



Kansas City, Kansas  
Housing Authority

NONDISCRIMINATION POLICY  
AND PROCEDURES

# Nondiscrimination Policy and Procedures

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# **Nondiscrimination Policy and Procedures of the Kansas City, Kansas Housing Authority**

## **I. Purpose of Nondiscrimination Policy**

To set forth the requirements, standards and criteria to insure that all residents, applicants and prospective residents of the Kansas City, Kansas Housing Authority (KCKHA) are not subject to any discriminatory acts, actions, or behaviors; including acts, actions or behaviors that constitute sexual harassment by any employee, agent, vendor, or contractor of the KCKHA.

This policy is to prevent any forms of discrimination or sexual harassment against residents, applicants, and prospective residents; discipline employees that are found to have engaged in sexual harassing behavior; and to give assurance and relief to residents, applicants and prospective residents that they will not be subject to discrimination or sexual harassment in the future.

## **II. Nondiscrimination Policy Statement**

KCKHA has a strict policy against any forms of discrimination and sexual harassment. It is the policy of the KCKHA that no employee, agent, vendor or contractor shall engage in any behavior, acts or actions that discriminate against current residents, applicants and prospective residents in the provision of housing and housing-related services and benefits on the basis of race, color, religion, sex, national origin, disability, sexual orientation or familial status.

Specifically it is the policy of the KCKHA that no employee, agent, vendor or contractor may behave or act in any manner toward or take any action against a current resident, applicant or prospective resident that constitutes sexual harassment.

Sexual harassment includes, but is not limited to, unwanted sexual comments or advances, requests for sexual favors or actions that create a hostile environment. KCKHA's employees are prohibited from sexually harassing residents, applicants or prospective residents. Offenders will be disciplined up to and including termination.

## **III. Scope and Applicability**

This policy applies to all KCKHA employees, agents, vendors and contractors and covers all KCKHA offices and services that interact with and affect residents, applicants and prospective residents seeking housing and housing-related services and benefits.

This policy is intended to protect the rights of all residents, applicants and prospective residents under the Fair Housing Act and to insure that all residents, applicants and prospective residents are protected from acts of discrimination or sexual harassment in all aspects of housing, housing related services and

benefits. In addition, all employees, agents, vendors and contractors must adhere to the agency's commitment to its Ethics and Services policy statement as outlined in the Public Housing Admission and Continued Occupancy Policy and the Section 8 Administrative Plan.

#### **IV. Limitation on Policy**

This policy does not cover resident complaints of sexual harassment against other residents, guests of resident, or other individuals who are not employees, agents, contractors, or vendors of the KCKHA. Procedures governing the application and enforcement of those protections are contained in the KCKHA Admissions and Continued Occupancy, Section 8 Housing Choice Voucher Program Administrative Plan, the KCKHA Public Housing lease and Section 8 Housing Choice Voucher Contract. Information to residents and Section 8 participants about those rights and how to file a complaint is provided on the KCKHA web site at "www.kckha.org"

#### **V. Prohibited Behavior**

The KCKHA shall not, on account of race, color, sex, religion, familial status, disability, national origin, marital status, or sexual orientation:

- ✓ Deny to any family the opportunity to apply for housing;
- ✓ Deny to any qualified applicant the opportunity to lease housing suitable to their needs;
- ✓ Provide housing that is different from that provided to others;
- ✓ Subject a person to segregation or disparate treatment;
- ✓ Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- ✓ Treat a person differently in determining eligibility or other requirements for admission; or deny a person access to the same level of services.

In addition, the following includes, but not limited to the actions, activities and behavior that may constitute sexual harassment:

- ✓ Repeatedly asking for dates after being declined and/or continuing to make contact through social media whether or not it contains sexual content;
- ✓ Engaging in suggestive or sex related behavior;
- ✓ Making unwelcomed sexual advances and comments;
- ✓ Asking for sex or sexual favors in exchange for housing benefits and services;
- ✓ Using rude, insulting, lewd, suggestive or sex related comments and language
- ✓ Threats, stalking or intimidating behavior;
- ✓ Showing pornographic or racy materials either in person or through social media; or
- ✓ Making sexual jokes.

## **VI. Sanctions for Employees Found to be in Violation of this Policy**

The KCKHA Personnel Policies will be amended within 90 days to require employee conformance with this policy including the following sanctions should an employee be found in violation.

The KCKHA Executive Director or designated representative has the authority to administer discipline and sanctions for violations of this policy when it occurs.

A determination that a violation has occurred will be made as a result of an investigation of a complaint carried out in conformance with the investigation procedures listed in this policy statement. At all times the employee's due process rights will be preserved.

Where a violation has been found to have occurred, the employee will be disciplined in one of the following ways.

1. Written reprimand
2. Written reprimand and performance improvement plan
3. Suspension without pay
4. Termination

## **VII. Complaint Procedure**

The procedures outlined in this section apply to complaints against employees only. Complaints against outside contractors and vendors will be handled as described in Section VIII.

### **A. Designated Position to Oversee the Complaint, Investigation and Resolution Process**

The KCKHA has designated the individual who occupies the position of Executive Services Manager to oversee the complaint, investigation and resolution process. This position is located in the Administrative Offices located at 1124 North Ninth Street, Kansas City, Kansas 66101-2197; and can be reached by telephone by calling 913-281-3300.

### **B. Reporting, Investigation and Resolution of Complaints**

#### **1. Reporting**

KCKHA employees who receive a complaint regarding sexual harassment or other unlawful housing discrimination must report the complaint to the KCKHA's Executive Services Manager.

A resident, applicant or prospective resident who believes they have been the subject of discrimination or sexual harassment in violation of this policy may submit a complaint verbally or in writing as follows:

A). Verbal Complaint.

- A verbal complaint under this policy may be made by calling the KCKHA Administrative Office at 913-281-3300. The complainant should tell the operator they wish to make a discrimination or sexual harassment complaint.
- The complainant will be given the opportunity to be referred to the KCKHA website to report a complaint of discrimination or sexual harassment. The website will include KCKHA's Nondiscrimination and the Appeals Hearing policies and procedures.
- In addition the individual will be asked if they wish to make a verbal complaint. If the caller wishes to make a verbal complaint over the phone he/she will be forwarded to the Executive Services Manager who will take the complaint on the KCKHA *complaint form* and initiate the investigation procedures.
- A verbal complaint may also be made in person by visiting the Administrative Offices of the KCKHA at 1124 North Ninth Street, Kansas City, Kansas. The individual will be directed to the Executive Services Manager who will take the complaint on the *complaint form* and begin the investigation process.
- If the complainant is alleging discrimination or sexual harassment by the Executive Services Manager, the individual will be directed to the Executive Director.
- The information provided to the Executive Services Manager by the complainant must be sufficiently complete to permit an investigation to be undertaken. Minimally it must contain sufficient identifying information as to name or position of the person alleged to have committed the acts so a person can be identified and a determination made if he/she is an employee, agent, contractor or vendor. It must contain the location(s), approximate date(s) and description of the behavior that took place.
- The Executive Services Manager will assist the complainant to complete the KCKHA *complaint form* as to the facts related to the violation, encouraging the complainant to be as specific as possible as to whom, when the events happened, where, how, and if there were any witnesses.
- The Complainant will be informed that the KCKHA takes the charges seriously and that a full investigation will be carried out.
- Inquiry will be made as to whether the complainant is concerned about retaliation.

- Verbal complaints will only be taken from the individual who is the subject of the sexual harassment behavior. In the event that the individual is under the age of 18, a parent or legal guardian may make the verbal complaint.
- The Executive Services Manager will inform the complainant, parent or guardian of the steps and timeframes of the investigation process and that where possible confidentiality will be maintained. The Executive Services Manager will also inform the complainant of additional avenues that they may report such information, i.e., HUD Office – Fair Housing.

#### B). Written Complaint

- A written complaint under this policy may be made by completing the *KCKHA Complaint Form* and submitting it in person to the Executive Services Manager; or by submitting a complaint online through the KCKHA website.
- *KCKHA Complaint Forms* are located at all KCKHA Administrative, Management and Services offices and on the KCKHA website at [www.kckha.org](http://www.kckha.org) by clicking on About KCKHA, then Report Fraud/Complaints.
- When making a complaint through the KCKHA website, a *Complaint Report* can be filled out online and electronically submitted to the appropriate office.
- In order to offer the fullest protection to residents, applicant and prospective residents, written complaints not submitted through the website should be delivered or mailed to the Executive Services Manager at 1124 North Ninth Street, Kansas City, Kansas 66101.
- If the complainant is alleging discrimination or sexual harassment by the Executive Services Manager, the individual will be directed to the Executive Director.
- The information provided must be sufficiently complete to permit an investigation to be undertaken. Minimally it must contain sufficient identifying information as to name or position of the person alleged to have committed the acts so a person can be identified and a determination made if he/she is an employee, agent, contractor or vendor. It must contain the location(s), approximate date(s) and description of the behavior that took place.
- Within three (3) business days of receipt of a written complaint the Executive Services Manager will contact the complainant to gather the facts related to the violation and will encourage the complainant to be as specific as possible as to whom, when the events happened, where, how, and if there were any witnesses.

