Support**

Everyone is empowered to stop or de-escalate bullying or harassment. Anyone that feels comfortable directly intervening in situations where they perceive bullying or harassment are encouraged to do so. Everyone witnessing bullying or harassment is encouraged to report it to the executive director or any Board director.

### **Employee Responsibilities**

Employees who experience, witness or suspect bullying or harassing behavior shall report the behavior to the executive director, or to any Board director if the executive director is involved in the bullying or harassment.

### **Executive Director or Board of Director Responsibilities**

The executive director or Board director who receives a complaint of bullying or harassment, who observes such behavior, or suspects that such behavior is occurring has a duty to report, investigate the behavior and address it as necessary.

In addition to being subject to discipline if they engage in harassing conduct, the executive director and Board of directors are subject to discipline for failing to report suspected harassment or otherwise knowingly allowing harassment to continue, or for engaging in retaliation or failing to report retaliatory acts.

### **Property owner responsibilities**

Property owners are expected and required to conduct themselves in a civil and courteous manner while on Tink Wig property and while conducting any business with the office staff or Board directors. This includes while present at any and all Tink Wig Board meetings, special meetings, Tink Wig-sponsored social events and Tink Wig committee volunteer activities.

Property owners experiencing or observing bullying or harassment while on Tink Wig property or while conducting any business with the office staff or Board directors should file a complaint with office or report the event to a Board director.

### **Complaint and Investigation of Harassment**

Tink Wig takes all reports of harassment seriously. Tink Wig will promptly and thoroughly investigate any complaint, information, or knowledge of harassment. The investigation will be as confidential as possible. All persons involved, including complainants, witnesses, and alleged perpetrators may be required to cooperate in an investigation, will receive fair and impartial treatment, and will not be subject to retaliation for information disclosed to Tink Wig.

Review of complaints will be conducted by the Executive Director, Board of Directors, legal counsel as appropriate depending on the nature and sensitivity of the complaint.

Tink Wig will take any interim actions necessary to protect complainants from further acts of bullying, harassment, or retaliation during the investigation. Tink Wig may review documents, interview employees, or take whatever investigatory steps it deems necessary to determine whether harassment occurred.

Tink Wig will notify the complainant of the outcome of the investigation, although Tink Wig may decline to reveal specific disciplinary actions taken where there are confidentiality issues with such disclosures.

### **Penalties**

Employees including executive director

First disciplinary action:

- One verbal warning

Second disciplinary action:

- One written warning

Third disciplinary action:

- Termination of employment

#### Board of Directors

First disciplinary action:

- One verbal warning

Second disciplinary action:

- One written warning

If bullying or harassment continues:

- Suspension of current term
- Depending on the severity of the offense, the director may be ineligible for future terms

#### Property Owners

First disciplinary action:

- One verbal warning

Second disciplinary action:

- One written warning

If bullying or harassment continues after two warnings, the board has the option to impose any or all of these penalties:

- Loss of physical access to the office and staff (not to exceed 1 year)
- Limited access to office (not to exceed 1 year)
  - All Tink Wig-related business must be conducted only through US mail or email, as appropriate
- Loss of privileges to use common areas, pool, etc. (not to exceed 1 year)
- Loss of privilege to attend Board meetings. (not to exceed 1 year)
- Fines
  - \$100 for First offense,
  - \$200 for Second Offense
  - \$300 for Third and Subsequent offenses