

## Policy Prohibiting Harassment, Discrimination, Retaliation, and Abusive Conduct/Bullying

The Housing Authority of the City of Los Angeles (“Authority”) is committed to preventing prohibited harassment, discrimination, retaliation, and abusive conduct/bullying in the workplace. This Policy, Prohibiting Harassment, Discrimination, Retaliation, and Abusive Conduct / Bullying (“Policy”) supersedes *HACLA Personnel Rules, SECTION 108:20, ANTI-HARASSMENT POLICY* dated January 11, 2002 and approved by Resolution 7813.

### I. PURPOSE & APPLICABILITY

- A. This Policy identifies the types of conduct that are prohibited and the responsibility of covered individuals to report any conduct believed to violate this Policy as soon as possible. This Policy further establishes the guidelines for investigating and resolving internal complaints of Harassment, Discrimination, Retaliation, and Abusive Conduct/Bullying.
- B. This Policy applies to all Authority employees and commissioners, as well as conduct of a third party towards an Authority employee. This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

### II. DEFINITIONS

Definitions used in this policy include, but are not limited to, the following expressed examples.

- A. **Abusive Conduct / Bullying:** Abusive Conduct/Bullying is defined as conduct of managers, supervisors, coworkers or third parties in the workplace, that a reasonable individual of the recipient’s same protected classification would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets; verbal or physical conduct that a reasonable individual of the recipient’s same protected classification would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.
- B. **Adverse Conduct:** Adverse Conduct is defined as any action(s) that can substantially affect the terms and conditions of the employee’s employment status, or involve making real or implied threats of intimidation to prevent or deter an individual from reporting discrimination, harassment, or participating in Protected Activities.

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- C. **Discrimination:** Discrimination is defined as the unfair or unequal treatment in any aspect of employment of an individual or group due to their membership or perceived membership in a Protected Classification.
- D. **Harassment:** Harassment is defined as the negative, inappropriate, unwanted or unwelcomed conduct directed toward an employee based on certain protected characteristics by another employee or a third party.
- E. **Protected Activity:** Protected Activity is defined as making a formal or informal good faith complaint about or reporting discriminatory, harassing, or retaliatory activity, testifying, assisting, or participating in any manner in an investigation, proceeding or hearing relating to discrimination, harassment, retaliation, or any other practice prohibited by the Fair Employment and Housing Act. Protected Activity also includes making a request for an accommodation for a disability; making a request for accommodation for religious beliefs; or reporting violations of this Policy.
- F. **Protected Classification:** Protected Classification includes race (including hairstyles associated with race such as natural hair and protective hairstyles), religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (over 40), sexual orientation, military and veteran status, or any other basis protected by state and federal law.
- G. **Retaliation:** Retaliation is defined as Adverse Conduct taken against an employee because the employee engaged in Protected Activity.
- H. **Sexual Harassment:** Sexual Harassment is defined as unsolicited and unwelcome sexual advances, requests for sexual favors and other verbal, physical, visual or written conduct of a sexual nature directed at another person, regardless of gender identity.
- I. **Third Party:** A Third Party is defined as any individual that is not an Authority employee, who an employee may have contact with during the course of employment. A Third Party may be, but is not limited to one of the following: residents, clients, program participants, vendors, interns, volunteers, applicants and contractors.

### III. POLICY

The Authority prohibits Harassment, Discrimination, Retaliation, and Abusive Conduct/Bullying by managers, supervisors, coworkers, or third parties because: 1) of an individual's Protected Classification; 2) the perception that an individual is a member of a Protected Classification; 3) the individual associates with a person who has or is

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perceived to have a Protected Classification; or 4) of an individual's protected activity. Moreover, the Authority has zero tolerance for any conduct that constitutes Harassment, Discrimination, Retaliation, or Abusive Conduct/Bullying under this Policy.

The Authority is committed to providing a professional work environment free from Discrimination, Harassment, Retaliation, and Abusive Conduct/Bullying. Accordingly, the Authority has adopted and maintained this anti-harassment policy designed to encourage professional and respectful behavior and prevent Discriminatory, Harassment, Retaliation, and Abusive Conduct /Bullying in the workplace. The Authority is committed to implementing appropriate corrective action, in response to misconduct even if the violation does not rise to the level of unlawful conduct.

