



# TACOMA HOUSING AUTHORITY

<b>Policy No.</b>	CR-05
<b>Policy</b>	Prohibition of Unlawful Discrimination, Harassment and Retaliation
<b>Last Revised</b>	April 28, 2021

## 1. Purpose

THA is committed to providing all staff with a work place free of unlawful discrimination, harassment or retaliation. THA is also committed to providing its housing and other services to people free of unlawful discrimination, harassment or retaliation. This policy states that commitment and provides for its enforcement.

## 2. Sources for Policy

<ul style="list-style-type: none"> <li>▶ Title VI of the Civil Rights Act of 1964 ~ 42 U.S.C. § 2000d1 et seq ~ 24 C.F.R. Part 1</li> </ul>	<ul style="list-style-type: none"> <li>▶ Fair Housing Act ~ 42 U.S.C. § 3600 et seq ~ 24 C.F.R. Part 100</li> </ul>
<ul style="list-style-type: none"> <li>▶ Title VII of the Civil Rights Act of 1964 ~ 42 U.S.C. § 2000e et seq</li> </ul>	<ul style="list-style-type: none"> <li>▶ Section 504 of the Rehabilitation Act of 1973 ~ 29 U.S.C. § 701 et seq ~ 24 C.F.R. Part 8</li> </ul>
<ul style="list-style-type: none"> <li>▶ Older Workers Benefit Protection Act/Age Discrimination in Employment Act ~ 29 U.S.C. § 621 et seq</li> </ul>	<ul style="list-style-type: none"> <li>▶ 42 U.S.C. § 6102 (prohibiting age discrimination)</li> </ul>
<ul style="list-style-type: none"> <li>▶ American with Disabilities Act (ADA) ~ 42 U.S.C. § 12101 et seq ~ 28 C.F.R. Parts 35, 36 ~ 29 C.F.R. § 1630</li> </ul>	<ul style="list-style-type: none"> <li>▶ 20 U.S.C. § 1681(a)(prohibiting sex discrimination)</li> </ul>
<ul style="list-style-type: none"> <li>▶ City of Tacoma Law Against Discrim. ~ TMC 1.29 Chap.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Washington Law Against Discrim. ~ Chap. 49.60 RCW</li> </ul>
<ul style="list-style-type: none"> <li>▶ Record Keeping Duties ~ 24 C.F.R. § 1.6 ~ 24 C.F.R. § 903.7(a)(ii) ~ 24 C.F.R. §§ 8.25(c), 8.51 ~ PIH 2003-31, ¶ I(A)</li> <li>~ Department of Justice Guidance on Limited English Proficiency Plan, 67 Fed. Reg. 41465 (June 18, 2002)</li> </ul>	

## 3. Scope of Policy

This policy applies to all employment decisions, including but not limited to: recruitment, hiring, placement, demotion, promotion, transfer, dismissal, layoff, recall, rates of pay

and other forms of compensation, selection for training, including apprenticeship, and others terms and conditions of employment.

This policy also applies to all decisions and activities related to THA’s direct provision of housing and services, including but not limited to: advertisement, management of waiting lists, rental of housing, provision of services, terms and condition of housing or services, and evictions or termination of services.

**4. Who is Responsible for Implementing Policy**

Who	Responsibilities
All Staff	<p>All staff have responsibility for creating, sustaining, and expecting a workplace and providing housing and services free of unlawful discrimination and harassment.</p> <p>Employees who feel they have experienced a violation of this policy or who have observed a violation should report it immediately.</p>
Supervisors	Supervisors are responsible for monitoring the conduct of their staff, the atmosphere of the workplace, and the provision of housing and services under their supervision for compliance with this policy. They must act affirmatively to prevent and address violations of this policy.
Human Resources Director	<ul style="list-style-type: none"> <li>▶ Help all staff to comply with this policy;</li> <li>▶ Help staff file complaints under this policy;</li> <li>▶ Help ensure THA complies with all civil rights laws.</li> </ul>
Civil Rights Compliance Coordinator	<ul style="list-style-type: none"> <li>▶ THA’s Civil Rights Compliance Coordinator will coordinate THA’s compliance with Section 504 and the ADA, pursuant to 24 C.F.R. § 8.53(a) and 28 C.F.R. § 35.107(a). This means that he or she is responsible for coordinating THA’s compliance with this policy and <i>THA Policy CR-10, Reasonable Accommodation and Modification</i>.</li> <li>▶ Monitor THA’s compliance with this policy, including arranging for staff training and distribution of notices and preparing annual reports to the Director;</li> <li>▶ Staff the Reasonable Accommodation Committee under THA Policy CR-10.</li> </ul>

