



ANTI-HARASSMENT POLICY

I. Statement of Policy

Townewest Homeowners Association, Inc. ("Association") is committed to creating and maintaining a positive, productive environment in which all homeowners, residents, guests, employees, and third parties are free to put forth their best effort and have an opportunity to succeed as a result. Therefore, the Association will not tolerate any harassment of any homeowner, resident, guest, employee, or third party either by a fellow homeowner, resident, guest, employee, or third party, based on race, sex, religion, color, national origin, age, disability, the exercise of a protected activity (like filing a complaint), or any other reason deemed impermissible under the law.

II. Definition of Harassment

Harassment occurs when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for tangible job decisions affecting such individual; or (3) such conduct unreasonably interferes or is intended to interfere with an individual's performance or creates an intimidating, hostile, or offensive environment.

Harassment can include offensive verbal conduct such as foul or obscene language, epithets, suggestive statements or innuendo, derogatory comments, or "jokes." Harassment may further include touching, gestures, or other offensive physical conduct, or creating, displaying, or reading offensive graphic or written materials in the premises, workplace, or environment that relate to the sex, race, religion, color, national origin, age, or disability of a homeowner, resident, guest, and/or employee. Any of these behaviors are considered harassment if it would make a reasonable person experiencing the conduct uncomfortable on the premises, or if it could hinder the person's enjoyment of the facilities or job performance.

III. Application and Violation of Policy

This policy applies to all Association's homeowners, residents, guests, and employees at every level. Violation of the policy will result in disciplinary action, up to and including discharge or ban from the premises (common areas) and events. Therefore, it is important that you ask any

questions you may have about the policy, the definition of harassment, or the application of the policy. The Association fully expects that you may at times have such questions, and you should know that you are able to discuss these questions with your Directors, Property Manager, and/or supervisor freely and without fear of reprisal.

IV. Special Duties and Responsibilities of Supervisors

All homeowners, residents, guests, employees, and third parties are covered by and subject to the Association's Anti-Harassment Policy on its premises. However, supervisors should be aware that their unique role in directing and managing others places them in a position in which their behavior is particularly critical to the environment in question.

According to the U.S. Supreme Court, a supervisor is anyone who can undertake tangible employment actions that impact employees. A "tangible employment action" includes a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits. Understanding whether the actions of a supervisor fall within this definition is important since if a supervisor's harassment culminates in a tangible employment action the "entity" is strictly liable. However, if no tangible employment action is taken, the "entity" may avoid liability by establishing, as an affirmative defense, that (1) it exercised reasonable care to prevent and correct any harassing behavior, and (2) that the employee-plaintiff unreasonably failed to take advantage of the preventive or corrective opportunities that the "entity" provided. You are considered an employee's supervisor at any time you have this authority, even on a temporary basis.

Be aware that, occasionally, while you may not actually be a particular employee's supervisor under the "entity's" chain of command, a homeowner, resident, guest, and/or employee may nonetheless reasonably believe that you have supervisory authority over him or her. This could happen when the homeowner, resident, guest, and/or employee is not aware of the chain of command, or if you are a relatively high-ranking management official that the homeowner, resident, guest, and/or employee may perceive as having authority over them. You should never assume that a homeowner, resident, guest, or employee knows the limits of your authority in your interactions with them, nor should you say or do anything that tends to exaggerate or under-represent the scope of your authority in those interactions.

Homeowners, residents, guests, and employees commonly view their supervisors as representatives of the Association, and may incorrectly believe that the Association condones, or would fail to act if it became aware of, harassment based upon their observations of you as a supervisor. Therefore, it is particularly important that your interactions with homeowners, residents, guests, and employees be above reproach, and that you effectively address reports of harassment.

