

DRAFT CODE OF CONDUCT

February 2, 2022

Commissioner Vo-Ramirez and I want to thank GM Raquel Beltran and everyone who participated in the work group she assembled, for the help in the introduction to this Draft Neighborhood Council Code of Conduct. Their discussions gave us valuable insight regarding the need to integrate City policy into our draft proposal, which we have attempted to do with certain modifications to be more Neighborhood Council specific. We are most appreciative of the work group's concern that Neighborhood Council Board and Committee members and their stakeholders have a safe and civil place to carry on their business.

The attached Draft Code of Conduct borrows heavily from the city's Draft Workplace Equity Policy. We recognized that use of the definitions of Protected Classes and prohibited behavior were paramount in our attempt to produce a policy for Neighborhood Councils that is in harmony with current and proposed City policy. We welcome comments from our fellow Commissioners, the Dept. of Neighborhood Empowerment and most importantly, from our fellow Neighborhood Council members.

Respectfully submitted by

Commissioners Quyen Vo-Ramirez and Leonard Shaffer

**NEIGHBORHOOD COUNCIL BOARD MEMBER
CODE OF CONDUCT POLICY
2021-1
(February 2, 2022)**

~~**WHEREAS**, the Neighborhood Council elections have been postponed from 2018 to 2019, and therefore many Neighborhood Council Board members will be out of compliance with the Policy Now, therefore, the Policy is amended as follows:~~

~~All Neighborhood Council Board members who were in compliance with the Policy on or after March 31, 2018 shall be considered in compliance with the Policy until the certification of their election during the 2019 election cycle. After the certification of the last election during the regular 2019 election, the Policy shall again in full force and effect.~~

~~**WHEREAS**, the Board of Neighborhood Commissioners (Commission) established Working Groups comprised of current and past Neighborhood Council members and Neighborhood Council stakeholders on January 26, 2013, to recommend changes to the Plan for a Citywide System of Neighborhood Councils;~~

~~**WHEREAS**, the Commission believes the following Code of Conduct (Attachment A) will address some of the concerns and recommendations of the Working Groups;~~

~~**WHEREAS**, the Commissioners recognize that a Neighborhood Council System that is physically and emotionally safe and secure for all Board Members promotes good citizenship, increases Stakeholder attendance and supports community engagement;~~

~~**WHEREAS**, Neighborhood Councils are required under Article II of the Plan for a Citywide System of Neighborhood Councils to be diverse, inclusive and open to all Stakeholders;~~

~~**WHEREAS**, the Commission expects Board Members to conduct themselves in a manner in keeping with an established Code of Conduct and with a proper regard for the rights and welfare of other Board Members, Stakeholders, Committee Members, and volunteers;~~

~~**WHEREAS**, the Commission recognizes that improper conduct may occur within the Neighborhood Council System and among members of Neighborhood Councils;~~

~~**WHEREAS**, the Commission expects Board Members to reaffirm their commitment to the Code of conduct every 2 years.~~

WHEREAS, on June 19, 2020, Mayor Eric Garcetti issued Executive Directive No. 27 calling for efforts to ensure fairness, diversity, equal opportunity, and transparency in City government;

WHEREAS, the Board of Neighborhood Commissioners (the Commission) adopted a Code of Conduct Policy in 2016 and an amended Code of Conduct Policy in 2018, to govern the conduct of Neighborhood Council members;

WHEREAS, the Workplace Equity Policy protects volunteers, including Neighborhood Council board members from harassment, sexual harassment, hazing, bullying, and inequitable conduct, as defined in the Workplace Equity Policy;

WHEREAS, the Commission recognizes that the Workplace Equity Policy definitions of harassment, sexual harassment, hazing, bullying, and inequitable conduct are dependent on employee/employer and supervisor/supervised relationships;

WHEREAS, the Commission recognizes the need to apply those definitions to Neighborhood Councils;

WHEREAS, the Commission has long recognized that a Neighborhood Council System that is physically and emotionally safe and secure for all Board Members promotes good social responsibility, increases Stakeholder attendance and supports community engagement;

