



Rancho Santa Fe Association

Board of Directors Meeting

Staff Report

Date: August 11, 2022
Submitted By: Christy Whalen, Manager
Item: Employee Harassment Regulation

Recommendation

Approve for posting the amended Harassment Regulation.

Background/Analysis

The RSF Association Board in 2019 adopted the Employee Harassment Regulation, in an effort to curtail mistreatment of Association employees by members. (Similar rules are commonplace and in effect at many homeowners associations in California.)

While the current regulation specifies harassment against employees and vendors, it does not explicitly protect volunteer leaders, such as Board and Committee members. Several incidents regarding mistreatment of volunteers has resulted in the recommended amended Harassment Regulation to prohibit harassment of volunteers as well as employees and vendors. Violations of the Harassment Regulation are subject to the General Fine Schedule below:

General Fine Schedule

(a) One time and repeated violations

- i. First violation: \$250
- ii. Second violation (same or similar): \$500
- iii. All subsequent violations after the second (same or similar): \$1,000

The attached draft regulation may be considered for posting for a 28- day member comment period, after which the regulation may be adopted by the Board.

Attachments

- A. Redline Draft Regulation
- B. Clean Draft Regulation



RANCHO SANTA FE ASSOCIATION **EMPLOYEE HARASSMENT REGULATION**

Purpose and Intent:

The purpose and intent of this Rancho Santa Fe Association regulation is to establish a rule prohibiting members from harassing Association employees ~~and,~~ vendors and volunteers.

Prohibition:

Members and their guests may not abuse or harass ~~an~~ RSF Association employees ~~or,~~ vendors or volunteers, either verbally or otherwise. All employees and vendors of the Association are under the supervision of the Manager, and no Member, guest, agent or representative shall reprimand or discipline any employee, nor shall a Member, guest, agent or representative attempt to provide supervisory direction to any employee or vendor. Committee volunteers serve at the pleasure and direction of the Board of Directors.

Harassing or ~~Abusive~~ abusive behavior is defined as that which is directed at an employee, ~~or~~ vendor or volunteer that a reasonable person would find hostile, offensive, intimidating, threatening or humiliating in public or in private, such as the use of derogatory remarks, insults, yelling, cursing, or undermining a person's work performance.

Any employee or vendor not rendering courteous and prompt service may be reported to the Manager of the Association. Complaints regarding actions of volunteers serving on Association Boards or Committees may be reported to the Manager, who will share the information with the Board President. Any complaints regarding the Manager's performance shall be directed in writing to the Board of Directors in care of the Association President.

The Association Manager, Assistant Manager, or Board President have the inherent authority to exclude anyone from Association facilities if deemed necessary to protect the interests of any persons.

Complaint Procedures for Employee Harassment Regulation

If ~~any~~ employees, ~~or~~ vendors or volunteers finds ~~the~~ conduct of Members and/or their guests to be abusive or offensive, ~~he or she is~~ they are encouraged to immediately inform ~~the~~ persons engaging in the conduct in a clear and

unambiguous manner that the conduct is unwelcome or offensive and that the conduct should stop. However, if ~~the employee-employees~~ or vendors ~~are~~^{is} uncomfortable taking this action, or if the offending conduct does not stop after the offending person has been warned, ~~the employees~~ or vendors should immediately report this conduct to the Association Manager or to the Human Resources Department. Volunteers should immediately report such conduct to the Association Manager.

All complaints will be investigated promptly, fairly and thoroughly by impartial qualified personnel. Complaints will be designated confidential, to the extent possible. The complaint process will be documented and tracked for reasonable progress and will be closed in a timely manner. Appropriate options for remedial actions and resolutions will be considered. If at the end of the investigation, misconduct is found, appropriate remedial measures will be taken against the offending person(s), including implementation of the General Fine Schedule ~~defined below:.~~

General Fine Schedule

~~(a) One time and repeated violations~~

~~(i) First violation: \$250~~

~~(ii) Second violation (same or similar): \$500~~

~~(iii)(i) All subsequent violations after the second (same or similar): \$1,000~~



RANCHO SANTA FE ASSOCIATION HARASSMENT REGULATION

Purpose and Intent

The purpose and intent of this Rancho Santa Fe Association regulation is to establish a rule prohibiting members from harassing Association employees, vendors and volunteers.

Prohibition

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Harassing or abusive behavior is defined as that which is directed at an employee, vendor or volunteer that a reasonable person would find hostile, offensive, intimidating, threatening or humiliating in public or in private, such as the use of derogatory remarks, insults, yelling, cursing, or undermining a person's work performance.

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The Association Manager, Assistant Manager, or Board President have the inherent authority to exclude anyone from Association facilities if deemed necessary to protect the interests of any persons.

Complaint Procedures

If employees, vendors or volunteers find conduct of Members and/or their guests to be abusive or offensive, they are encouraged to immediately inform persons engaging in the conduct in a clear and unambiguous manner that the conduct is unwelcome or offensive and that the conduct should stop. However, if employees or vendors are uncomfortable taking this action, or if the offending conduct does

not stop after the offending person has been warned, employees or vendors should immediately report this conduct to the Association Manager or to the Human Resources Department. Volunteers should immediately report such conduct to the Association Manager.

All complaints will be investigated promptly, fairly and thoroughly by impartial qualified personnel. Complaints will be designated confidential, to the extent possible. The complaint process will be documented and tracked for reasonable progress and will be closed in a timely manner. Appropriate options for remedial actions and resolutions will be considered. If at the end of the investigation, misconduct is found, appropriate remedial measures will be taken against the offending person(s), including implementation of the General Fine Schedule.

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