**5. Definitions**

Protected Characteristics	<p>Protected characteristics are the following:</p> <ul style="list-style-type: none"> <li>▶ race</li> <li>▶ color</li> <li>▶ national origin</li> <li>▶ religion or creed</li> <li>▶ marital status</li> <li>▶ familial status</li> <li>▶ age (over 40 years old)</li> <li>▶ ancestry</li> </ul>
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5. Definitions	
	<ul style="list-style-type: none"> <li>▶ sex</li> <li>▶ disability</li> <li>▶ sexual orientation</li> <li>▶ honorably discharged veteran or military status</li> <li>▶ gender identity</li> </ul>
Harassment; Sexual harassment	<p>Harassment is verbal or physical conduct that is unwelcome, and hostile or offensive. Harassment violates this policy if the harasser’s conduct singles out someone because of a protected characteristic AND if any of the following is true:</p> <ol style="list-style-type: none"> <li>(1) submission to such conduct is made either explicitly or implicitly a term or condition of employment, housing or service from THA;</li> <li>(2) submission to or rejection of such conduct is used as a basis for an adverse employment, housing or service decisions; or,</li> <li>(3) such conduct is persistent or pervasive and unreasonably interferes with a person’s work performance or creates a hostile or offensive environment for work at THA or for receiving housing or services from THA.</li> </ol> <p>Harassment constitutes sexual harassment if it singles out someone because of their gender, sexual orientation or gender identity.</p> <p>Examples of harassment that would violate this policy include:</p> <p><b>Quid Pro Quo (Something for Something)</b> This form of harassment usually involves a supervisor or manager who uses work-related threats or rewards to seek sexual favors. One incident may be enough to violate this policy. Some examples of quid pro quo harassment:</p> <ul style="list-style-type: none"> <li>▶ A manager promises a promotion, pay increase or other job benefit if a staff person agrees to a sexual request;</li> <li>▶ A manager demotes an employee or withholds a job benefit because the employee refused to agree to a sexual request.</li> </ul> <p><b>Hostile Environment</b> A hostile environment results when harassment is based on a protected characteristic AND is so pervasive that it unreasonably interferes with an employee’s work or with the ability to receive housing or services from THA or when it creates a</p>

**5. Definitions**

hostile and intimidating environment for work or the receipt of housing or services.

The conduct listed below could contribute to a hostile environment. Under most circumstances, a single, isolated incident does not constitute unlawful harassment. Even if the conduct listed below does not rise to the level of unlawful harassment, it is prohibited under this policy as part of THA's preventive efforts to protect its staff, clients and others from unlawful harassment:

- ▶ unwelcome and inappropriate touching;
- ▶ unwelcome and repeated flirtations, requests for dates or romantic intimacy after a person has refused;
- ▶ vulgarity, leering, or obscene or suggestive gestures;
- ▶ comments, jokes, stories and innuendo of a vulgar, sexual nature;
- ▶ racial slurs, taunting or jokes;
- ▶ mocking an accent or speech impediment in an offensive manner;
- ▶ graphic or suggestive comments about someone's body or manner of dress;
- ▶ gossip or questions about someone's sexual conduct, sexual life or sexual orientation or gender identify;
- ▶ display or transmission in the work place of photographs, cartoons, graffiti, web site material and the like that are sexual in nature or demeaning toward a protected characteristic;
- ▶ unwelcome questions about a person's sexual activities, sexual thoughts or sexual preferences or sharing such information to an unwelcoming listener;
- ▶ intimidating, hostile, derogatory, or otherwise offensive remarks about a protected characteristic where the remarks cause discomfort or humiliation.