As a supervisor, you have another key responsibility. In the event that a homeowner, resident, guest, and/or employee reports an incident of harassment to you, or you otherwise have reason to believe that harassment is taking place, you must take immediate action. The Association promptly investigates all complaints of harassment. These investigations are conducted by Property Management personnel who have been trained to conduct such investigations in a

confidential and thorough manner. Therefore, you should inform the homeowner, resident, guest, and/or employee that, while the Association will take all reasonable steps to preserve confidentiality, you are obligated to report the incident under the Association's investigation policy. At times, it may be necessary for you to intervene before the investigation is initiated. If you have any questions about appropriate responses, you should immediately contact your Director and/or Property Management representative.

As a supervisor, you may not in any way take retaliatory action against the complaining homeowner, resident, guest, and employee (whether or not you are the subject of the complaint), and you must take steps to ensure that the homeowner, resident, guest, and/or employee is not subject to retaliation by other parties involved. In fact, any tangible job decision arising from harassment, whether it inures to a homeowner, resident, guest, and/or employee's detriment, or alternatively, confers a benefit on a homeowner, resident, guest, and/or employee for tolerating harassment, is strictly prohibited.

Although the Association looks to managers and/or supervisors to help implement and enforce the Anti-Harassment Policy, the policy also operates to protect managers/supervisors against harassment on the premises or in any environment. Should you experience harassment from a colleague, supervisor, homeowner, resident, guest, and/or any other employee or third party, you should immediately report it to the proper authority, manager, and/or supervisor with whom you feel comfortable, and to the Human Resources Manager, if applicable.

V. Rights and Duties of Non-Managerial Employees

The Anti-Harassment Policy is designed to protect you from harassment on the premises and to help maintain a pleasant, respectful environment in which you can feel comfortable and productive. However, the policy only works when you use it. You should report harassment of yourself or of another homeowner, resident, guest, and/or employee, or third party immediately, even if you believe the conduct was reported by someone else. Do not wait until the behavior becomes severe or is repeated. Similarly, do not assume that the proper authority, manager, and/or supervisor is aware of harassment, or that if you were to report the offense, that no corrective action would be taken. On the contrary, oftentimes, harassing behavior is conducted out of the view or earshot of others. A homeowner, resident, guest, and/or co-worker whose actions toward you or another homeowner, resident, guest, and employee constitute harassment may behave like a model "figure" in front of others, especially supervisors or other superiors with authority.

The Association will devote any and all resources necessary to eliminate harassment on the premises and environment. The Association will not tolerate improper behavior from any homeowner, resident, guest, employee, or third party regardless of rank or position, and will investigate each report of harassment. In every case, the Association will identify and take any and all appropriate remedial steps to prevent further harassment, including disciplinary action. Moreover, because the Association expects you to avail yourself of the protection the policy offers, we will take steps to help ensure that no retaliatory action is taken against you (or the employee you report has been subjected to harassment) for reporting the harassment.

You have several options as to how to report harassment. You may speak with your immediate Director, Property Manager, Supervisor, or any other manager, and to Human Resources, if applicable. Alternatively, you may choose to report the incident to the Board of Directors only. Your Board of Directors contacts include:

Property Manager: Kari Lemoine
Phone #: 832-678-5396
Email: kari@sterlingasi.com

Director: Jose Luis Fuentes Mendoza (Board Member: “Secretary”)
Phone #: (281) 494-6380
Email: jlfmtownewesthoa@gmail.com

Once the Association receives your report, it will investigate the complaint. In conducting the investigation, the Association will disclose the nature and parties involved in the complaint only on a limited, need-to-know basis. However, after you report harassment, we will follow up to help ensure that you are not subjected to any form of retaliation. Retaliation, like harassment, violates Association policy, and will not be tolerated.

VI. Our Commitment To An Effective Anti-Harassment Policy

We have made every effort to draft an Anti-Harassment Policy that is both effective and accessible. However, if you at any time believe that the Association has not met its obligations with respect to implementing the policy, or you believe that the protections of the policy are not readily available to you, please notify the Board of Directors or Property Manager. We value your input and hope that we can work together to make this an environment free from harassment.

/s/ Jose Luis Fuentes Mendoza

05/25/2023

Jose Luis Fuentes Mendoza
Board of Directors, Secretary
Townwest Homeowners Association, Inc.

Date