- The Complainant will be informed that the KCKHA takes the charges seriously and that a full investigation will be carried out.
- Inquiry will be made as to whether the complainant is concerned about retaliation.
- The Executives Services Manager will inform the complainant of the steps and timeframes of the investigation process and that where possible that confidentiality will be maintained.

## **2. Investigation Procedures**

The following procedures and guidance will be followed when conducting an investigation of a complaint of a violation of this policy by an employee.

The Executive Services Manager is responsible for conducting the investigation of a complaint. If he or she believes that they cannot conduct a fair and impartial investigation, a written notice will be given to the Executive Director who will appoint a fair and impartial investigator.

Where possible, confidentiality will be maintained. Any information about the complaint, complainant or accused employee will only be shared on a need to know basis.

### **A. Confidential File**

- A confidential file shall be created by the Executive Services Manager within two (2) business days of receipt of a complaint.

### **B. Notification to Employee**

- Upon establishing the file, the Executive Services Manager shall inform the employee's supervisor that a complaint has been made. The accused employee shall be informed of the complaint by the supervisor. The accused employee shall be removed from all contact with the complainant. This action is for the employees' protection as well as the complainant.
- The employee will be informed that the KCKHA takes the charges seriously, that a full investigation will be carried out and that federal law prohibits retaliation against anyone who makes a sexual harassment complaint.
- The employee will also be informed that their due process rights will be protected.

### **C. Interview with Complainant**

Within fifteen (15) business days of receipt of a complaint but no more than thirty (30) business days, the Executive Services Manager or designate shall conduct



an interview with the complainant. If the interview cannot be conducted within fifteen (15) business days the complainant shall be notified in writing.

- The interview shall be conducted in a private room in the KCKHA Administrative Offices at a time and date agreeable to the complainant.
- The KCKHA shall have a witness present at the interview.
- The complainant shall be informed that they may have a witness/advocate present at the interview. The complainant shall also be informed that the witness/advocate is not to give information at the interview but to witness the proceedings.
- The complainant shall be informed that they may bring documents or other evidence to the interview.
- The Executive Services Manager or designee shall make a written record of the information gathered at the interview.
- The Executive Services Manager or designee shall explain the purpose of the interview, review the complaint including the name of the accused employee.
- The Executive Services Manager or designee shall ask questions that elicit the following information.
  1. Specific details regarding the alleged discrimination or sexual harassment and the type and frequency of the conduct.
  2. How and why the parties know each other.
  3. Description of what was said or done. Was it physical or verbal conduct?
  4. Location where conduct occurred (including the address if possible) and whether it occurred on or off KCKHA property.
  5. Time period over which the conduct occurred and if it occurred during work hours.
  6. The effects of the conduct on the complainant. Was it unwelcomed, received as a joke, did it frighten, humiliate or embarrass the complainant.
  7. If the complainant told the employee to stop the behavior timeframe from when the conduct occurred to when it was reported.
  8. If there was a lag in reporting the complaint, the reason for the delay.
  9. Names of witnesses and how they may be contacted.
  10. What the complainant wants and how they think the situation might be resolved.

#### D. Interview with the Employee

Within fifteen (15) business days of receipt of a complaint but no more than thirty (30) business days, the Executive Services Manager or designate shall conduct an interview with the accused employee. If the interview cannot be conducted within fifteen (15) business days the accused shall be notified.

