



COMMISSION 419 Cherry St., Lansing, MI 48933 Telephone: (517) 487-6550 Fax: (517) 487-6977

**Lansing Housing Commission  
Policy No. 2009-05  
Discriminatory Harassment Policy**

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LHC shall maintain a working environment free from discriminatory harassment. Any form of unlawful discrimination, including harassment based on race, color, religion, gender, sexual orientation, national origin, age, disability, height, weight or marital status is strictly prohibited. Any employee found to have engaged in any form of discriminatory harassment in the course of his/her employment will be subject to appropriate discriminatory action, up to and including termination of employment.

**A. Sexual Harassment**

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, as well as other conduct of a sexual nature when:

1. The submission to or rejection of such conduct is made a condition of the employee's continued employment, or used as the basis for any employment decisions affecting the employee;
2. The conduct, if unwelcome and severe or pervasive, creates an intimidating, hostile or offensive working environment, or unreasonably interferes with an employee's work environment.; or
3. The conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile, or offensive. This is known as a hostile environment sexual harassment and consists of unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating.

Examples of what may, if unwelcome and severe or pervasive, constitute sexual harassment, besides sexual advances and requests for sexual favors include, but are not limited to:

- sexually suggestive physical contact or behavior, such as grabbing, groping, kissing, fondling, rubbing or massaging someone's neck or shoulders, stroking someone's hair; unwelcome leering, whistling, pinching, brushing against the body, suggestive, insulting, or obscene comments or gestures;
- the display in the workplace of sexually suggestive or explicit objects, pictures, posters or cartoons, including, but not limited to, offensive electronic



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communications or voice-mail messages; access to pornographic images through the Internet or e-mail;

- verbal abuse of a sexual nature including foul or obscene language, lewd, off-color, sexually oriented comments or sexual jokes or any graphic verbal commentary about an individual's body.

### **B. Other Discriminatory Harassment**

Any conduct based on a person's race, color, religion, gender, national origin, age, disability, height, weight or marital status is considered harassing if it creates a hostile, intimidating or offensive work environment, or unreasonably interferes with an employee's work performance.

As with sexual harassment, other discriminatory harassment can be verbal, non-verbal or physical. Examples of what may, if unwelcome and severe or pervasive, constitute other discriminatory harassment include, but are not limited to, the use of racial or ethnic slurs, jokes, or derogatory remarks; the use of insults, threats, literature, pictures or cartoons based on a protected characteristic; or any physical aggression based on a protected characteristic.

This policy applies anywhere employees are functioning on behalf of the LHC regardless of whether it is at a LHC facility or in a different location.

### **C. Retaliation Prohibited**

The LHC will not tolerate any retaliation against any employee for making a complaint, bringing inappropriate conduct to the LHC's attention, or for participating in an investigation of an alleged act of harassment. Employees who believe they have been the victim of prohibited retaliation should consult with their supervisor/manager or the Human Resources.

### **D. Complaint Reporting and Investigation**

The LHC takes matters of discriminatory harassment very seriously and is committed to diligently enforcing this policy by promptly and impartially investigating all complaints. When discriminatory harassment is discovered, LHC shall take appropriate disciplinary action, up to and including termination. Any employee who believes that discriminatory harassment has occurred should immediately report the incident to the Director of Human Resources. If the Director of Human Resources is the alleged harasser, the complaint shall be made to the Department Head. Absolute



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confidentiality cannot be guaranteed. However, every effort will be made to handle all complaints and investigations with as much discretion and confidentiality as circumstances permit.

The Human Resources Director or designee shall conduct the investigation. Any supervisor or Department Head who learns of or receives a complaint of discriminatory harassment shall report it to the Human Resources Director. The Department Head and/or Human Resources Director, upon being informed about a discriminatory harassment complaint, shall take immediate and appropriate action to ensure any inappropriate behavior is not repeated during the investigation and that no retaliation occurs.

If the investigation does not find that discriminatory harassment occurred or that the alleged incident(s) did not constitute discriminatory harassment, the matter shall be referred to the Department Head for further appropriate action. For example, if workplace misconduct may have occurred but not discriminatory harassment, the Department Head shall act accordingly

An employee found to have knowingly or recklessly reported a false complaint of discriminatory harassment or provided false information regarding a complaint may be subject to disciplinary action up to and including termination of employment.

**E. Consensual Sexual or Romantic Relationships**

**a. In General.**

Although the LHC does not prohibit consensual sexual or romantic relationships, there are special risks in any sexual or romantic relationship between individuals in inherently unequal positions and parties in such a relationship assume those risks. Such positions include supervisor and employee and customer and employee. Because of the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of LHC and its employees and are discouraged.

A “customer” may be a Public Housing resident or applicant or an Assisted Housing participant or applicant.



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**b. Supervisor-Employee**

Such relationships may harm or injure others in the work environment. Relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for complaint by others in the department/division when that relationship gives undue access or advantage, restricts opportunities, or creates a perception of these problems. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.

Where such a relationship exists, the person in the position of greater power will bear the primary burden of accountability to ensure that he or she does not exercise any supervisory or evaluative function over the other person in the relationship and to report the relationship to his/her Department Head. The Department Head will exercise his or her responsibility to evaluate the adequacy of the alternative supervisory and evaluative arrangements to be put in place. Failure to comply with these requirements is a violation of this policy and grounds for discipline up to and including termination.

The Department Head shall attempt to eliminate any conflict of interest and mitigate any adverse effect on others in the department/division by arranging alternative supervision and evaluation. In those situations where it is programmatically infeasible to provide alternative supervision and evaluation, the Department Head may perform day-to-day supervision and approve all evaluative and compensation actions or one of the parties involved in the relationship may be terminated.

If the Department Head is the person in the position of greater power in a relationship, the Department Head will report the relationship to the Executive Director who will be responsible for making the required determinations.

**c. Employee-Customer.**

As a general proposition, the LHC believes that a sexual or romantic relationship between a LHC employee and a customer, is inconsistent with the proper role of the employee vis-à-vis the customer and ripe with the opportunity for abuse. The LHC may issue discipline, up to and including termination, against an employee who engages in such a relationship if adverse consequences ensue to the LHC as a result of the relationship.

Where such a relationship exists, the employee shall report the relationship to his/her

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Department Head. The Department Head will, in consultation with the Director of Human Resources, determine what action, if any, is appropriate to ensure that no abuse results because of the relationship. For example, if the employee is a member of the Asset Management Department working at a development site, is there another development site to which the employee can be transferred? If the employee is a member of the Assisted Housing Department, can the case management functions for the customer be handled by someone else in the department? These determinations shall be made in the best interest of the LHC.