

Harassment Policy

Introduction

It is the policy of the Durham Housing Authority to administer all aspects of its housing programs without regard to age, race, sex, color, religion, national origin, disability, pregnancy, sexual orientation, military or veteran status, marital status and political affiliation. This policy extends to all residents of public housing and the Housing Choice Voucher program as well as their lawful visitors, and all applicants for such housing. The DHA will not discriminate against or harass such persons with regard to their age, race, sex, color, religion, national origin, disability, pregnancy, sexual orientation, military or veteran status, marital status and political affiliation, and will not retaliate against such persons for having reported, complained of, or assisted or encouraged another person to report or complain of any such discrimination or harassment.

The DHA takes all complaints of discrimination, harassment, or retaliation seriously, and will respond within 10 days of receiving complaint. This document will set forth the specific terms and conditions of the DHA's policies against discrimination, harassment, and retaliation, and will explain the procedure to be followed in the event that a person believes that he or she has been subjected to such conduct.

Definitions

A. Discrimination. When used in this policy the word "discrimination" shall mean conduct that has the effect of treating a resident of public housing or HCV program, participants, a lawful visitor of such resident, or an applicant for public housing or HCV program differently in the terms, conditions, or privileges of housing on the basis of such person's age, race, sex, color, religion, national origin, disability, pregnancy, sexual orientation, military or veteran status, marital status and political affiliation. Depending upon the circumstances, examples of discriminatory conduct could include, but are not limited to the following:

- Verbal abuse or innuendo, which is continued or repeated, concerning a person's age, race, sex, color, religion, national origin, disability, pregnancy, sexual orientation, military or veteran status, marital status and political affiliation, or any other legally-protected status.
- Open display of objects or pictures that are offensive to persons of any legally-protected class.
- Use of derogatory words to describe a person's age, race, sex, color, religion, national origin, disability, pregnancy, sexual orientation, military or veteran status, marital status and political affiliation, or other legally-protected status.
- Making housing decisions based upon a person's age, race, sex, color, religion, national origin, disability, pregnancy, sexual orientation, military or veteran status, marital status and political affiliation, or other legally-protected status.

B. Hostile Environment. Subjecting a person to unwelcome conduct that is sufficiently severe or pervasive such that it interferes with or deprives the person of the right to use and enjoy the housing.

C. Quid Pro Quo. Subjecting a person to an unwelcome request or demand and making submission to the request or demand a condition related to the person's housing.

D. Sexual Harassment. Sexual harassment is a form of illegal sex discrimination. When used in this policy, the term "sexual harassment" shall mean unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature where: (1) submission to, or rejection of, such advances, requests, or conduct is made either explicitly or implicitly a term or condition of a person's housing, or a basis for housing decisions affecting such person; or (2) such conduct has the purpose or effect of creating a hostile, humiliating, or sexually offensive housing environment such that a person's tenancy in housing is rendered less desirable to a reasonable person. Depending upon the circumstances, examples of sexual harassment could include, but are not limited to the following:

- verbal harassment or abuse;
- jokes of a sexual nature or circulation of sexual pictures;
- subtle pressure for sexual activity;
- obscene gestures or sexually degrading words;
- patting or pinching;
- leering, staring, or stalking;
- unwanted touching of another employee's body;
- demanding sexual favors accompanied by implied or overt threat
- repetitive or continual remarks that intimidate, ridicule, and maliciously demean the status of an individual gender

E. Retaliation. When used in this policy, the word "retaliation" shall mean any adverse action taken against a resident of DHA public housing or HCV program participant, any member of such resident's household, or any applicant for DHA public housing or HCV program, including, without limitation, rejection of an application, commencement of eviction proceedings, harassing or annoying conduct or behavior, non-responsiveness to requests for maintenance and repair of leased premises, or other adverse or disparate treatment that is prompted and motivated by such person's having made a complaint of discrimination or harassment.

The DHA will not tolerate discrimination or harassment of any resident in public housing or participant in the HCV program, or of any person applying for residence or participation in any such programs, regardless of the source of the discriminatory or harassing conduct. The DHA will not take retaliatory action against any person for having reported or opposed any incidence of discrimination or harassment engaged in by any resident of public housing or the HCV program, by any employee of the DHA, or by any other person, or for having assisted or encouraged another to report or complain of, any such discrimination or harassment.

Complaints of Discrimination or Harassment

Persons who believe that they have been subject to discrimination or harassment, as described above, or employees of the DHA who believe they have witnessed, or have been informed of, discriminatory or harassing conduct, should file a complaint with the DHA as soon as reasonably possible, as outlined below. (Disabled persons, who believe they have been subject to discrimination because of their disability, or have been denied a request for a reasonable accommodation because of their disability, should review the Request for Reasonable Accommodation (listed within this document).

Reporting Process/Procedure. Complaints of discrimination or harassment should be made first to DHA's Human Resources department, located at the Central Office at the mailing address: 330 East Main Street, Durham, NC 27701; telephone: (919) 683-1551, ext. 7276. All persons making such complaints must provide a written statement describing the events or conduct that forms the basis of the complaint. Upon being notified of the complaint in writing, Human Resources will provide a copy of the complaint to the Department Head. Human Resources will then schedule an interview with the person making the complaint for the purpose of determining whether an informal resolution of the complaint is possible, or if further investigation is warranted.

Within 10 business days of receiving the complaint, DHA will provide a written notice to those alleged to have violated policy. DHA will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated policy, as well as information on how to complete and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

Retaliation. Any person who believes he/she had been retaliated against by the DHA for having reported any incidence of discrimination or harassment against any resident or applicant of public housing or HCV participant, for having assisted or encouraged another person to report or complain of any such discrimination or harassment, is encouraged to file a complaint with the DHA in the manner outlined above.

Record Keeping. DHA will maintain written records of all complaints of discrimination or harassment made to it, including all records pertaining to any investigation undertaken pertaining to such complaints, separately from participant files. All records will be kept confidential to the extent required by law.