WHEREAS, the Commission recognizes that improper conduct may occur within the Neighborhood Council System, the Commission expects Board Members and Committee Members (including stakeholders serving on committees) to conduct themselves in a manner in keeping with the Commission's Code of Conduct and with a proper regard for the rights and welfare of other Board Members, Stakeholders, Committee Members, and volunteers;

WHEREAS, Section 4 of Article II of Plan for a Citywide System of Neighborhood Councils provides that Certified Neighborhood Councils shall be as independent, self-governing, and self-directed as possible;

WHEREAS, the Commission acknowledges that Neighborhood Councils have been provided the means to address violations of this Code of Conduct;

WHEREAS, Section 902 (b) of Article IX of the City Charter provides that the Commission "shall be responsible for policy setting and policy oversight and the promulgation of rules and regulations but not be responsible for day to-day management;

NOW, THEREFORE, BE IT RESOLVED that the Commission amends the Code of Conduct policy to conform to the City Draft Workplace Equity Policy.

NOW, THEREFORE, IT IS FURTHER RESOLVED that the Commission amends the Code of Conduct POLICY NUMBER: 2014 2(2) to say:

POLICY NUMBER: 2021-(1)

- ~~1. Neighborhood Council Board Members are required to either, read and sign a copy of the Code of Conduct attached as Exhibit "A" or participate in training approved by the Department of Neighborhood Empowerment (Department).~~
- ~~2. As of November 1, 2016, every Neighborhood Council Board Member, who has not signed the Code of Conduct in 2016, whether elected, selected or appointed, shall provide a signed and dated copy of the attached Code of Conduct to the Department bearing their~~

~~signature or participate in training approved by the Department. Thereafter, every Neighborhood Council Board Member shall be required to re-sign the Code of Conduct or participate in training approved by the Department every two years.~~

- ~~3. On or after November 1, 2016, a newly elected, selected, appointed or re-elected Neighborhood Council Board Member shall provide a signed and dated copy of the attached Code of Conduct to the Department bearing their signature, or participate in training approved by the Department within 30 days of the election or selection being certified by the Department or within 30 days of selection or appointment to the board. All new Neighborhood Council Board Members shall renew their Code of Conduct every two years thereafter.~~
- ~~4. Any Neighborhood Council Board Member who fails or refuses to review, sign, date and provide a copy of the attached Code of Conduct to the Department or participate in training approved by the Department within the abovementioned time frames shall be suspended from their Neighborhood Council and shall not act on any matter that comes before their Neighborhood Council and shall not be counted for the purpose of establishing a quorum of the Neighborhood Council.
 - ~~a. The Department shall notify the Board Member of their suspension by sending a letter to their last known email address and/or physical mailing address.~~
 - ~~b. The Department shall also notify the remainder of the Board Members by email and/or U.S. mail of the suspension of the Board Member.~~~~
- ~~5. If within 30 days of being suspended the Neighborhood Council Board Member does not provide a signed and dated copy of the attached Code of Conduct to the Department bearing their signature or participate in training approved by the Department they shall be removed as a Neighborhood Council Board Member by the following procedures:
 - ~~a. The Department will notify the Board Member of their removal by sending a letter to their last known email address and/or mailing address.~~
 - ~~b. The Department will also notify the remainder of the Board Members by email and/or U.S. mail regarding the removal of the Board Member and that the Board Member's position on the board shall be considered vacant.~~~~

~~Any Board Member removed pursuant to this policy shall have the right to present to the Department evidence that he or she has in fact complied with this policy. The Department shall be the sole decision maker as to the sufficiency of the evidence submitted.~~

1. Neighborhood Council Board Members and Committee Members are required to affirm acceptance of this policy (Exhibit "A") in the manner established by the Department. Neighborhood Council Board Members and Committee Members shall reaffirm acceptance of this policy every two years. This policy applies regardless of whether or not a Board Member or Committee Member has affirmed acceptance.

2. The Neighborhood Council shall have the responsibility for informing stakeholder and board Committee Members of their obligation to affirm and accept this policy as a condition of committee service. Maintaining a record of their completion shall be the responsibility of the Neighborhood Council.

