

## **SEXUAL HARASSMENT POLICY**

Sexual Harassment will not be tolerated under any circumstances. It is the policy of the District to strictly prohibit any conduct that constitutes Sexual Harassment, and to discipline any employee who has committed such conduct.

Sexual Harassment is defined as unsolicited, unwanted, or unwelcomed sexual advances, requests for sexual favors and/or other verbal, graphic or physical conduct of a sexual nature (including sexually explicit language, jokes, etc.) where: (1) submission to such conduct is either an express or implied term or condition of employment; (2) submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or (3) the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile or offensive work environment. Sexual Harassment may include explicit or implied sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing, "practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical conduct, such as patting, pinching, or brushing against another's body. This conduct is strictly prohibited. The District's zero tolerance policy regarding discrimination on the basis of sex, which includes Sexual Harassment, is not one that simply prohibits direct discrimination but the District also prohibits disparate treatment of an individual, i.e. an individual in a protected group being singled out or treated less favorably than others similarly situated, because of the individual's sex. Disparate treatment, like direct discrimination, including Sexual Harassment, is illegal and will not be tolerated.

It is the policy of the District to strictly prohibit any conduct which constitutes Sexual Harassment, and to discipline any employee who has committed such conduct. Disciplinary action may be as severe as termination even if such conduct constitutes a "first offense."

It is the responsibility of management to create an atmosphere free of Sexual Harassment. It is the responsibility of each employee to respect the rights of fellow employees:

All reported or suspected occurrences of Sexual Harassment will be promptly and thoroughly investigated. Where Sexual Harassment is determined to have occurred, the District will immediately take appropriate disciplinary action, including but not limited to termination. In the event of Sexual Harassment by a client or vendor or an employee thereof, the District will remove the Complainant from contact with the alleged harasser (this is done because the District cannot force removal of the alleged harasser) and immediately notify the client representative, with whom the District has a relationship, of the allegation and request action related thereto.

## **Complaint Procedures**

The District provides its employees with convenient, reliable and private (if desired) methods for reporting incidents of Sexual Harassment. Any employee who feels that he/she has been or is being harassed or discriminated against, is encouraged to immediately inform the alleged harasser that the behavior is unwelcome. In most instances, the person is unaware that their conduct is offensive and when so advised can easily and willingly correct the conduct so that it does not reoccur. If the informal discussion with the alleged harasser is unsuccessful in remedying the problem or if such an approach is not possible, the employee should immediately report the complained-of conduct to his/her immediate supervisor, his/her manager and/or supervisor, or the District's HR representative either in person, by phone at (\_\_\_\_) \_\_\_\_-\_\_\_\_ or by email at \_\_\_\_\_ . If an employee feels uncomfortable or unable to report such incident to his/her immediate supervisor and/or HR representative, the employee may always report the incident to the Chief Appraiser by phone at (\_\_\_\_) \_\_\_\_-\_\_\_\_ or by email at \_\_\_\_\_ . While an employee may make an anonymous complaint by leaving a voicemail message for the District's HR representative, please recognize that anonymous complaints may be more difficult to investigate and take corrective action. When making a report of Sexual Harassment, the report should include all facts available to the employee regarding the Sexual Harassment.

## **Confidentiality**

All reports of Sexual Harassment will be treated seriously and will be maintained as confidential as possible, consistent with the District's legal obligations. However, absolute confidentiality is not promised nor can it be assured. The District will conduct an investigation of each complaint, which will require limited disclosure of pertinent information to certain parties, including the alleged harasser.

## **Investigative Procedures**

Once a complaint is received, the District will begin a prompt, fair, neutral, reasonable and thorough investigation. The District's HR representative will oversee the investigation. The investigation will be conducted by a neutral investigator specifically trained in receiving, processing and investigating allegations of discrimination, sexual harassment and other illegal harassment. The investigation may include interviews with all involved employees, including the alleged harasser, and any employees who are aware of facts or incidents alleged to have occurred. The District will conduct its investigations as promptly as practical given its need to be thorough. The District will take steps to ensure the allegedly harassing conduct does not continue during the investigation.