All employees are expected to assume responsibility for maintaining a work environment that is free from Discrimination, Harassment, Retaliation, and Abusive Conduct/Bullying. Employees are encouraged to promptly report conduct that they believe violates this Policy so that the Authority has an opportunity to investigate, address and resolve any concerns. Managers and supervisors are required to promptly report conduct that they believe violates this Policy. The Authority is committed to responding to alleged violations.

### IV. GENERAL PROVISIONS

- A. Discrimination can occur in the provision of employment opportunities, benefits or privileges, including but not limited to working conditions and evaluation standards, if the basis of that treatment is because of the individual's Protected Classification, actual or perceived; because the individual associates with a person who is member of a Protected Classification, actual or perceived; or because the individual participates in a Protected Activity.

Discrimination of this kind may also be prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967, the Americans with Disabilities Act of 1990 and the Fair Employment and Housing Act. This Policy is intended to comply with the prohibitions stated in all applicable anti-discrimination laws, as may be amended from time to time.

- B. 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 work environment and deprives victims of their statutory right to work in a place free of discrimination when the harassing conduct is conduct that a reasonable individual of the recipient's same protected classification would find sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt and affect the victim's ability to perform the job as usual.

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A single incident of harassing conduct is sufficient to constitute a hostile work environment if the harassing conduct has unreasonably interfered with the employee's work performance or created an intimidating, hostile, or offensive working environment. Harassment may exist even if the employee has not reported an intimidating, hostile, or offensive working environment as a result of the harassment.

Harassment includes, but is not limited to the following types of behaviors that are expressed because of a person's actual or perceived Protected Classification:

1. *Verbal*: Inappropriate or offensive remarks, derogatory comments or slurs, jokes, stories or innuendoes based on Protected Classification. Such conduct may include, but is not limited to, inappropriate 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 about gender identification.
2. *Physical*: Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of a Protected Classification. 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 related to a Protected Classification. 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, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.
5. *Hostile Environment*: A hostile environment can result from unwelcome or unwanted conduct, whether verbal, physical, visual or written, of managers, supervisors, co-workers or Third-Parties with whom the victim interacts on the job, and which a reasonable individual of the recipient's same protected classification would find intimidating, hostile, or offensive based on an

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individual's Protected Classification. The determination of 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 the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work.

6. *Quid pro quo*: Quid pro quo harassment can occur in a workplace situation wherein a manager demands, as an explicit or implied term or condition of employment decisions, a subordinate submit to sexual advances (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal). Quid pro quo occurs when a manager makes requests for sexual favors or other verbal, visual or physical conduct of a sexual nature that is an explicit or an implied term or condition of employment decisions and or promises an employee, or potential employee, something in exchange for a sexual favor. Examples of quid pro quo harassment situations involve a manager promising an employee a job, a raise, or a promotion in exchange for a sexual favor.

Quid pro quo harassment generally results in a tangible employment decision based upon the employee's acceptance or rejection of unwelcome sexual advances or requests for sexual favors, but it can also result from unwelcome conduct that is of a religious nature.

Harassment can lead to personal liability of the employee engaging in it.

- C. Any Retaliation against an individual because they filed or supported a complaint or because they participated in the complaint resolution process is prohibited. Examples of Retaliation include but are not limited to: reprimanding the employee or giving a performance evaluation that is lower than it should be; transferring the employee to a less desirable work duty or position; engaging in verbal or physical abuse; threatening the employee's employment status; selective enforcement of the rules; excluding the employee from staff meetings and staff events; negative treatment from supervisor and co-workers such as gossiping shunning, harassment, etc.; or making the employee's work more difficult.

Under certain circumstances, management may instruct employees to alter the manner in which they interact with other individuals, including but not limited to individuals who have engaged in Protected Activity. Compliance with management's instructions does not amount to Retaliation.

- D. Conduct need not arise to the level of a violation of state or federal law to violate this Policy. A single founded act can violate this Policy and provide grounds for discipline or other appropriate sanctions. Discipline and/or other appropriate

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sanctions shall not be imposed under this Policy absent findings from an investigator that this Policy has been violated.