3. Newly elected, selected, appointed, or re-elected Neighborhood Council Board Members and Committee Members shall have a grace period of 30 days from the date the board member or committee member begins assuming their duties and responsibilities to comply with this policy as indicated in Item #1. Neighborhood Council Boards shall be responsible for informing appointed board and committee members of their responsibility to sign the Code of Conduct affirmation. Board Members and Committee Members should consult the applicable funding guidelines to determine their eligibility to vote on funding matters.

4. In such circumstances where a Neighborhood Council Board Member or Committee Member fails or refuses to comply with item #1, the Department shall proceed to suspend the Board Member or Committee Member from their Neighborhood Council. Said Board Member or Committee Member shall not be eligible to act on any matter that comes before their Neighborhood Council and shall not be counted for the purpose of establishing a quorum of the Neighborhood Council or Committee.

a. The Department shall notify the Board Member (or Committee Member) of their suspension by sending a letter to their last known email address and/or physical mailing address.

b. The Department shall also notify the remainder of the Board Members by email and/or U.S. mail of the suspension of the Board Member (or Committee Member).

5. If within 30 days of being suspended the Neighborhood Council Board Member or Committee Member does not comply with the provisions of item #1 above, they shall be removed as a Neighborhood Council Board Member or Committee Member by the following procedures:

a. The Department will notify the individual of their removal by sending a letter to their last known email address and/or mailing address.

b. The Department will also notify the Board by email and/or First-Class U.S. mail regarding the removal of the Board Member or Committee Member and that the Board Member or Committee Member's seat or position shall be considered vacant.

c. Any Board Member or Committee Member removed pursuant to this policy shall have the right to present to the Department evidence that he or she has in fact complied with this policy. The Department shall be the sole and final decision maker.

6. If a Board Member or Committee Member is alleged to have violated either the City's Workplace Equity Policy or the Commission's Code of Conduct, and it has been determined that the allegation is credible and, that because of the nature of the violation immediate action is necessary, then, the Department with written approval from the General Manager, may immediately suspend the Board Member or Committee Member for a period of up to 90 days, during which time the Department will determine how the violation can best be addressed either by the Neighborhood Council, the Department, the Board of Neighborhood Commissioners or another City agency or Department. Said Board Member or Committee Member shall not be eligible to act on any matter that comes before their Neighborhood Council Board or Committee and shall not be counted for the purpose of establishing a quorum of the Neighborhood Council Board or Committee. The Department will make a good faith effort to resolve the situation in the shortest time possible.

The Department will notify the Board Member or Committee Member of their suspension by sending a letter to their last known email address and/or mailing address.

- a. The Department will also notify the Board by email and/or First Class U.S. mail regarding the suspension of the Board Member and that the Board Member's position shall not be deemed vacant during the suspension period.
- b. The Department shall be the sole decision-maker with respect to a suspension. The Board Member or Committee Member may not appeal the suspension decision.
- c. The Neighborhood Council shall retain its authority to remove Committee Members for failure to affirm this policy or for failure to adhere to its provisions.

7. The Department may petition the Commission to remove the Board Member for a violation this Policy pursuant to the process for Declaring a Board Vacancy in Los Angeles Administrative Code 22.810.1(e)(3).

ATTACHMENT A.

1. Neighborhood Council Board Members and Committee Members shall conduct themselves in a professional and civil manner.

~~1. Neighborhood Council Board Members should treat other Board Members and members of the public with respect regardless of the other's opinion, ethnicity, race, religion, religious belief or non-belief, color, creed, national origin, ancestry, sex, sexual orientation, gender, gender expression, age, disability, marital status, income, homeowner status, renter status or political affiliation.~~

~~2. Neighborhood Council Board Members should not, during meetings, functions or events engage in or threaten to engage in any physical attack on any other individual.~~

~~3. Neighborhood Council Board Members should not use language that is threatening, obscene, or slanderous, including profanities, insults or other disparaging remarks or gestures directed toward other Board Members.~~

~~4. Neighborhood Council Board Members should promote and, if necessary, enforce a safe meeting environment. If other Board Members become disruptive or violate the Code of Conduct~~

~~Neighborhood Council Board Members have agreed to abide by, Board Members should demand that the offending Board Member conduct themselves in a respectful and orderly manner.~~