Note: Not all conduct that is unpleasant, annoying or even inappropriate violates this policy. For example, when a supervisor continually complains about a staff person's work performance, the staff person may feel like the supervisor is harassing him or her. It may even be that the supervisor could use more effective supervisory techniques. However, by itself, this conduct is not a violation of this policy.

In another example, a staff person does not violate this policy just because he or she is closely monitoring a tenant's lease compliance and is threatening the tenant

5. Definitions	
	<p>with eviction for lease violations even though the tenant disagrees with the staff person's position.</p> <p>Such conduct does not violate the policy as long as it does not single anyone out because of protected characteristics.</p>
Disability	<p>"Disability" means the following:</p> <p><u>1.</u> A physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.</p> <p>OR</p> <p><u>2.</u> The presence of a sensory, mental, or physical impairment that:</p> <ul style="list-style-type: none"> <li>(i) Is medically cognizable or diagnosable; or</li> <li>(ii) Exists as a record or history; or</li> <li>(iii) Is perceived to exist whether or not it exists in fact.</li> </ul> <p>A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.</p> <p><b>IN EMPLOYMENT:</b>  Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:</p> <ul style="list-style-type: none"> <li>(i) The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or,</li> <li>(ii) The employee must have put the employer on notice of the existence of impairment and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.</li> </ul> <p>For employment purposes, a limitation is not substantial if it has only a trivial effect.</p>
Impairment	<p>"Impairment" includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>(i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more</li> </ul>

<b>5. Definitions</b>	
	<p>of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or</p> <p>(ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.</p>
Honorably discharged veteran or military status	An honorable discharge from the United States armed forces or a discharge for medical reasons with an honorable record (see RCW 41.04.007), or an active or reserve member in any branch of the Armed Forces of the United States, including the National Guard and the Coast Guard and Armed Forces Reserves.

<b>6. Forms and Processes Associated with this Policy</b>	
<i>Form CR-05(1)</i>	<i>Notice of Nondiscrimination and Reasonable Accommodation</i>
<i>BP-PM Grievance Process</i>	<i>Grievance Process for Applicants and Participants (Informal Hearing Request Form and Informal Review Request Form).</i>

## **7. Policy**

### **7.1 Prohibition of Unlawful Discrimination and Harassment**

THA shall make all employment, housing, and service decisions without unlawful regard to protected characteristics.

THA shall not unlawfully discriminate or harass, or permit unlawful discrimination or harassment because of anyone's protected characteristics.

### **7.2 Prohibition of Unlawful Retaliation**

THA shall not unlawfully retaliate or tolerate unlawful retaliation against (i) any person because he or she complained in good faith about or reported a violation of this policy; (ii) an alleged violator because he or she denies the allegation in good faith; (iii) any person who participates in good faith as a witness in THA's investigation.

### **7.3 Reasonable Accommodation of Disabled Persons**

THA shall reasonably accommodate disabled persons as required by law. *See THA Policy CR-10, Reasonable Accommodation.*

#### **7.4 Duty to Report**

Whether or not the violations of this policy pertain to them personally, all staff should, and all supervisors must, immediately report violations to the Human Resources Director or the Civil Rights Compliance Coordinator.

#### **7.5 Good Faith**

All persons reporting a violation must do so in good faith and upon information that he or she has good reason to believe is true.

### **8. Procedure**

#### **8.1 Civil Rights Compliance Coordinator**

THA's Civil Rights Compliance Coordinator shall be responsible for coordinating THA's compliance with this policy and with *THA Policy CR-10, Reasonable Accommodation and Modification*. This designation also serves to comply with 24 C.F.R. § 8.53(a) and 28 C.F.R. § 35.107(a), which direct THA to have a person to coordinate compliance with Section 504 and the ADA.

#### **8.2 Notice of Policy**

The CRCC shall arrange for the following distribution or notices:

##### *8.2.1 Copy of this Policy*

A copy of this policy shall be included in all orientation material for new staff.