### **V. GUIDELINES FOR DETERMINING HARRASMENT**

Harassment includes any conduct that a reasonable individual of the recipient's same protected classification would find to be unwelcome or unwanted. The following guidelines regarding whether conduct is unwelcome or unwanted should be followed:

- A. It is no defense that the recipient "appears" to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including wanting to avoid being insubordinate, ostracized or subjected to retaliation.
- B. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one has yet complained does not preclude someone from complaining if the conduct is repeated in the future.
- C. Even visual, verbal, or physical conduct between two people who appear to welcome the conduct can constitute harassment of a third person who witnesses the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.
- D. Conduct can constitute harassment even if the individual has no intention to harass. Even well-intentioned conduct can violate this Policy if a reasonable individual of the recipient's same protected classification would find it offensive (e.g., gifts, over-attention, endearing nicknames, hugs).

### **VI. PROHIBITED SUPERVISORY OR MANAGERIAL BEHAVIOR**

- A. No supervisor, manager, or person in any other position of authority may condition any employment, employee benefit or continued employment at the Authority on an applicant's or employee's acquiescence to any of the behavior defined above.
- B. No supervisor, manager, or person in any other position of authority may retaliate against any applicant, or employee, because that person has opposed a practice prohibited by this Policy or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing conducted by an authorized investigator on behalf of the Authority.
- C. Romantic or sexual relationships between supervisors and employees they supervise or have influence over are discouraged. There is an inherent imbalance

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of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

### **VII. BEHAVIOR PROHIBITED BY ALL EMPLOYEES AND COMMISSIONERS**

- A. No employee or commissioner shall create a hostile or offensive work environment for any other person by engaging in Harassment, Discrimination, Retaliation, or Abusive Conduct/Bullying or by tolerating it on the part of any employee.
- B. No employee or commissioner shall assist any individual in doing any act which constitutes discriminatory harassment against any employee of the Authority.
- C. No employee or commissioner shall destroy evidence relevant to an investigation of Harassment, Discrimination, Retaliation, or Abusive Conduct/Bullying.

### **VIII. POSTING OF THE POLICY**

- A. A copy of this Policy shall be provided to all employees and commissioners of the Authority, as well as displayed in prominent locations throughout the Authority.
- B. A copy of the information sheet on harassment prepared by the California Department of Fair Employment and Housing (“DFEH”) shall be made available to all Authority employees and commissioners upon request.
- C. The Human Resources Department shall provide new employees with a copy of this Policy within one week of the commencement of their employment.
- D. An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (“EEOC”) or the DFEH. These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed on the Internet, in the government section of the telephone book. Employees can check the posters that are located on Authority’s bulletin boards for office locations and telephone numbers.

### **IX. OBLIGATIONS OF ALL EMPLOYEES**

All Authority employees are expected to conduct themselves as follows:

- 1. Treat all individuals in the workplace or on worksites with respect and consideration.

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2. Model behavior that conforms to this Policy.
3. Participate in harassment prevention training every two years.
4. Cooperate with the Authority's investigations by responding fully and truthfully to all questions posed during the investigation.
5. Take no actions to influence any potential witness while the investigation is ongoing.
6. Report any act they believe in good faith constitutes Harassment, Discrimination, Retaliation, or Abusive Conduct/Bullying as defined in this Policy to the Human Resources Department. This includes reporting such acts by a Third Party.
7. Employees who are in a romantic or sexual relationships with co-workers who they regularly work directly with or supervise shall disclose the relationship to the Human Resources Department; at which time, the circumstances will be reviewed to determine whether any conflict of interest exists.

**X. OBLIGATIONS OF SUPERVISORS/MANAGERS**

In addition to the responsibilities listed above, each manager and supervisor is responsible for:

1. Participating in harassment prevention training every two years. The Human Resources Department shall schedule employees of the Authority for training on the Policy.
2. Taking all steps necessary to prevent Harassment, Discrimination, Retaliation, and Abusive Conduct/Bullying, from occurring, including, but not limited to, reporting the acts of Third Parties with respect to any harassment activities, monitoring the work environment, and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
3. Assisting in the investigation of complaints involving employee(s) in their departments.
4. Reporting potential violations of this Policy of which they become aware, to the Human Resources Department, regardless of whether a complaint has been submitted.