2. This Policy applies to all Neighborhood Council or committee meetings, Neighborhood Council events; events where the Neighborhood Council is a sponsor or participant; any event where a Board or committee member is acting, purports to be acting or appears to be acting in their official capacity as a Board or committee member; or when interacting with City employees, contractors, and Neighborhood Council Board Members, Committee Members, and volunteers.
3. This Policy also prohibits Neighborhood Council Board or Committee members from using any technology, communication system, or equipment, regardless of whether City-issued, personal, or otherwise, whether used online or offline, to deliver, display, store, forward, publish, circulate, or solicit material in violation of this Policy. The technology, communication systems, or equipment referenced in this subsection may include, *but are not limited to*, email, text, social media, internet, intranet, telephones, computers, fax machines, voicemail, radio, video, cell phones, mobile digital terminals, or other communication devices.
4. Neighborhood Council Board Members and Committee Members shall promote and, if necessary, enforce a safe and equitable environment. If other Board Members or Committee Members become disruptive or violate the Code of Conduct, Neighborhood Council Board and Committee Members have agreed to abide by, Board Members and Committee Members should demand that the offending Board Member or Committee Member conduct themselves in a respectful and orderly manner. In the absence of the board taking action to do so, employees of the Department may intercede to do so.

5. This Policy prohibits harassment or discrimination on the basis of any Protected Category, or sexual harassment, other inappropriate conduct based on a Protected Category or protected activity. These activities interfere with the Policy's goals of maintaining diverse, equitable, inclusive, and productive Neighborhood Councils

Protected Categories under this Policy include:

- Acquired Immune Deficiency Syndrome (AIDS) or the Human Immunodeficiency Virus (HIV) Status
- Age (40 and over)
- Ancestry
- Color
- Disability - Mental or Physical
- Domestic Violence Victim Status
- Ethnicity
- Gender, Gender Expression and/or Gender Identity
- Genetic Information (including family medical history)
- Marital Status
- Medical Condition (cancer and genetic characteristics)
- Military and Veteran Status
- National Origin (including but not limited to language use restrictions)
- Race (including natural hair texture and/or protective hairstyles)
- Religious Creed (including but not limited to religious dress and grooming practices)
- Sex (including but not limited to pregnancy, childbirth, breastfeeding, and related medical conditions)
- Sexual Orientation
- Any Protected Category under local, state (California), or federal law

This Policy also includes protections for individuals perceived as being a member of one of the Protected Categories and individuals associated with members of the Protected Categories.

The definitions of conduct prohibited by this Policy may be different than those used in legal proceedings in courts of law. Consequently, no legal conclusions can or should be drawn from decisions associated with this Policy and its related administrative procedures.

6. Neighborhood Council Board and Committee members shall not engage in discrimination. For the purposes of this Policy, discrimination is the unequal treatment of one or more persons because of the person(s) actual or perceived Protected Category(ies).

Discrimination may include, *but is not limited to*, one or more instances of the following:

- granting or withholding Board or committee positions due to a person's race, disability,

sexual orientation, etc.

- recommending or instituting discipline against one or more employees because of their religion, national origin, age, etc.
- declining to appoint a Board member or Stakeholder to a committee because of their sex, marital status, veteran status, etc.
- refusing to consider an applicant to fill a Board vacancy because of their gender identification, etc.
- making decisions about individuals related to their natural hair texture or wearing protective styles such as braids, locs, twists, and knots

5. ~~Neighborhood Council Board Members should not engage in "bullying" or harassment which is generally defined as follows:~~

a. ~~"Bullying" is conduct that meets all of the following criteria:~~

- i. ~~is reasonably perceived as being dehumanizing, intimidating, hostile, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;~~
- ii. ~~Is directed at one or more Board Members;~~
- iii. ~~Is conveyed through physical, verbal, or technological means;~~
- iv. ~~Substantially interferes with participation opportunities, benefits, or programs of one or more Board Members at Neighborhood Council sponsored activities or events;~~
- v. ~~adversely affects the ability of a Board Member to participate in or benefit from the Neighborhood Council programs or activities by placing the Board Member in reasonable fear of physical harm or by causing emotional distress; and,~~
- vi. ~~Is based on a Board Member's actual or perceived protected characteristic (see 2 above), or is based on an association with another person who has or is perceived to have any of these characteristics.~~

