

MOUNDSVILLE HOUSING AUTHORITY
HARASSMENT & SEXUAL HARASSMENT POLICY

Approved 5/1/2018



HARASSMENT & SEXUAL HARASSMENT POLICY

INTRODUCTION

It is the goal of the Moundsville Housing Authority (MHA) to promote a workplace and housing environment that is free of any form of harassment or discrimination against fellow employees, residents or the public because of their race, ethnicity, national origin, age, gender, disability, marital status, sexual orientation or any other status protected by law. Sexual harassment, other forms of harassment, and discrimination will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment, other forms of harassment, and/or discrimination or against those who are cooperating with an investigation of a complaint is unlawful and will not be tolerated. This policy covers the following individuals: employees of MHA, tenants of MHA, contractors and third parties on MHA property, and guests invited on MHA property by any party.

DEFINITIONS OF TYPES OF HARASSMENT

The following definitions will be in terms of employment and Fair Housing standards and relates directly to employment with MHA, being a subcontractor with MHA, being an MHA program recipient and tenant, or being a guest invited on MHA property by any party.

SEXUAL HARASSMENT: Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature. It must explicitly or implicitly affect a person's employment, condition of housing, unreasonably interfere with work performance or create an intimidating, hostile or offensive environment. Sexual harassment is a form of sex discrimination. People can be harassed by members of their own sex.

Examples of sexual harassment include, but not limited to: verbal flirtations of a sexual nature, physical conduct, including hugging, patting, pinching, stroking, touching, brushing against a person's body, staring, ogling, leering, gestures, or whistling at a person, verbal abuse of a sexual nature, verbal abuse which is not of a sexual nature but which is motivated by gender, graphic, verbal commentaries about an individual's body or clothing, sexually degrading words used to describe an individual and displays of sexually suggestive objects or pictures, repeated sexually flirtatious advances or propositions, subtle pressure for sexual activity, sexually suggestive objects, cartoons, posters, letters, notes, invitations, or pictures, and harassing by use of electronic mail or telephone communication systems.

QUID PRO QUO HARASSMENT: Quid pro quo harassment refers to an unwelcome request or demand to engage in conduct where submission to the request or demand, either explicitly or implicitly, is made a condition related to employment; the sale, rental, or availability of a dwelling; the terms, conditions, or privileges of the sale or rental, or the provision of services or facilities in connection with the sale or rental; or the availability, terms, or conditions of a residential real estate-related transaction. An unwelcome request or demand may constitute quid pro quo harassment even if a person acquiesces in the unwelcome request or demand.

HOSTILE ENVIRONMENT HARASSMENT: Hostile environment harassment refers to unwelcome conduct that is sufficiently severe or pervasive as to interfere with employment, work environment, the availability, sale, rental, or use or enjoyment of a dwelling; the terms, conditions, or privileges of the sale or rental, or the provision or enjoyment of services or facilities in connection with the sale or rental; or the availability, terms, or conditions of a residential real estate-related transaction. Hostile environment harassment does not require a change in the economic benefits, terms, or conditions of the dwelling or housing-related services or facilities, or of the residential real-estate transaction.

EMPLOYMENT

Harassment and Sexual Harassment

The purpose of this policy is to stress MHA's strong opposition to discriminatory intimidation and harassment, to identify complaint procedures available to employees, and to outline disciplinary penalties that will be imposed for harassing conduct. Employees are mandated to conduct themselves in a professional manner when dealing with each other, tenants, contractors and any other person or persons on MHA property. For purposes of this section this policy remains in full effect when employees are on any agency business, either formal or informal such as travel, conferences, office parties, lunches, dinners or agency related entertainment events.

It is against MHA policy for any employee, tenant, visitor, or vendor to harass any employee of MHA through the use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, sex, sexual preference, national origin, age, disability, or any other protected class or status. This includes acts that are declared to be “jokes” or “pranks,” but that might reasonably be perceived as hostile or demeaning.

It is against MHA policy for any employee, tenant, visitor, or vendor to harass any employee by making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature as a condition of employment; by using an employee’s submission to or rejection of such conduct as the basis for or a factor in any employment decision affecting the individual; or by creating an intimidating, hostile, or offensive work environment by engaging in such conduct.