Once the investigation is completed, a determination will be made regarding the validity of the Sexual Harassment allegations. If the District determines that a reasonable basis

exists that Sexual Harassment has occurred, prompt, remedial action will be taken. This may include some or all of the following steps:

1. Restore any lost terms, conditions or benefits of employment to the complaining employee.
2. Discipline the harasser. This discipline may include termination, for even the first offense, written disciplinary warnings, transfer, demotion, suspension and/or required training classes.

If the Sexual Harassment is from a vendor or client, the District will take appropriate action to stop the complained-of conduct. Since the District has no control over its vendor's or client's hiring and disciplining of employees, the District will take action to remove employee from contact with the alleged harasser.

### **No Retaliation for Reporting or Cooperating In Investigation**

The District prohibits retaliation against any employee for making a good faith report of discriminatory conduct or for cooperating with participating in any investigation of alleged discrimination. If an employee feels that the employee is being retaliated against in any manner, the employee should report such retaliation to the District's HR representative. A claim of retaliation will be investigated and appropriate action, including termination, will be taken if the District confirms that retaliation has occurred.

### **Duties of Employees and Supervisors**

All employees of the District, both management and non-management, are responsible for assuring that a workplace free of Sexual Harassment is maintained. Any employee may file a Sexual Harassment complaint regarding incidents experienced personally or incidents observed in the workplace. The District strives to maintain a lawful, pleasant work environment where all employees are able to effectively perform their work without interference of any type and requests the assistance of all employees in this effort.

All District supervisors and managers are expected to adhere to the District's anti-Sexual Harassment policy. Managers' evaluations will include an assessment of the manager's efforts in following and enforcing this policy.

All managers and supervisors are responsible for doing all they can to prevent and discourage Sexual Harassment from occurring. If a complaint is raised, supervisors and managers are to act promptly to notify the District's HR representative of the complaint so that an investigation may proceed. If a supervisor or manager fails to follow this policy, they will be disciplined. Such discipline may include termination.

To the extent any employee feels that the District has failed to take prompt remedial action following a complaint and an opportunity to investigate, the employee may bring the

matter to the attention of the Texas Department of Labor and Employment. The toll-free number for the Texas Workforce Commission Civil Rights Division is 800-388-5515.

### **False and Frivolous Complaints**

False and frivolous charges refer to cases where the accuser is using a Sexual Harassment complaint to accomplish some end other than stopping Sexual Harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

## SAMPLE POLICY

Sexual Harassment will not be tolerated under any circumstances. It is the policy of the District to Strictly prohibit any conduct that constitutes Sexual Harassment, and to discipline any employee who has committed such conduct.

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### **Complaint Procedure:**

The District provides its employees with convenient, reliable and private (if desired) methods for reporting incidents of Sexual Harassment. If you feel you have been discriminated against or harassed, it is generally recommended that you tell that person that you find such behavior offensive, that such behavior is against District policy, and that you want him/her to immediately stop. However, if you are uncomfortable taking this action or if the conduct does not stop after you have warned the offending person, you should immediately report the offending conduct to your immediate supervisor or your manager, or the HR Department either in person, by phone at (\_\_\_\_) \_\_\_\_ - \_\_\_\_ ext. \_\_\_\_\_ or by email at \_\_\_\_\_.

If an employee feels uncomfortable or unable to report the conduct to his/her immediate supervisor and/or the HR Department, the employee may feel free to report the incident directly to the District's Chief Appraiser by phone at \_\_\_\_ - \_\_\_\_ - \_\_\_\_ or by email at \_\_\_\_\_. While an employee may make an anonymous complaint, please recognize that anonymous complaints may be more difficult to investigate and take corrective action. When making a report of Sexual Harassment, the report should include all facts available to the employee regarding the Sexual Harassment.