b. ~~"Harassment" is conduct that meets all of the following criteria~~

- i. ~~is reasonably perceived as being dehumanizing, intimidating, hostile, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;~~
- ii. ~~Is directed at one or more Board Members;~~
- iii. ~~Is conveyed through physical, verbal, or technological means;~~
- iv. ~~Substantially interferes with participation opportunities, benefits, or programs of one or more Board Members at Neighborhood Council sponsored activities or events;~~
- v. ~~Adversely affects the ability of a Board Member to participate in or benefit from the Neighborhood Council programs or activities because the conduct, as reasonably perceived by the Board Member, is so severe, pervasive, and objectively offensive as to have this effect; and, Is based on a Board Member's actual or perceived protected characteristic (see 2~~

~~above), or is based on an association with another person who has or is perceived to have any of these characteristics.~~

7. Neighborhood Council Board and Committee members shall not engage in harassment. For the purposes of this Policy, harassment is the unwelcome and offensive, threatening, or abusive treatment of one or more persons (by any individual, including both Board and Committee members and third parties) because of their actual or perceived Protected Categories.

Harassment can include, *but is not limited to*, one or more instances of the following:

- posting, sending, forwarding, soliciting, or displaying in Neighborhood Council or Committee meeting areas, offices, or other location where Board or Committee members congregate, any offensive materials, documents, or images that are or could reasonably be perceived as racist, sexist, ableist, ageist, or as targeting any protected group.
- using epithets, slurs, or degrading words or names related to a Protected Category
- making jokes related to a Protected Category
- making comments or gestures about a person's physical appearance which have a racial, gender-related, disability-related, religious, age-related, or ethnic connotation
- making derogatory comments about religious differences and practices
- offensive or unwelcome conduct or comments targeted at one or more employees because of their Protected Category, even if the content is not about their Protected Category

8. Neighborhood Council Board and Committee members shall not engage in sexual harassment. For the purposes of this Policy, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature (by any individual, including both Board and Committee members and third parties).

Sexual harassment may include, *but is not limited to*, one or more instances of the following:

- unwelcome romantic or sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, comments, questions, notes, emails, voicemails, or gifts directed toward another employee (including those initiated between employees engaged in a current or former romantic relationship)
- making sex-, gender-, or sexual orientation-related comments, slurs, jokes, remarks, or epithets
- leering, sexual, obscene, or vulgar gestures
- displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters
- impeding or blocking movement, unwelcome touching, or assaulting others
- reprisals or threats after a rejection of sexual advances
- treating a Board or Committee member(s) favorably because of sexual or romantic conduct

9. By engaging in conduct that violates the policy, Neighborhood Council Board and/or Committee members may, unintentionally commit Bystander Harassment. For the purposes of this Policy, bystander harassment occurs when Neighborhood Council Board member, Committee member or any third party witnesses an incident of unwelcome and offensive, threatening, or abusive conduct, even if the individual engaging in the conduct is unaware of this “bystander’s” presence. When an individual (whether a Board or Committee member or third party) engages in harassing behavior, they assume the risk that a “bystander employee” may witness the behavior. This Policy considers bystander harassment as being the same as direct harassment of any individual.

Bystander harassment can include, *but is not limited to*, the following conduct:

- making jokes or comments related to a Protected Category (such as one or more disparaging comments about individuals of a different sex), which are overheard by another person
- sending an email containing offensive materials to a trusted colleague, which is inadvertently forwarded to or witnessed by another person
- engaging in one or more acts of physical contact in the workplace that is/are sexual in nature and is/are witnessed by another person

10. This Policy prohibits inequitable conduct.

Inequitable Conduct is any inappropriate conduct based on a Protected Category or protected activity. Inequitable Conduct includes any instance of unwelcome conduct directed at one or more persons, that is committed by any Neighborhood Council Board or Committee member, because of the person’s actual or perceived Protected Category(ies) or protected activity(ies). Similarly unwelcome conduct that is sexual in nature may also violate this Policy.

Inequitable Conduct may be similar in nature to conduct defined as discrimination, harassment and sexual harassment under this Policy, although to be considered Inequitable Conduct, it will be lesser in severity.