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### **XI. COMPLAINT PROCEDURE AND INVESTIGATIVE/CORRECTIVE ACTION**

The Authority takes a proactive approach to potential Policy violations and will conduct an investigation if its supervisory or management employees become aware that harassment, discrimination or retaliation may be occurring, regardless of who reports a potential violation.

#### **A. Filing a Complaint**

All persons shall immediately report, either orally or in writing, any allegations of Harassment, Discrimination, Retaliation, or Abusive Conduct/Bullying to their supervisor, manager, department head or to the Human Resources Department, without regard to any chain of command. This includes any conduct which they have observed, regardless of whether reported by the individual who is the subject of the harassment. Any supervisor or manager who receives a complaint regarding Harassment, Discrimination, Retaliation, or Abusive Conduct/Bullying shall immediately report it to the Human Resources Department.

Under no circumstances shall an employee of the Authority who believes that they have been the victim of Harassment, Discrimination, Retaliation, or Abusive Conduct/Bullying be required to first report that harassment to a supervisor or other authority figure if that supervisor or authority figure is the individual who has engaged in harassment.

#### **B. Investigative/Corrective Action**

1. The Human Resources Department shall authorize and supervise the investigation or conduct the investigation of any incident of alleged harassment, discrimination or retaliation reported to them. Investigations will be fair, timely and impartial and conducted by qualified personnel. 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 the 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 incidents occurred. The person designated to investigate shall document and track for reasonable progress.
3. Once the investigation has been completed, the person designated to investigate shall immediately report in writing the results of any investigation, including whether this Policy has been violated to the Human Resources Department; or its designee. The Human Resources Department or its designee shall notify the complainant that the matter has

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concluded and whether the allegations were substantiated. If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.

4. If conduct in violation of this Policy is found to have occurred, the supervisor or manager shall take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense. Disciplinary action taken by any supervisor or manager shall be decided in accordance with Authority policy and after consultation with the Human Resources Director.
5. The Authority shall take reasonable steps to protect the complainant from Harassment, Discrimination, Retaliation, or Abusive Conduct/Bullying
6. The Human Resources Department 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. Individuals who have questions about their rights and obligations set forth in this Policy should contact the Human Resources Department.

Under no circumstances shall a supervisor, manager, or any other position of authority retaliate in any way against an individual who has provided information as a witness to an incident of alleged Harassment, Discrimination, Retaliation, or Abusive Conduct/Bullying.

An employee who intentionally files a false report under this Policy may be subject to discipline in accordance with the Personnel Rules and any applicable provisions in any Memorandum of Understanding associated with that employee's employment.

**XII. CONFIDENTIALITY**

Every effort will be made to ensure the confidentiality of complaints made under this Policy to the greatest extent feasible. Complete confidentiality cannot be guaranteed, however, due to the need to investigate fully and the duty to take effective remedial action. An individual who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss their interview with a designated employee representative. The Authority will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

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**XIII. VIOLATION OF THE POLICY**

Violation of this Policy may result in disciplinary action in accordance with the Personnel Rules and any applicable provisions in a valid Memorandum of Understanding.

**XIV. PROCEDURES**

The President and CEO, or designee, shall provide for the development, administration and implementation of the procedures to be adopted in furtherance of this Policy, subject to and in compliance with applicable federal, state and local laws.

**XV. AMENDMENTS**

This Policy may only be amended by the Board of Commissioners, subject to meet and confer requirements pursuant to the Meyers-Milias-Brown Act (MMBA) and in compliance with applicable federal, state and local laws. The Procedures adopted to implement this Policy may be amended at any time at the discretion of the President and CEO, or designee without the approval of the Board of Commissioners, subject to and in compliance with applicable federal, state, and local laws and subject to meet and confer requirements under the MMBA.

**XVI. HISTORY**

Date adopted and Board Resolution #: April 22, 2021 Reso 9699  
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