

SECTION 7

HARASSMENT/ SEXUAL HARASSMENT AND NON-RETALIATION POLICY

Section 7.1

Harassment and Sexual Harassment Policy

It is the policy of Jefferson County that all employees should be able to enjoy a work environment free from: (1) harassment based on race, color, religion, sex, age, disability, veteran status (disabled), national origin, genetic information, sexual orientation, gender identity or expression, or political affiliation; and (2) sexual harassment and unwelcome sexual overtures or conduct, either verbal or physical.

A. Purpose

1. Ensure that all employees know and understand that the County expressly prohibits harassment and sexual harassment.
2. Ensure that all employees are aware of the County's policy against harassment and sexual harassment and how to go about filing a complaint if they feel they have been harassed or sexually harassed.
3. Ensure that employees know what measures will be taken when behavior constituting harassment or sexual harassment is observed or reported.
4. Ensure that employees who make complaints of harassment or provide information related to such complaints know that they are protected against retaliation

B. Definitions

1. Harassment – Conduct, whether verbal or physical, will be considered harassment if it demeans or shows hostility toward an individual because of that individual's race, color, sex, religion, age, disability, veteran status (disabled), genetic information, national origin sexual orientation, gender identity or expression, or political affiliation. Conduct will also be considered harassment if it creates an intimidating, hostile, or offensive working environment, interferes with an employee's work performance, or otherwise adversely affects an individual's employment opportunities.
2. Sexual Harassment – Any unwelcome sexual advances, requests for sexual favors, and any other unwelcome verbal or physical conduct of a sexual nature.
3. Harasser – The harasser as well as the target can be a man or a woman. Legally there is no difference whether a man harasses a woman or a woman harasses a man.
4. Same Sex Harassment – The courts now recognize that men can harass men and women can harass women. This is referred to as "same sex harassment."

5. Unwelcome – Unwelcome means that the person did not solicit or invite the conduct and regarded it as undesirable.
6. “Quid Pro Quo” – Latin words that mean “something for something.” Here, what it means is job benefits in return for sex.
7. Hostile Environment Harassment – Sexual comments or conduct that have the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Note: The Equal Employment Opportunity Commission (EEOC) and the courts have expanded the definition of illegal harassment to include verbal and physical conduct of co-workers, customers, clients and supervisors that interferes with an individual’s job performance - even if there are no economic, tangible job benefits at stake.

C. Procedures/Rules

1. The Human Resources Director shall be responsible for investigating and resolving all harassment and sexual harassment complaints.
2. An employee who is subjected to harassment or sexual harassment or knows of such acts within the County’s employment may provide such facts to any management authority that he/she feels comfortable with; however, whenever possible the conduct should be reported to management within the employee’s chain of command.

All employees are hereby assured that they will be free from any and all reprisal or retaliation for filing such a complaint.

3. The recommended procedures for handling harassment or sexual harassment complaints are as follows:
 - a. The employee should direct complaints of harassment or sexual harassment to his/her immediate supervisor, to allow the supervisor an opportunity to resolve the complaint.

Whenever possible, the complainant should put his/her allegations in writing; however, an oral complaint made to a supervisor or responsible management authority shall be sufficient cause to investigate.

- b. In cases where the complaint directly involves the supervisor, the employee shall present the complaint to any other person in his/her chain of command. The complainant should provide specifics regarding the alleged harassing behavior.

- c. In all circumstances, whenever an incident of harassment or sexual harassment has been observed or reported to a supervisor, the supervisor should notify the Human Resources Director immediately, before taking action or commencing an investigation.
 - d. The Human Resources Director shall assist with the investigation and report all findings and recommendations on resolving the complaint to the Commissioners' Court, the Department Head/Elected Official, or the District Attorney as appropriate.
4. All allegations and/or documents prepared from an investigation of harassment or sexual harassment shall be maintained in a separate filing system in the Human Resources Department and shall not become a part of the employee's regular personnel file. Documentation of any disciplinary action taken shall be filed in that employee's file but the specifics shall be maintained separately.

Any individual questioned in connection with the investigation is encouraged not to share with others the allegations that have been discussed with them.

5. All allegations and investigations of harassment or sexual harassment shall remain as confidential as possible. Allegations of harassment will be disclosed on a "need-to-know" basis only so that a fair and adequate investigation can be conducted and/or appropriate corrective action can be taken.
6. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. Conduct will constitute sexual harassment when:
- a. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
 - b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting an individual.
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
7. In relation to the above, examples of sexual harassment include but are not limited to the following:
- a. Repeated offensive sexual flirtations, advances, or propositions.
 - b. Repeated offensive verbal abuse or comments of a sexual nature.
 - c. The display of sexually suggestive objects or pictures.
 - d. Any offensive or abusive physical conduct of a sexual nature.

8. Any type of harassing conduct, whether committed by or towards supervisory personnel, non-supervisory personnel, or non-employees in the workplace is specifically prohibited.

D. Review of Findings/Penalties

1. The Human Resources Director will review all findings with the complainant at the conclusion of the investigation.
2. If the investigation reveals that an employee has violated this policy by participating in harassing or sexually harassing behavior, that employee shall be subject to disciplinary action up to and including termination.
3. If the validity of the complaint cannot be determined, immediate action will be taken to assure that all parties are reacquainted with this policy and to assure that any conduct, which could be construed as harassing, or sexually harassing behavior is avoided in the future.