

Great Barrington Housing Authority Policy on prohibiting Harassment, Discrimination, Retaliation and Abusive Conduct/Bullying

Approved April 13, 2022

PURPOSE:

The Great Barrington Housing Authority is committed to providing a work and living environment in which all employees and tenants are treated with dignity and respect. The Housing Authority will not tolerate any type of bullying or harassment by or of any applicant, tenant, employee or visitor, including on a basis of a person's actual or perceived membership in a protected class.

The term "protected class" shall include race, color, religious creed, national origin, sex, sexual orientation, age and ancestry.

POLICY:

Any applicant, tenant, employee or visitor who believes that they have been bullied or harassed, under any circumstances, should immediately report the behavior to the Executive Director who will promptly investigate. Any serious claims of threats and/or assaults will be reported to the police.

Any Housing Authority staff member who witnesses or becomes aware of a tenant on tenant harassment or bullying as described in this policy must report such incident to the Executive Director within 48 hours.

With regards to employees, any action may be considered harassing or bullying if it creates a hostile, intimidating or offensive work environment; 2) unreasonably interferes with an employee's work performance; or adversely impacts an individual's employment opportunities.

It is not considered harassment or bullying of any sort for the Executive Director or a supervisor to enforce job performance and standards of conduct in a consistent manner.

All employees and tenants are expected to treat all individuals with respect and consideration.

GENERAL PROVISIONS:

Harassment can consist of any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit, or even specifically directed at the victim. Harassment creates a hostile, offensive, oppressive, or intimidating environment in which to live or work. A single incident of harassment is sufficient to constitute a hostile environment. Harassment includes but is not limited to the following types of behaviors expressed:

1. Verbal: Inappropriate or offensive remarks, derogatory comments or slurs, jokes, stories or innuendos. Such conduct may include, but is not limited to, appropriate comments about appearance, physical features, attire, or sexual prowess; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes.
2. Physical: Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual. This may include but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures.
3. Visual or Written: The display or circulation of offensive or derogatory visual or written material. This may include but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.
4. Unwelcomed/Unwanted Actions: Unwanted sexual advances, requests for sexual favors, and other acts of a sexual nature, where submission is made a term or condition of employment or residence, where submission to or rejection of the conduct is used as the basis for employment or tenant decisions, or where conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working or living environment.
5. Hostile Environment: A hostile environment can result from unwelcomed or unwanted conduct, whether verbal, physical, and visual or written. The determination on whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether or not the conduct is humiliating or physically threatening.

Any retaliation against an individual because they filed or supported a complaint or because they participated in the complaint resolution process is prohibited. Under certain circumstances, the Executive Director may instruct tenants or employees to alter the way they interact with other individuals. Compliance with the Director's instructions does not amount to retaliation.

The Executive Director should take all steps necessary to prevent harassment, discrimination, retaliation, and abusive conduct/bullying, from occurring, including, but not limited to, reporting the acts of a third party with respect to any harassment activities, monitoring the work and living environment, and taking immediate appropriate action to stop potential violations.

COMPLAINT PROCEDURE:

All persons shall immediately report, either orally or in writing, any allegations of harassment, discrimination, retaliation or abusive conduct/bullying to the Executive Director. This includes any conduct which they have observed, regardless of whether reported by the individual who is the subject of the harassment.

Under no circumstances shall the person who believes they have been the victim of harassment be required to report the harassment to the Executive Director first, if the Director is the individual who has engaged in the harassment. In this case, the victim shall report the incident to the Chair of the Housing Authority Board.

1. The Executive Director, if not engaged in the harassment, otherwise, then the Chair of the Housing Authority Board, shall investigate the allegations of any type of harassment. The investigation will be fair, timely and impartial. The investigation shall be conducted in a way which ensures, to the extent possible, the privacy of the parties involved.
2. The person designated to investigate shall review the factual information gathered through an investigation to determine whether the alleged conduct violates this Policy, giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incident occurred. The person designated shall document and track for reasonable progress.
3. Once the investigation has been completed, the person designated to investigate, if it is the Executive Director, shall immediately report in writing the results of any investigation, including whether this Policy has been violated to the Chair of the Housing Authority Board. The Executive Director shall then notify the complainant that the matter has concluded and whether the allegations were substantiated. If discipline or sanctions are imposed, the level of discipline or sanctions will be communicated to the complainant.
4. If conduct in violation to this Policy is found to have occurred, the Director will take or recommend to the Housing Authority Board, prompt and effective remedial action. The remedial action shall be commensurate with the severity of the offense.
5. The Director shall follow up with those who have complained of harassment, discrimination or retaliation within three months of any reported incident to ensure that the behavior has stopped and that there are no reprisals.

False or malicious allegations of harassment or bullying of any kind is a serious matter. A person making false allegations will be considered in breach of this policy. A tenant or employee who makes false allegations will be subject to action at the discretion of the Executive Director.

Every effort will be made to ensure complete confidentiality of complaints made under this Policy to the greatest extent possible. The Housing Authority Board and its Executive Director will not disclose a completed investigation report except as it deems necessary to support disciplinary actions for an employee or sanctions for a tenant, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

Complaints may also be filed with the Massachusetts Commission Against Discrimination, One Ashburton Place, Boston, MA 02108 (617) 994-6000 or the United States Department of Housing and Urban Development, Fair Housing Hub, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 321 Boston, MA 02222 (617) 565-5308.