

202 – RESPECTFUL WORKPLACE: DISCRIMINATION, HARASSMENT AND SEXUAL HARASSMENT PREVENTION

Section 202.01 Respectful Workplace

Fort Bend County is committed to ensuring a respectful work environment that is free from discrimination, harassment, and retaliation. County employees at all levels of the organization are responsible to help create such an environment by treating others with dignity and decency, and by acting professionally and in a manner that is free from disrespect, intimidation, oppression or exploitation.

County employees in supervisory and management positions will not knowingly allow or tolerate discrimination, harassment, or retaliation. Such behavior will be dealt with by appropriate counseling, training, and or discipline of the employee, or by reporting the behavior to a higher level of management or to the Human Resources Department for investigation and action.

The County will provide periodic training to all employees, including supervisors and managers. Human Resources is always available to support employees in understanding, creating, and ensuring a respectful workplace.

Section 202.02 Discrimination Prohibited

Fort Bend County does not discriminate in access to or delivery of services and programs, including access to employment and the benefits thereof, on the basis of race, color, national origin, religion, sex, disability, age, or genetic information, or any other classification protected by state, federal, and local laws. It is a violation of County policy to deny employment, pay, promotion, or other benefits of employment, or to apply discriminatory evaluative standards in employment processes, based on any protected category.

Discrimination based on protected categories is strictly prohibited by a variety of federal and state regulations, including Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Pregnancy Discrimination Act, and the Americans with Disabilities Act as amended. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to appropriate disciplinary action, up to and including termination of employment.

Section 202.03 Harassment Prevention

All County employees are responsible for preventing harassment in the workplace by acting respectfully and expecting the same from others. Employees may address questions about harassment with a supervisor or the Human Resources Department.

If inappropriate behavior occurs, employees are encouraged to address the conduct by telling the offender the conduct is inappropriate and unwelcome, if they feel comfortable and safe while doing so, and to report the behavior in accordance with the recommended procedures found in Policy 203, Dispute Resolution.

Fort Bend County prohibits harassment of any kind, including sexual harassment, and will take prompt and appropriate action in response to complaints or knowledge of violations of this policy. For purposes of

this policy, harassment is any verbal or physical conduct which threatens, demeans, intimidates or coerces an employee, co-worker, or any person working for or on behalf of Fort Bend County.

The following examples of harassment are intended to be guidelines and are not all inclusive nor exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes offensive or unwelcome comments such as slurs, epithets, and negative stereotyping regarding a person based on any protected status.
- Nonverbal harassment includes distribution or display of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility, aversion, or disrespect toward an individual when based on any protected status.

Harassment that is not based on protected status but is nonetheless unprofessional and disrespectful is a violation of this policy and will not be tolerated. Harassment that occurs outside the workplace, including online, may still be a violation of this policy if it impacts workplace relationships.

**Section 202.04
Sexual Harassment
Prohibited**

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited by this policy. The Equal Employment Opportunity Commission states that it is unlawful to harass a person because of the person's sex. Harassment can include unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex when:

- 1) Submitting to the conduct or being subjected to the conduct is a term or condition of employment, including hiring, promotion, pay, fringe benefits, job training, classification, referral, and other aspects of employment; or
- 2) The conduct is severe and pervasive enough that it tends to create a hostile, offensive or intimidating workplace or unreasonably interferes with an individual's performance on the job.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not all inclusive nor exclusive:

- Physical sexual harassment includes unwelcome contact including: touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, or assault.
- Verbal sexual harassment includes innuendoes, suggestive comments, unwelcome or inappropriate compliments, jokes of a sexual nature, sexual propositions, lewd remarks, requests for any type of sexual favor (including repeated, unwelcome requests for dates) and teasing or "kidding" that is sexual in nature and unwelcome.
- Visual sexual harassment includes the distribution or display of

any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds, leering, staring, whistling, obscene gestures, or written content in letters, emails, notes, text messages, etc. that is sexual in nature.

Targets of sexual harassment may be either male or female, and the target and perpetrator can be of the same sex or opposite sex. Victims of sexual harassment may not be the intended target of sexual conduct, but may be bystanders offended by the conduct. Victims and harassers may also be individuals not employed by the County, such as a client or vendor doing business with the County.

Conduct of a sexual nature that is severe or pervasive may be deemed unlawful harassment. However, even if it does not reach the level of unlawfulness, such conduct is still disrespectful and unprofessional, and will not be tolerated. Harassment that occurs outside the workplace, including online, will still be a violation of this policy if it impacts workplace relationships.

**Section 202.05
Consensual Romantic
Relationships**

Consensual romantic relationships between supervisors and subordinates are discouraged because they can create compromising conflicts of interest or give rise to the appearance of favoritism or bias in employment decisions. In addition, given the imbalance of power in a supervisor/subordinate relationship, consent by the subordinate may be coerced, or claimed to be coerced at a later date. If a consensual relationship does exist it may be necessary to reassign one or both parties if possible. Any County employee who is in a consensual relationship with a coworker is cautioned to maintain professionalism in the workplace and not let the relationship interfere with a respectful work environment.

**Section 202.06
Complaint Procedure**

It is the responsibility of all Fort Bend County employees to promptly report discriminatory or harassing conduct. This responsibility applies whether the employee is the target of the conduct or witnesses the conduct, even if reporting the conduct is contrary to the wishes of any other employee. Please see Section 203, Dispute Resolution, for detailed information on reporting discrimination and harassment.

**Section 202.07
Retaliation Prohibited**

Fort Bend County will not tolerate retaliation in any form against employees who in good faith bring forth complaints of discrimination or harassment, nor against any person who participates as a witness in a complaint investigation. Please see Section 204, Non-Retaliation and Whistleblower Protection, for further information.

Policy Approved and Adopted By:
Fort Bend County Commissioners Court
January 25, 2000
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Revised: September 25, 2018

Effective September 25, 2018, this policy includes content formerly found in Policy 203: Sexual Harassment, and Policy 205: Workplace Harassment and Violence Protection. Previous content regarding retaliation has been moved to Section 204, Non-Retaliation and Whistleblower Protection.