

## **Twin Creeks Homeowners Association, Inc. Anti-Harassment Policy**

It is the goal of the Board of Directors of the Twin Creeks Homeowners Association, Inc. (“Association”) to ensure Twin Creeks is a welcoming and diverse community and an environment free of harassment, discrimination and bigotry. In accordance with those standards, values and expectations, the Association’s Board of Directors hereby adopts the following Anti-Harassment policy.

**Authority:** The Twin Creeks community and the Association were formed subject to a “Declaration of Covenants, Conditions and Restrictions for Twin Creeks” (hereafter, “Declaration”), which was recorded on January 29, 1993 as Instrument No. 93-13680 in the Office of the Recorder of Marion County, Indiana, as well as certain “Bylaws of Twin Creeks Homeowners Association, Inc.” (hereafter, the “Bylaws”), all as amended from time to time. The Declaration and Bylaws authorize the Board of Directors to adopt rules, resolutions, policies, and guidelines applicable to the property, owners and residents within Twin Creek. This Anti-Harassment Policy is adopted pursuant to the Board’s authority as set forth in the Declaration and Bylaws.

**Application:** This policy applies to and is enforceable against all residents of Twin Creeks, including homeowners, members of a homeowner’s household, and non-owner tenants/occupants.

### **Policy:**

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

- **Race/ethnicity, national origin, gender or gender identity, sexual orientation, age, familial status, disability, religion, or any other characteristic that is deemed a protected classification under federal or state fair housing laws.**

The below examples of harassment and discrimination are included for example purposes only and are not intended to be an exhaustive list. The Board may conclude that behaviors, conduct, and communications not specifically referenced in this Policy are discriminatory or harassing in nature. Generally speaking, any form of behavior, conduct or communication which, in any way, disparages, demeans, harms, or discriminates against an individual based on race, national origin, gender or gender identity, sexual orientation, age, familial status, disability, or religion is prohibited and will not be tolerated.

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

Sexual harassment (whether opposite-sex or same sex, or based on gender or gender identity or sexual orientation), is strictly prohibited. Examples include, but are not limited to, the following:

- Sexually offensive jokes or comments
- Conduct or comments which demean other individuals because of their sex, gender identity, or sexual orientation
- Physical assaults, inappropriate touching, or unwanted sexual advances
- Promising favorable treatment or threatening unfavorable treatment based on the recipient's response to sexual demands, advances or requests
- Displays of sexually oriented reading materials or pictures, including electronic materials
- Punishment of or retaliation against a resident for complaining about harassment or discrimination, including, but not limited to, any of the above

***Harassment Based on Race, National Origin, Age, Familial Status, Disability or Religion***

Harassment based on race, national origin, age, familial status, disability or religion is strictly prohibited. Examples include, but are not limited to, the following:

- Jokes or negative comments about these characteristics
- Displays of reading material or pictures containing negative or demeaning material relating to these characteristics, including electronic materials
- Vandalism or "pranks" relating to these characteristics
- Name-calling relating to these characteristics
- Making threats which are specifically related to these characteristics
- Punishment of or retaliation against a resident for complaining about harassment, including, but not limited to, any of the above

**NOTE: Nothing herein is intended to discourage residents from civilly discussing issues relating to race, religion, sexual orientation, gender identity, or other protected classes. However, adverse treatment of anyone because of their beliefs, different beliefs, or lack of beliefs, may, at the Board's determination, be considered "harassment" within the meaning of this Policy.**

**Steps:**

Complaints of harassment or discrimination should be in writing and may be submitted to any Board member or the Association's property manager. If a complaint is received alleging harassment or discrimination based upon an individual's membership in any of the protected classes referenced in this Policy, the Board will review and discuss the complaint within fifteen (15) days. If needed, the Board may reach out to the complaining party to obtain more information regarding the complaint. In some cases, a meeting with the complaining party may be necessary.

In reviewing the resident's complaints, the Board will gather and consider the individual's statements, evidence of the harassment (photos, writings, videos, witness accounts etc.), and any other information the Board deems pertinent. In some cases, the Board may desire to speak with third-party witnesses who have observed the harassment or discrimination.

The Board, using its reasonable discretion and upon review of any facts, documents, statements, evidence, or other information made available to it, will review the allegations and make a finding as to whether there is probable cause of harassment or discrimination. Nothing herein guarantees or mandates that the Board will make a finding of harassment or discrimination. Furthermore, the Board's failure to find probable cause of discrimination or harassment in respect to a given complaint does not, in any way, preclude the Board from making such a finding in the future, should additional facts or evidence become known. The Board will evaluate each claim in good faith, and will make determinations based upon the facts, circumstances and evidence unique to each complaint. The Board will act reasonably and in good faith in reviewing complaints and making determinations.

If the Board, upon review of the facts, evidence, documentation and information made available to it, concludes that there is reasonably sufficient evidence of discrimination or harassment as described in this Policy, the following steps will apply:

1. **Step One:** The Board or its legal counsel will send a cease-and-desist letter to the person(s) engaging in harassment or discrimination. This letter will demand that the harassment or discrimination cease immediately. The Board reserves the right to skip this step and move immediately to Step Two if the Board, in its discretion, believes that the circumstances necessitate doing so.
2. **Step Two:** If the harassment or discrimination has not ceased, the Board will ask the Association's legal counsel to initiate the formal grievance resolution procedures required by Indiana Code 32-25.5-5, including issuance of a notice of claim demanding that the harassing or discriminatory conduct be abated immediately.
3. **Step Three:** If, after completion of the grievance resolution procedures required under Indiana Code 32-25.5-5, the harassment has not ceased, the Association may pursue additional legal action against the person(s) engaging in the harassment. This may include, but is not limited to, filing a lawsuit for injunctive relief.

The Board reserves the right, in its discretion, to employ other procedures or mechanisms to stop or prevent harassment in addition to those steps listed above.

**NOTE: Success in a lawsuit to enjoin discriminatory or harassing behavior or conduct will hinge on several factors, such as, but not limited to, the Association's ability to prove the allegations. Proof in the form of photographs, video recordings, writings/emails, third-party witness accounts, and other forms of documentation are typically necessary to prevail in court. Where there is minimal or no evidence or documentation and the case is based on one individual's word vs. another individual's word, it will be nearly impossible to succeed. Because the Association, as a nonprofit corporation, is funded exclusively by homeowner assessments, the Board must be cautious not to pursue potentially expensive lawsuits where the assertions are exceedingly difficult or impossible to prove, and where the desired outcome is not attainable. For these reasons, the Board reserves the right to determine, on a case-by-case basis, and under the guidance of legal counsel, whether a lawsuit is necessary or viable.**

IT IS HEREBY CERTIFIED that this resolution and policy was duly adopted in accordance with the Association's Bylaws, Declaration, and applicable law. It is further certified that these resolutions and policies are in full force and effect as of this date, that the resolutions and policies have not been altered, amended, modified, or rescinded, and that the same shall be true, valid, and binding upon the Association.

Adopted by the Board of Directors of Twin Creeks Homeowners Association, Inc. on the 26<sup>th</sup> day of may, 2022.

**Board of Directors  
Twin Creeks Homeowners Association, Inc.,**

Wyatt C Smith  
Signature of President

WYATT C. SMITH  
Printed Name

[Signature]  
Signature of Secretary

Sevon J. Scheuer  
Printed Name

**“For additional information please contact, Fair Housing Center of Central Indiana.” ( [info@fhcci.org](mailto:info@fhcci.org)  
317-644-0673 )**

**HUD Fair Housing ( [www.hud.gov](http://www.hud.gov) )**