

IN THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY AND COMMUNITY SERVICES AGENCY
OF LANE COUNTY, OREGON

ORDER NO. 95-1-25-1H


) IN THE MATTER OF
) AMENDING THE AGENCY'S
) PERSONNEL POLICY

WHEREAS, the Agency Personnel Policy was last amended in 1987; and

WHEREAS, the Agency wishes to amend the Personnel Policy to incorporate sections on Sexual Harassment and Diversity; NOW THEREFORE, IT IS HEREBY

ORDERED, that upon the approval of this Board Order, the Agency's Personnel Policy be amended to include sections on Sexual Harassment and Diversity as attached.

DATED this 25th day of January, 1995.



Chairperson, HACSA Board of Commissioners

FILED

JAN 31 1995

COUNTY CLERK
BY 

APPROVED AS TO FORM

Date 1/25/95 Lane county


OFFICE OF LEGAL COUNSEL

ATTACHMENT A.

HOUSING AUTHORITY AND COMMUNITY SERVICES AGENCY

AMENDMENT TO PERSONNEL POLICY

SEXUAL HARASSMENT

A. Purpose. The purpose of this procedure is to reinforce the Agency's policy prohibiting any form of sexual harassment, pursuant to Lane Manual 2.390; provide all employees with an understanding of what sexual harassment is; clarify the roles and responsibilities of managers, supervisors and employees in preventing and responding to sexual harassment; and establish a fair and expeditious method for investigation and resolution of complaints of sexual harassment.

B. Definition of Sexual Harassment. Court cases have expanded the definition of sexual discrimination to include "sexual harassment" as a violation of Title VII of the U.S. Civil Rights Act of 1964. Harassment on the basis of sex is also a violation of Oregon Revised Statutes 659.030. A number of cases have resulted in substantial damage awards against employers found guilty of not taking strong and definitive stands against sexual harassment. In addition to monetary awards, sexual harassment results in other costs to the organization including absenteeism, employee turnover and lost productivity.

Sexual harassment is not acceptable.

The federal government has issued guidelines on sexual harassment which state sexual harassment is illegal under Title VII of the Civil Rights Act of 1964. The regulation states:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect or reasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment."

Criterion (1) states it is unlawful for an applicant/employee to be asked to have sexual relations or submit to sexual advances in order to obtain or maintain a job. Criterion (2) states it is unlawful to base promotions, raises and other employment decisions on whether or not a person submits to sexually harassing conduct.

The third criterion is a little more complex. It covers all the subtleties of the problem - those areas which are not so blatant. These involve the perceptions of the individual. Although this kind of harassment is real, it is more difficult to define. Included in this area are such behaviors as: sexual remarks or teasing, suggestive looks or leers, inappropriate jokes, offensive language, offensive pictures and subtle sexual hints or pressures. This is the area where the greatest problem arises, because people judge these actions by their own standards and perceptions. The Ninth Circuit Court of Appeals has adopted the reasonable victim standard. When describing forbidden harassment the court described it as the type of conduct ". . . a reasonable woman would consider sufficiently severe or pervasive as to alter the conditions of employment and create an abusive working environment." The law does not differentiate between the sexes. Both males and females can be harassed. In addition, heterosexual and homosexual harassment are considered unlawful.

C. Roles and Responsibilities.

Supervisors and Division Directors are responsible for ensuring a work environment free from sexual harassment. This includes enforcement of harassment policy, evaluation of policy effectiveness, communication and training. The HACSA Training Committee will be responsible for providing training, assistance and consultation to departments.

Supervisors are responsible for creating a work environment free from sexual harassment. This includes keeping employees informed of sexual harassment policy and procedures. Supervisors must take immediate action if they observe or become aware of any harassment.

Employees are responsible for maintaining a work environment free from harassment. This includes reporting any conduct or comments they find offensive and/or reporting any perceived incidents of harassment witnessed or observed. Employees shall not commit any act that subjects another person to sexual harassment.

The Agency shall ensure that its applicants, vendors, contractors, subcontractors and agents are responsible for conducting themselves with Agency employees so as to provide a work environment or work relationship free from sexual harassment.

The Agency shall ensure that its services are provided in compliance with this policy.

D. Complaint Process

This procedure is designed to provide employees with the least stressful means of reporting sexual harassment. The procedure outlines alternatives available for reporting, investigating and resolving harassment complaints. Employees may use any of the

avenues. Supervisors who receive complaints are required to assess the situation and take appropriate action. Every complaint of sexual harassment shall be taken seriously.

This process is separate and apart from the grievance procedure under current collective bargaining agreements. All promises of confidentiality in this procedure will be extended only as consistent with the law.