The Agency will not condone any harassment or sexual harassment of employees. Moreover, the Agency will not tolerate inappropriate conduct by tenants, independent contractors or other visitors. All employees, including supervisors, will be subject to severe disciplinary action up to and including termination for any harassing or sexually harassing behavior.

Procedures for Complaints, Investigations and Corrective Action

All employees are responsible to help assure that MHA’s workplace is free from discrimination, harassment, and intimidation based on a protected group status. All employees have an obligation to promptly report any conduct that is inconsistent with this policy, which they are a target, have knowledge, or witness. It is encouraged that incidents are reported before they become severe or widespread. If the employee feels comfortable, he or she should inform the person in the workplace whose conduct the employee find unwelcome or offensive. Employees who believe they are being harassed should firmly and promptly notify the offender that his or her behavior is unwelcome.

Employees who believe they have been subjected to harassment or sexual harassment should immediately report the alleged harassment to the Executive Director either orally or using the Sexual Harassment & Harassment Discrimination Complaint Form. If the Executive Director is the source of the alleged harassment, employees should report the problem to the Board of Commissioners.

A careful investigation into the matter will be conducted immediately, regardless of receiving a written report of the alleged offense. This may include questioning employees and/or tenants who may have knowledge of the alleged incident or similar problems. Both the complaint and the investigative actions and findings should be documented thoroughly. All employees and tenants have an obligation to cooperate in any investigation, including providing any and all information of which the employee may have knowledge. Failure to do so may be a violation of this policy.

Employees and tenants who are dissatisfied with an investigating supervisor’s resolution of a harassment or sexual harassment problem may file a complaint in accordance with the Agency’s voluntary grievance procedures.

The Agency reserves the right to remedy inappropriate or offensive conduct of a harassing nature, regardless of scope or degree. Inappropriate conduct that subjects the Agency to legal liability will be handled in a manner that is appropriate, fair, and legal, up to and including termination of employment. The Agency may report any illegal act to the proper authorities. Employees who violate this policy may be subject to civil damages and criminal penalties.

Confidentiality

Complaints of harassment, investigation of complaints of harassment, and any corrective action taken in response will be kept confidential to the extent possible.

No Retaliation

The MHA forbids any reprisal or retaliation against an employee for filing a good faith complaint of harassment or for supporting or assisting, in good faith, another employee in pursuing a complaint, or filing a discrimination charge. Anyone experiencing or witnesses any conduct he or she believes to be retaliatory should immediately report this to MHA management.

The Agency recognizes that the issue of whether harassment or sexual harassment has occurred requires a factual determination based on all the evidence received.

The Agency also recognizes that maliciously false accusations of harassment or sexual harassment can have serious effects on innocent men and women. We trust that all employees will continue to act in a responsible and professional manner to maintain a pleasant working environment free of discrimination.

TENANT AND PROGRAM PARTICIPATION

Harassment and Sexual Harassment

The purpose of this policy is to stress MHA's strong opposition to discriminatory intimidation and harassment, to identify complaint procedures available to tenants, and to outline disciplinary penalties that will be imposed for harassing conduct. Tenants and program recipients are mandated to conduct themselves in a civil manner when dealing with each other, MHA employees, contractors and any other person or persons on MHA property.

Tenant Obligations to Others

It is against MHA policy for any tenant or program recipient to harass any other tenant, MHA employee, contractor, vendor, or visitor through the use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, sex, sexual preference, national origin, age, disability, or any other protected class or status. This includes acts that are declared to be "jokes" or "pranks," but that might reasonably be perceived as hostile or demeaning.

It is against MHA policy for any tenant or program recipient to harass any other tenant, MHA employee, contractor, vendor, or visitor by making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature; or by creating an intimidating, hostile, or offensive environment by engaging in such conduct. The Agency will not condone any harassment or sexual harassment. All tenants will be subject to severe disciplinary action up to and including termination of your lease agreement for any harassing or sexually harassing behavior.

Obligations of Others to Tenants and Program Recipients

It is against MHA policy for any MHA employee, other tenant, contractor, vendor, or visitor to harass any tenant or program recipient of MHA through the use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, sex, sexual preference, national origin, age, disability, or any other protected class or status. This includes acts that are declared to be "jokes" or "pranks," but that might reasonably be perceived as hostile or demeaning.

It is against MHA policy for any MHA employee, other tenant, contractor, vendor, or visitor to harass any tenant or program recipient of MHA by making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature as a condition of occupancy; by using a tenant's submission to or rejection of such conduct as the basis for or a factor in any occupancy decision affecting the individual; or by creating an intimidating, hostile, or offensive housing environment by engaging in such conduct.

The Agency will not condone any harassment or sexual harassment of any MHA employee, other tenant, contractor, vendor, or visitor. All employees, including supervisors, will be subject to severe disciplinary action up to and including termination for any harassing or sexually harassing behavior.

Procedures for Complaints, Investigations and Corrective Action

All tenants and program recipients are responsible to help assure that our housing community and MHA's workplace is free from discrimination, harassment, and intimidation based on a protected group status. All tenants have an obligation to promptly report any conduct that is inconsistent with this policy, of which they are a target, have knowledge, or witness. It is encouraged that incidents are reported before they become severe or widespread. If the tenant feels comfortable, he or she should inform the person whose conduct the tenant finds unwelcome or offensive. Tenants who believe they are being harassed should firmly and promptly notify the offender that his or her behavior is unwelcome.

Tenants who believe they have been subjected to harassment or sexual harassment should immediately report the alleged harassment to the Director of the MHA, who will serve as the agency's investigator for tenant complaints, either orally or using the Sexual Harassment & Harassment Discrimination Complaint Form.

A careful investigation into the matter will be conducted immediately, regardless of receiving a written report of the alleged offense. This may include questioning employees who may have knowledge of the alleged incident or similar problems. Both the complaint and the investigative actions and findings should be documented thoroughly. All tenants have an obligation to cooperate in any investigation, including providing any and all information of which the tenant may have knowledge. Failure to do so may be a violation of this policy.

Tenants who are dissatisfied with an investigating supervisor's resolution of a harassment or sexual harassment problem may file a complaint in accordance with the Agency's voluntary grievance procedures.

The Agency reserves the right to remedy inappropriate or offensive conduct of a harassing nature, regardless of scope or degree. Inappropriate conduct that subjects the Agency to legal liability will be handled in a manner that is appropriate, fair, and legal, up to and including termination of employment. The Agency may report any illegal act to the proper authorities. Tenants who violate this policy may be subject to civil damages and criminal penalties.

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The MHA forbids any reprisal or retaliation against a tenant for filing a good faith complaint of harassment or for supporting or assisting, in good faith, another employee in pursuing a complaint, or filing a discrimination charge. Anyone experiencing or witnesses any conduct he or she believes to be retaliatory should immediately report this to MHA management.

The Agency recognizes that the issue of whether harassment or sexual harassment has occurred requires a factual determination based on all the evidence received.

The Agency also recognizes that maliciously false accusations of harassment or sexual harassment can have serious effects on innocent men and women. We trust that all tenants and employees will continue to act in a responsible and professional manner to maintain a pleasant housing and working environment free of discrimination.

VISITORS AND VENDORS

Any and all visitors and vendors on MHA property are held to the same standard as with employees and tenants. Visitors and vendors are prohibited from any type of sexual harassment or any other form of harassment while on MHA property. Visitors and vendors are encouraged to report any and all sexual harassment against them to MHA management immediately. We reserve the right to place a No Trespass Order against any and all visitors and vendors that have been found culpable in any type of harassment activities against tenants or employees.

LEGAL RIGHT OF ALL PARTIES

The procedures and remedies set forth in this policy are subject to rights that may be guaranteed to employees and tenants under the provisions of laws, regulations, and provisions of HUD, federal government, the Constitution of the State of West Virginia and of the United States.

A report or complaint of sexual harassment submitted to MHA pursuant to the MHA Sexual Harassment Policy is not the same as filing a discrimination complaint with city, state or federal agencies empowered to enforce anti-discrimination laws. Employees and tenants who believe they have been subjected to sexual harassment may pursue all rights and remedies available to them under city, state, and federal law.