Inequitable Conduct may include, *but is not limited to*, one or more instances of the following, depending on the context in which it occurs:

- Microaggressions (indirect, subtle or unintentional verbal or behavioral conduct that communicates hostile, derogatory, or negative attitudes toward protected categories)
- Stray remarks
- Hostilities in vocal tone and body language
- Sexual innuendo

11. Certain behaviors, including hazing, abusive conduct, bullying, and other types of discourteous and unprofessional conduct interfere with the Commission’s goals of fostering a civil, safe, professional, and productive environment for Neighborhood Councils. This Policy

prohibits such conduct, and the Commission expects that Neighborhood Councils will respond promptly and effectively to reports of potential Policy violations. This includes action to stop, prevent and correct any conduct that violates this Policy.

- a. Hazing is any action taken, or situation created, that is meant to (or in some cases may unintentionally) cause embarrassment, degradation, discomfort, or ridicule, and that may cause emotional and/or physical harm to an individual or individuals. Hazing typically occurs as a rite of passage or involves peer pressure. Actions may be considered hazing, regardless of individual(s) willingness to participate in such activities.

Hazing consists of a broad range of potentially harmful behaviors or activities that show disregard for another person's dignity or well-being. Hazing often involves engaging in illegal, harmful, demeaning, or dangerous acts that are not consistent with City policy and the performance of job-related activities. Even when these behaviors do not appear overtly harmful (i.e., where the participants appear to engage in them willingly), they may constitute hazing if they might cause humiliation or be perceived as demeaning or degrading. The determination of whether any particular conduct constitutes hazing will depend on the circumstances and context in which that activity occurs.

Hazing activities or behaviors do not have to be related to any Protected Category to violate this Policy. For the purposes of this Policy, hazing may include but is not limited to:

- unnecessary physical and/or psychological shocks
 - forced, unnecessary exertions
 - engaging in pranks or horseplay
 - requiring Board or Committee members to engage in stunts or buffoonery
 - degrading or humiliating games and activities
 - the inappropriate application of substances to the body of another (including forced eating or drinking)
- b. Abusive Conduct is verbal, physical, electronic, or other behavior by a Neighborhood Council Board or Committee member, directed at one or more persons that demeans, intimidates, or humiliates or could reasonably be considered hostile, offensive, and unrelated to a legitimate interest of the Neighborhood Council.
 - c. Bullying is verbal, physical, electronic, or other behavior directed at one or more persons within a peer group that demeans, intimidates, or humiliates or could reasonably be considered hostile, offensive, and unrelated to a legitimate interest of the Neighborhood Council.

Abusive conduct and bullying consist of a broad range of behaviors, which may be subtle or overt. In most circumstances, abusive conduct or bullying consists of repeated or multiple incidents, over a period of time. The determination of whether a particular act constitutes abusive conduct or bullying will depend on the circumstances and context in which that act occurs.

Abusive Conduct and/or Bullying can take the form of:

- inappropriately directing profanity or shouting at another person
- criticizing a person, their opinions, or actions persistently, with malice, or without a legitimate reason
- belittling a person's opinions persistently, especially in the presence of others
- deliberately sabotaging or impeding a person's work
- spreading malicious rumors, gossip, or innuendo
- sending via email or text, posting, or sharing online, objectively negative, harmful, false, or derogatory content about someone else, including the sharing of personal or private information about someone else and thereby causing embarrassment or humiliation
- excluding or isolating someone consistently
- intruding on a person's privacy by spying or unreasonably pestering

A single incident of bullying may constitute a violation of this Policy where it interferes with the performance of a Board or Committee member or creates an environment unfavorable to the purpose of the Neighborhood Council system

By signing this document, I affirm that I have received, read, and understand the Code of Conduct. I acknowledge that I have been informed of the expectation to abide by the Code of Conduct at the time of my appointment or election to the Board or appointment to the Committee. I understand that if I fail to provide the Department of Neighborhood Empowerment with a signed and dated copy of this Neighborhood Council Board Member Code of Conduct, I may be subjected to suspension and/or removal from my Neighborhood Council Board.

I also understand that if I am found to have violated the signed Code of Conduct, I may be subject to censure and/or removal by my Neighborhood Council board and suspension and/or removal by action of the Department.

SIGNED

DATE