

SURFSIDE HOMEOWNERS ASSOCIATION
CODE OF CIVILITY

This Code of Civility is adopted by the Board of Trustees of the Surfside Homeowners Association (Association) as a rule and regulation applicable to the Association and all its members.

It is a violation of the Association for any person to treat Association board members, officers, employees, volunteers, or other representatives in a manner that is reasonably perceived as hostile or abusive.

For purposes of this Code of Civility, hostile and/or abusive behavior includes, but is not limited to: (1) the use of obscenities, vulgarities, bullying, or harassment of any kind; (2) any behavior which reasonably intimidates or alarms another person or any behavior that could reasonably be perceived to be the cause of another person's distress or discomfort, whether said behavior is in person, in writing, over the phone, internet, including social media, or non-verbally as in hand gestures, body language or sign language.

For purposes of this Code of Civility, reasonableness shall be determined from the perspective of an ordinary prudent person under the same or similar circumstances.

All such behavior described above is considered unacceptable. The first offense will result in a written warning from the Association Business Manager. A second offense will result in a meeting with an Association Board of Trustee (BOT) member for conflict resolution. A third offense will result in a fine in the amount of \$200. If none of the foregoing actions resolve the conflict, the Association or the BOT may take administrative or legal action and shall be entitled to an award of all the fees and costs incurred by the Association, including attorneys' fees, which may be imposed on the offending party as an assessment and collected and enforced under the provisions governing assessments in the Association's governing documents, including, but not limited to, obtaining a lien against said party's property and membership in the Association.

Appeal of Code of Civility Violation

Any member may appeal a third offense for violating the Code of Civility by filing a Notice of Appeal within twenty-one (21) days of the date of the letter determining a third offence. The Notice of Appeal must include the following information:

- (a) the name of the appellant filing the appeal;
- (b) contact information for the appellant, including address, telephone number, and e-mail;
- (c) a statement identifying precisely what is being appealed;
- (d) an explanation of why the appellant believes the determination is wrong; and
- (e) a statement of what relief the appellant is requesting.

The Notice of Appeal may appeal the first, second or third violation of the Code of Civility policy. The Notice of Appeal may also request an opportunity to be heard through the appeal process defined below.

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The BOT shall establish procedures for hearing appeals that shall insure:

- (a) appeals are heard in a timely manner;
- (b) the appealing party, representatives, and others with an interest in the case are given an opportunity to be heard;
- (c) the party determining non-compliance, representatives, and others with an interest in the case are given an opportunity to be heard;
- (d) a determination on the merits of the appeal is reached in a timely manner;
- (e) the determination is communicated in writing to those parties involved in the appeal; and
- (f) rules regarding a hearing may limit time or determine relevance and admissibility of testimony to issues necessary to evaluate the merits of the appeal and underlying violation.

No person deciding on the appeal shall be directly involved in issues regarding the appeal or have a conflict of interest. The BOT or others designated by the BOT, shall affirm, reverse, or modify the original violation. Decisions by the Board of Trustees' designee, if any, shall be reviewed by the Association, which shall affirm, reverse, or modify the designee's determination. The BOT's determination of the meaning and application of the Code of Civility is considered the final authority regarding interpretation of this policy.