- The interview shall be conducted in a private room in the administrative offices of the KCKHA.
- The KCKHA shall have a witness present at the interview other than the employee's supervisor.
- The accused employee shall be informed that they may have a witness/advocate present at the interview. The employee shall also be informed that the witness/advocate is not to give information at the interview but to witness the proceedings.
- The accused employee shall be informed that they may bring documents or other evidence to the interview.
- The Executive Services Manager or designee shall make a written record of the information gathered at the interview.
- The Executive Services Manager or designee shall explain the purpose of the interview, identify the complainant and review the complaint.
- The Executive Services Manager or designee shall ask questions that elicit the following information:
  - a. Whether the employee committed the alleged acts
  - b. A response to each of the complainant's charges
  - c. How and why the parties know each other
  - d. Names of witnesses and how they may be contacted
- If the employee admits the behavior, the investigation will stop and a written finding of fact made to the Executive Director recommending the personnel action to be taken under this policy.
- The recommendation shall be based on the severity of the violation and its impact on the complainant.
- The written finding will contain a chronology of the complaint including complaint summary, complainant and employee interviews.
- The complainant will be notified in written within ten (10) business days of the finding and action to be taken to resolve the complaint.

#### E. Interviews with Witnesses

All individuals whose names were given as witnesses shall be contacted, informed of this, given information about the complaint and asked if they would agree to be interviewed. They will be asked for confidentiality.

- If the witness declines to be interviewed or if it is not possible to contact the witness the individual offering the name will be informed in writing.
- No later than forty-five (45) business days from the day of the complaint the Executive Services Manager or designate will interview each witness.
- The interview shall be conducted in a private room in the Administrative Offices of the KCKHA.
- The KCKHA shall have a witness present at each interview. A written record of the information gathered at the interview shall be made.
- The Executive Services Manager or designee shall explain the purpose of the interview, identify the complainant, accused employee and review the complaint.
- The Executive Services Manager or designee shall ask questions that elicit the following information:
  - a. Description of what the witness saw or heard
  - b. If they were present when the incident occurred
  - c. If they were not present how they learned of the incident
  - d. Where the incident took place
  - e. If the conduct occurred in the past

#### F. Follow up interviews and further information gathering

The Executive Services Manager or designee will review the interview notes to determine if any inconsistencies or discrepancies exist. Where inconsistencies or discrepancies exist follow up interviews will be conducted.

### **3. Resolution of Complaint Procedures**

#### Written Report of the Investigation's Findings

- A. The Executive Services Manager or designee will write a report summarizing the details in the complaint and investigation.
  - The report will provide an evaluation of the specific facts and corroborating information from the interviews, and identify non-reconcilable discrepancies and deficiencies in information.

- The report will note the documents reviewed and describe the interviews. The report will provide a chronology of the investigation procedures.

#### B. Finding of Fact and Recommendation for Action

The report will state conclusions as to whether sexual harassment occurred and the facts found through the investigation that justify the conclusions.

- Where a finding of fact concludes that an employee engaged in sexually harassing behavior, the recommendation shall be based on the severity of the violation and its impact on the complainant.

#### C. Submission of the Report to the Executive Director

The Executive Director shall review and approve the report.

- The complainant and employee shall be notified in writing of the findings and recommendations as soon as possible but no later than ten (10) business days after the Executive Director receives the report.
- Once an employee is found to have violated this policy the KCKHA's personnel policy takes precedence.

#### D. Timeframe for Completion of the Complaint Process

The Reporting, Investigation and Complaint Resolution timeframe under this policy shall not take longer than ninety (90) business days from the time a verbal or written complaint is made to when the complainant and employee receives written notice of a resolution.

#### E. Appeals by Residents, Applicants or Prospective Residents

The decision of the Executive Services Manager or designee, as approved by the Executive Director, is final.

### **VIII. Action to be taken when Complaint of Policy Violation is Against an Agent, Contractor or Vendor**

When a complaint is made against an individual or representative who is an agent, contractor or vendor, over whom the KCKHA has no disciplinary authority, the supervising authority for that agent, contractor or vendor shall be notified in writing that a complaint has been made.

The notification shall include a copy of the completed *Complaint Form*.

The supervising authority for the agent, contractor or vendor will be asked to notify the accused individual of the complaint, and to take the action they deem appropriate to stop the behavior up to and including removing the individual from any KCKHA work site or location.

The supervising authority will be asked to acknowledge receipt of the notification of the complaint, and that they have taken action to address the complaint.

If the accused is a contractor or vendor who is a solo practitioner he/she will be informed of the complaint, provided a copy of the completed *Complaint Form* and asked to respond to the charges. The Executive Director will determine the action to be taken.

Where a violation has been found to have occurred, the agent, contractor or vendor will be sanctioned in one of the following ways.