1. Reporting

Any employee may initiate the complaint process with the Deputy Director. Upon receipt of a complaint, the Division Director will immediately direct a confidential and thorough investigation to be conducted in a timely manner. All applicable provisions and timelines of the appeals procedure shall apply.

As an alternative, and solely at the option of the complainant, the complainant may initiate the complaint process by discussing the matter with his or her immediate supervisor. The immediate supervisor is required to report all complaints of sexual harassment to the Deputy Director.

2. Investigation

All complaints will be handled in a manner that will attempt to avoid embarrassment to the parties involved. Confidentiality will be maintained as far as practicable. If it is necessary to make the employee(s) known to others, the employee(s) will be advised in advance.

All discussions with an employee regarding a complaint will be held in private, away from the employee's work area. Employees may have a representative present at any discussion.

A written record of the investigation will be made by the investigator. The written complaint and the related investigative materials will be maintained in a separate, confidential file in the Executive Secretary's office. No notations will be made in the complainant's personnel file.

3. Right to Use External Process

If the employee making the complaint of alleged harassment is dissatisfied with the results of the investigation or prefers an alternate course, a complaint can be filed with the Oregon State Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC).

4. Nonretaliation

Any intimidation, coercion, discrimination or retaliation in any form against an individual who files a complaint or who testifies, assists, or participates in any manner in an investigation will not be tolerated. All such acts against complainants or other participants should be reported immediately to the Deputy Director.

E. Disciplinary Action

If, after investigation, it is determined there is merit to the complaint, immediate and appropriate discipline and remedial action will be taken. Depending upon the seriousness of the misconduct and the offending employee's overall record, disciplinary action up to and including termination may be taken consistent with negotiated agreements or the Personnel Policies.

F. Interpretation and Implementation

Any questions relative to the intent or application of this procedure should be directed to the Deputy Director, who is delegated the responsibility to interpret and implement this procedure.

DIVERSITY POLICY

A. Purpose. Diversity is a key to the future success of the Housing Authority and Community Services Agency of Lane County. We are charged with providing effective services in an increasingly competitive and diverse environment. If we are to succeed, each of us must embrace the value of diversity as being critical to the achievement of our mission. The more successfully we are able to conduct our business in a diverse community the more diverse our presence must be in that community.

Diversity transcends race and gender, affirmative action and Equal Employment Opportunity. It means respecting and valuing differences, such as those based on age, disability, ethnicity, gender, language, race and socio-economic status, as well as respecting each individual's right to privacy in areas such as religious faith, political beliefs and sexual orientation. In order to collaborate successfully with the diverse communities we serve, the Agency must be cognizant and respectful of our differences both in the community and the worksite. Most importantly, all in the Agency must rethink our approach to diversity. No longer are such issues just matters of social policy or historical reciprocity. Diversity, and the respect and

understanding of the integrity and worth of all cultures, peoples and lifestyles is today and will continue to be simply good business.

1. Policy. The Housing Authority and Community Services Agency of Lane County will demonstrate its commitment to diversity through the way in which it provides Agency services, through its employment practices, through its funding decisions, and through its appointments by:

(a) ensuring that all Agency services, programs and activities are provided to its diverse community in ways that are sensitive to and responsive to cultural differences, including accessibility for persons with disabilities;

(b) ensuring that all Agency-funded services are provided, and funding decisions are made, in a manner that recognizes, addresses and is reflective of the cultural diversity of the communities served;

(c) demonstrating a commitment to workplace diversity through implementation of affirmative action plans and development of cultural sensitivity and cultural competency among other employees.

2. The diversity policy is intended to be an expression of intent and aspiration on the part of the Agency and is to be used to guide the Agency in benefiting from and being responsive to the changing population that provides both the Agency's workforce and its client base. It is not intended to be, nor shall it be used as a basis for anyone demanding a right or making a claim against the Housing Authority or its employees.

B. Definitions. The policy statement above should be interpreted according to these definitions:

Cultural Diversity. Differences in race, ethnicity, language, nationality, or religion among various groups within a community or organization.

Cultural Sensitivity. Demonstrating sensitivity to cultural differences and similarities, and effectiveness in using cultural symbols (e.g., language) to communicate a message.

Diversity. A broad definition that includes a wide range of individuals with unique needs; taken beyond the observable differences of race, gender, and age, and to include the additional characteristics of marital status, sexual orientation, family status, political affiliation, education or socioeconomic status, and disabilities.

Sexual Orientation. Heterosexuality, homosexuality, or bisexuality.

Workplace Diversity. Recognition of the variety of differences among workers across many different dimensions -- race, culture, language, age, gender, etc. -- and the different perspectives and values that may be inherent in those differences. Valuing diversity implies a philosophy while managing diversity involves the translation of the philosophy of valuing diversity into organizational goals and objectives.