

# HARASSMENT AND ANTI-BULLYING POLICY

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## A. POLICY PURPOSES

Marshall House is committed to providing for the health, safety and welfare of all residents, guests of residents, visitors and staff. Marshall House strives to provide an environment which allows for the quiet enjoyment of the premises, the free exchange of ideas, tolerance, respect, civility and kindness to others. Marshall House recognizes that discrimination, harassment, intimidation, bullying, defamation or any other form of abuse which interferes with a person's right to the quiet enjoyment of their dwelling, workplace or the facility is adverse to this goal. Therefore, this policy is enacted to protect residents, guests of residents, visitors and staff from discrimination, harassment, intimidation, bullying, defamation or any other form of abuse which interferes with a person's right to the quiet enjoyment of their dwelling, workplace or the facility. This policy prohibits discrimination or abusive behavior regardless of the offender's reason or motive, but particularly on the basis of race, religion, color, sex, age, sexual orientation, gender identity or expression, national origin, ancestry, disability, marital status, atypical heredity or cellular blood trait, military service or veteran status.

## B. DEFINITIONS

1. **Harassment.** Harassment means conduct directed at a person which causes that person to suffer emotional distress, or feel terrorized, frightened, intimidated, threatened, or which substantially interferes with the person's right to quiet enjoyment of Marshall House, and would cause a reasonable person to suffer emotional distress, or feel terrorized, frightened, intimidated and/or threatened, or which would substantially interfere with a reasonable person's right to quiet enjoyment of Marshall House. Harassment includes, but is not limited to the following:
  - a. **Quid pro quo harassment.** Quid pro quo harassment refers to an unwelcome request or demand to engage in conduct where submission to the request or demand, either explicitly or implicitly, is made a condition related to the person's rights, privileges and/or quiet enjoyment of Marshall House.
  - b. **Hostile environment harassment.** Hostile environment harassment refers to unwelcome conduct that is sufficiently severe or pervasive as to interfere with the rights, privileges and/or quiet enjoyment of Marshall House.
  - c. **Discriminatory harassment.** Discriminatory harassment refers to harassment which is motivated on the basis of a person's race, religion,

color, sex, age, sexual orientation, gender identity or expression, national origin, ancestry, disability, marital status, atypical heredity or cellular blood trait, military service or veteran status, including but not limited to bullying, stalking, derogatory comments, racial jokes, slurs, epithets, graffiti, vandalism, assault, or threat of assault.

- d. **Non-discriminatory harassment.** Non-discriminatory harassment means harassment that is not motivated on the basis of any of the factors listed in “c.” above. Non-discriminatory harassment includes but is not limited to bullying, stalking, derogatory comments, jokes, slurs, epithets, graffiti, vandalism assault or threat of assault.
2. **Defamation.** Defamation means the unprivileged oral, written, or electronic publication of a false statement of fact that exposes the person about whom it is made to hatred, contempt, or ridicule, or subjects that person to loss of the good will and confidence of others, or so harms that person’s reputation as to deter others from associating with her/him.
  3. **Retaliation.** Retaliation means any adverse action taken by a person against another person who has reported harassment or defamation, or who has been a witness to harassment or defamation.
  4. **Person.** Person means any resident, guest of a resident, staff member or employee, or visitor of Marshall House.

### C. PROHIBITED CONDUCT

Harassment, defamation or retaliation of any person is prohibited. If a person engages in harassment, defamation or retaliation, the person may be subject to a termination of their tenancy.

1. **Method of conduct.** Conduct which constitutes harassment, defamation or retaliation may be:
  - a. Direct.
  - b. Indirect.
  - c. Through the use of technology, and/or electronic communication, including but not limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or part by any:
    - Cell phone, text messaging device, wired or wireless device;
    - Communication made via a computer and/or internet, including, but not limited to email, instant message, website posting, social media outlet posting/message;
    - Facsimile or wire transmission or message;
    - Television or radio transmission or message; and/or
    - Any other type of photo-electronic or photo-optical system transmission or message.
    - Communication through the creation of a web page, blog, and/or

any type of social media outlet in which the creator assumes his own identity or the identity of another person, or the knowing impression of another as the author of posted content or messages, if such a creation or impersonation creates or fosters harassment.

2. **Location of conduct.** Harassment, defamation or retaliation may occur on Marshall House property, at any Marshall House sponsored function or at any location. It is not necessary that the conduct which constitutes harassment, defamation or retaliation occur on Marshall House property.
3. **Extent of conduct.** A single act of harassment, defamation or retaliation is sufficient if it significantly affects the person's right to the quiet enjoyment of Marshall House.
4. **Totality of the circumstances.** Factors relevant in determining whether harassment, defamation or retaliation exists include but are not limited to the nature of the conduct, the context in which the incident(s) occurred, the severity, scope, frequency, duration, location of the conduct and the relationships of the persons involved.
5. **Psychological or physical harm.** It is not necessary to prove psychological or physical harm to establish the existence of harassment, defamation or retaliation but the presence of psychological or physical harm is relevant to the determination.

#### **D. REPORTING**

A person who believes that they have been a victim of harassment, defamation or retaliation, or a person who believes that they have witnessed, or have personal knowledge of, harassment, defamation or retaliation, is encouraged to promptly report the incident(s) to the Marshall House office. Marshall House shall have a means for anonymous reporting; however, no formal disciplinary action shall be taken solely on the basis of an anonymous report. Any person who knowingly makes a false accusation of harassment, defamation or retaliation shall be subject to disciplinary action, including the termination of their tenancy.

#### **E. INVESTIGATION PROCEDURES**

The Administrator, and/or his/her designee, upon receipt of viable report, shall promptly investigate the matter. The investigation shall include interviewing the victim, the perpetrator and any known witness. The safety of the victim shall be a priority and, if necessary, the investigator shall implement a safety plan to prevent further abusive behavior. The investigation shall be documented on an approved report form. Marshall House will endeavor to protect the privacy of all victims and witnesses associated with the investigation.

If the Administrator, and/or his/her designee, determines that prohibited conduct has

occurred, appropriate disciplinary action shall be taken, including but not limited to termination of tenancy. If the Administrator, and/or his/her designee, believes that the offender's behavior constitutes a violation of criminal law, the matter shall be referred to the Marshall Police Department and/or the Marshall City Attorney's Office for review.

**F. VICTIM ASSISTANCE**

Marshall House shall provide referral to appropriate services, including guidance, intervention, and protection to residents, and/or their guests, be they either victims or perpetrators; affected by bullying, as necessary.

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ACKNOWLEDGEMENT**

**All adults, 18 and over, are required to sign this acknowledgement.**

By signing below, I'm verifying that:

I HAVE READ AND/OR SOMEONE HAS READ TO ME THE BULLYING POLICY OF THE MARSHALL HOUSE APARTMENTS. I UNDERSTAND AND AGREE TO ABIDE BY THE TERMS AND CONDITIONS OF THIS POLICY. I HAVE ALSO BEEN GIVEN A COPY FOR MY OWN INFORMATION.

\_\_\_\_\_  
Resident Signature

\_\_\_\_\_  
Resident Signature

\_\_\_\_\_  
**Owner/Agent Representative**