1. Written reprimand
2. Written reprimand and staff must undergo sexual harassment training
3. Sanction as deemed appropriate
4. Suspension from future contract for services

### **IX. Notification and Distribution of Nondiscrimination Policy and Procedures**

1. The KCKHA will notify all current employees, applicants, residents, agents, contractors and vendors by letter of the approved policy and procedures.
2. The letter shall include a summary of the policy and procedures and inform the recipient of the locations where the full policy and procedures statement may be found.
3. The full policy and procedures detailing the complaint procedure shall be posted and available for distribution at all KCKHA offices including administrative, management and service offices as well as on the agency's website at [www.kckha.org](http://www.kckha.org).
4. In addition to number 3 above, a separate nondiscrimination and sexual harassment flyer shall be posted at the above locations along with the distribution of the "*You have the Right Not to be Sexually Harassed or Abused*" bookmark.
5. The Public Housing and Section 8 Housing Choice Voucher program applications shall include notice of this policy and procedures.
6. The Public Housing Resident Handbook shall be amended to include notice of this policy and procedures and distributed to all residents at lease signing.
7. All new hires shall be notified of this policy and procedures in their letter of hire.
8. The KCKHA shall include notice of this policy and procedures statement in Requests for Proposal and procurement solicitation packages and as an

addendum to written contracts for goods and services that take on property management responsibilities.

9. Where contracts for services that take on property management responsibilities are secured under a verbal contract, the contractor, agent or vendor, including appeals officer, shall be notified of this policy and procedures in a separate statement via email.

## **X. Definitions**

For the purposes of this policy:

“Agent” is an individual or company authorized to act on behalf of the KCKHA that take on Property Management Responsibilities.

“Applicant” is any individual who has begun the application process for either the public housing or Section 8 housing choice voucher program whether or not the application has reached completion. The KCKHA policies, procedures and timeframes governing the requirements for an application for housing and housing assistance are contained in the agency’s Admissions and Continued Occupancy Policy and The Section 8 Administrative Plan and are not affected or altered by this policy or this definition. The definition used here is to communicate to all parties that the protections of this policy extend to the full continuum of the application processes.

“Complaint” is a verbal or written statement by a resident, applicant, or prospective applicant alleging that they have been subject to sexually harassing behavior by an employee, agent, vendor or contractor.

“Complaint Form” is the official named form used by the KCKHA to file complaints of sexual harassment and other discriminatory treatment. That same form will be used to file complaints under this policy. In addition, a complainant will also be able to report a complaint anonymously on the agency’s website at [www.kckha.org](http://www.kckha.org).

“Contractor” is an individual or company that provides goods and services, under terms specified in a written or oral contract. For the purposes of this policy “contractor” shall also mean any employee of the company working on KCKHA property in conformance with a contract that take on Property Management Responsibilities.

“Employee” is any full-time, part-time, temporary, seasonal, special projects person who is a regular employee of the KCKHA, whose position is adopted in the annual budget or other KCKHA program or grant budgets, and who receives a regular pay check.

“Property Management Responsibilities” include showing or renting housing units; processing rental applications; supervising or performing repairs or maintenance; setting rents and security deposits; determining tenant eligibility for rent subsidies, rental payments or waivers of fees and rent; determining whom to rent to, whom to evict, and/or whose lease to renew or not renew; inspecting dwelling units; collecting rent and fees; overseeing all aspects of the rental process; or engaging in any other property-related activities that involve, or may involve, personal contact with tenants or prospective tenants.

“Prospective Resident” or “Prospective Tenant” is also an individual seeking housing related services and consists of someone who has expressed interest in a KCKHA housing or housing assistance program, who may have called about a program, visited an administrative, management or housing assistance office to inquire about a program, or attended an information workshop or meeting about housing or housing services or benefits.

“Resident” or “Tenant” is any head or member of a household that has executed a Public Housing lease or under agreement as part of the Section 8 Housing Choice Voucher program.

“Services and Benefits” covered by this policy include all rental housing and rent subsidy housing programs owned and operated by the KCKHA, and the processes related thereto; any social, health, educational, employment, homeownership, information workshop, training or enrichment program operated by or under the auspices of the KCKHA for the benefit of resident, applicants or prospective applicants.

“Vendor” is a sales company or person representing a sales company, individual merchant, private landlord, supplier, or trades person that provides products or services to the KCKHA that take on Property Management Responsibilities.