##### *8.2.2 Notice of Nondiscrimination and Reasonable Accommodation:*

*THA Form CR-05(1)* is THA's primary Notice of Nondiscrimination and Reasonable Accommodation. A copy of this notice shall be distributed as follows:

(a) Posting

Posted in all THA public waiting or service areas

(b) Housing or Voucher Services

Included in orientation material for new tenants or persons joining the Voucher Program.

(c) Employment Related

(i) Included in the employee handbook;

(ii) Sent annually to representative of unions with which THA has a collective bargaining agreement.

##### *8.2.3 Insert Language*

The language set forth below, or its equivalent, in appropriate sizing and formatting, shall appear in the following places:

(a) Job descriptions, vacancy notices and applications;

(b) Applications for housing or Vouchers;

- (c) Notices terminating or denying housing or Vouchers;
- (d) Resident and participants handbook or similar material.
- (e) Public advertisements of the availability of housing and housing assistance and other THA services;

THA reception staff shall offer to read this language to any person with visual impairments;



THA is committed to equal opportunity. It does not unlawfully discriminate on the basis of race, color, national origin, religion, gender, disability, age, familial status, marital status, sexual orientation, veteran or military status, or gender identity.



THA will reasonably accommodate the needs of disabled persons. THA has units accessible to persons with disabilities. It will also reasonably modify units as necessary to meet the needs of disabled persons.

THA's Civil Rights Compliance Coordinator is responsible for coordinating THA's compliance with the law. He or she can be reached at (253) 207-4421.

### 8.3 Training

The CRCC shall arrange for all THA staff to receive training or review by supervisors or others on the subject matter of this policy. This training or review shall occur at least annually.

### 8.4 Reporting Violations

THA strongly encourages people to report concerns they may have that THA or any of its staff may have violated this policy. All supervisors must report violations to the Human Resources Director or the Civil Rights Compliance Coordinator.

Employees may report concerns in writing to Human Resources. Tenants and Voucher holders, and other THA clients or applicants for services may report concerns in writing or use the grievance procedure *BP-PM Grievance Process for Applicants and Participants (Informal Hearing Request Form and Informal Review Request Form)*.

### 8.5 Periodic Assessment and Data Collection

At least annually, the Civil Rights Compliance Coordinator shall report in writing on the topics listed below.

#### 8.5.1 Fair Representation

The report shall assess whether, in the aggregate, persons who work for THA, who have applied for work, and those who receive or have applied to receive THA housing or services are fairly representative of the general population and the population of eligible clients.

This report shall compare the composition of the following groups by race, ethnicity, national origin, and disability:

- (a) City of Tacoma residents



- (b) Low-income City of Tacoma residents
- (c) THA employees
- (d) Applicants for THA employment
- (e) THA Rental Housing
  - (i) all tenants
  - (ii) all persons on all waiting lists
  - (iii) Public Housing Tenants
  - (iv) Public Housing Waiting List
  - (v) Other Housing
  - (vi) Other Housing Waiting list
  - (vii) By building
- (f) Housing Voucher Program
  - (i) Voucher holders
  - (ii) Voucher Waiting List

#### 8.5.2 *Accessible Units*

The report shall review THA's stock of accessible units and the extent of the unmet need for them:

- (a) The need for THA's accessible housing units among disabled low-income residents of Tacoma;
- (b) The need for accessible units among disabled persons who are current THA tenants or those on the waiting list for housing;
- (c) Whether the need for accessible units among THA's current and waiting tenants is fairly representative of the need among low-income persons in Tacoma generally.

#### 8.5.3 *THA Response to Requests for Accommodation/Modification*

Report a compilation of requests for accommodation and modification and THA's responses to them under *THA POLICY CR-10, Reasonable Accommodation and Modification*.

#### 8.5.4 *Limited English Proficiency Plan*

Update and report on the data compilation required by *THA Policy CR-20 Limited English Proficiency Plan*.

8.5.5 *Policies and Practices*

Review THA's practices in compliance with the following policies and recommend any policy changes and other measures to improve THA's compliance and practices:

- (a) this policy;
- (b) *THA POLICY CR-10, Reasonable Accommodation and Modification;*
- (c) *THA's Policy CR-20, Limited English Proficiency Plan.*  
In drafting the report, the Civil Rights Compliance Coordinator will consult with the following as appropriate: