

**PROPOSED NEIGHBORHOOD COUNCIL BOARD MEMBER
CODE OF CONDUCT POLICY
2021-1
(April 13, 2023)**

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, on March 30, 2022, Mayor Eric Garcetti issued Executive Directive No. 34 implementing the city-wide Workplace Equity Policy and the Workplace Equity Complaint Procedure:

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 Board of Neighborhood Commissioners (the Commission) recognizes the need to apply the Workplace Equity Policy definitions to Neighborhood Councils;

WHEREAS, 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 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 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 regard for the rights and welfare of others in the system;

WHEREAS, Certified Neighborhood Councils are encouraged to be independent in accordance with the Los Angeles City Charter and Administrative Code and have the tools 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 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 and Committee Members are required to acknowledge this policy (Exhibit "A") in the manner established by the Department of

Neighborhood Empowerment (Department). Neighborhood Council Board Members and Committee Members shall acknowledge this policy every two years.

2. The Neighborhood Council Boards shall be responsible for informing Stakeholder Committee Members of their obligation to acknowledge this policy as a condition of committee service. The Neighborhood Council shall retain a copy of the Stakeholder Committee Member's acknowledgment.
3. Neighborhood Council Boards shall be responsible for informing appointed board members of their responsibility to acknowledge the Code of Conduct. 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 to comply with this policy as indicated in item #1.
4. When a Neighborhood Council Board Member fails or refuses to comply with item #1, above, the Department shall have the authority to suspend the Board Member from their Neighborhood Council. Said Board 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.
 - 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.
 - c. The Neighborhood Council shall retain its authority to remove Committee Members for failure to adhere to this policy.
5. If within 30 days the Board Member complies with item # 1 above, the Board Member shall be reinstated.
6. If after 30 days of being suspended the Neighborhood Council Board Member does not comply with the provisions of item #1 above, they shall be removed as a Neighborhood Council Board Member by the following procedures:
 - a. The Department shall recommend to the Commission that the Board Member be removed, and their Board position be declared vacant pursuant to Los Angeles Administrative Code Section 22.810.1(e)(3).
 - b. If the Board member is removed by the Commission, the Department will notify the individual of their removal by sending a letter to their last known email address and/or mailing address.
 - c. The Department will also notify the Board by email and/or First-Class U.S. mail regarding the removal of the Board Member and that the Board Member's seat or position shall be considered vacant.
 - d. Prior to any Board Member being removed pursuant to this policy they shall have the right to present to the Department evidence that he, she or they have complied with this policy. The Department shall be the sole and final decision maker of whether the matter should proceed before the Commission.

7. In the case of a Stakeholder Committee Member, who after 30 days has not complied with item #1 above, the Neighborhood Council Board shall remove the Committee Member pursuant to their bylaws.
8. If the Department is notified that a Board Member or Committee Member has committed, attempted to commit or threatened an act of violence or stalking behavior in violation of the Code of Conduct, the Department with written approval from the General Manager, shall immediately suspend the Board or Committee Member for a period not to exceed 45 days and consult with the City Attorney to determine if there is a need for further investigation or referral to the appropriate City agencies.

During the time of suspension, the Department shall seek information, including but not limited to, witness statements, recordings, or other sources of corroborating information to determine if a violation of this Policy occurred.

For the duration of the suspension period, 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:

- a. 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.
 - b. 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.
 - c. The Neighborhood Council shall retain its authority to remove Committee Members for failure to adhere to these provisions.
9. The Department may petition the Commission to remove the Board Member for a violation of 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.
2. This Policy applies to all Neighborhood Council Board 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, Neighborhood Council Board Members, Committee Members, and other 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 becomes disruptive in a meeting or event as defined in section 2 above, or violates the Code of Conduct, Neighborhood Council Board and Committee Members have agreed to abide by, Board Members and Committee Members will instruct the offending Board Member or Committee Member to conduct themselves in a respectful and orderly manner. If necessary, it is expected that the Neighborhood Council shall use this policy to either Censure or Remove the offending Board member in accordance with BONC Policy numbers 2020-3 and 2020-4 and will proceed to remove the offending Stakeholder Committee member in accordance with its bylaws.
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.

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

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) 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

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.)

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
- 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. 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. It may include but is not limited to verbal or behavioral conduct that communicates hostile, derogatory or negative attitudes toward a person or persons because of their protective class or perceived protective class.

10. 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. 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.
- b. 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.

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 goals of the Neighborhood Council system in promoting a safe and secure environment for all Board and Committee Members and members of the public.

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

By signing this document, I acknowledge that I have received a copy of this 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, selection, or election to the Board or appointment to the Committee.

I also understand that if I am found to have violated the 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 or by the Commission.

Any Neighborhood Council bylaws in conflict with this Code of Conduct are hereby superseded.

SIGNED

DATE