3.01 POLICY AGAINST WORKPLACE DISCRIMINATION

A. DISCRIMINATION DEFINITION
McLennan County is committed to a workplace free of discrimination. Discrimination is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, age, disability, marital status, citizenship, genetic information, pregnancy or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that:

• has the purpose or effect of creating an intimidating, hostile or offensive work environment
• has the purpose or effect of unreasonably interfering with an individual’s work performance
• or otherwise adversely affects an individual’s employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer’s premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Discrimination is strictly prohibited by McLennan County whether committed by an Elected Official, Appointed Official, Department Head, co-worker, vendor, supplier or independent contractor or non-employee with whom the County does business.

B. DISCRIMINATION REPORTING
If an employee feels that he or she is being harassed or discriminated against in violation of this policy by another employee, supervisor, manager or third party doing business with the County, the employee should immediately contact their superior, Elected Official, Appointed Official, Department Head or Human Resources. In addition, if an employee observes discrimination by another employee, superior, or nonemployee, the employee should immediately report the incident to the individuals identified above. If, for any reason, the employee feels that reporting the discrimination to the departmental superior may not be the best course of action or the superior or department head/official is the perpetrator, the report should be made directly to Human Resources.

The superior or official who received the verbal report shall create a written report of what they were told. All management must report complaints of misconduct under this policy to Human Resources immediately so the County can investigate and try to resolve the claim internally.

C. INVESTIGATION AND CORRECTIVE ACTION
All complaints of unlawful discrimination that are reported to management or to the persons identified above will be investigated as promptly as possible and corrective action will be taken where warranted. All complaints of unlawful discrimination that are reported to management or to the persons identified above will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation. Complaints will be investigated by impartial and qualified internal personnel unless external involvement is warranted. The process will be documented and tracked for reasonable progress, and all investigations will be completed timely. If a compliant is found to be reasonably supported, the County shall promptly take corrective action against the offending employee. Violators
D. RETALIATION
Employees’ notification to the County is essential to enforcing this policy. Employees may be assured that they will not be penalized in any way for reporting a discrimination problem. It is unlawful for an employer to retaliate against employees who oppose the practices prohibited by the County’s anti-discrimination/harassment policies. Similarly, the County prohibits employees from hindering its internal investigations or its internal complaint procedure. Any employee who retaliates against an employee making a report will be subject to disciplinary action, up to and including termination.

E. SUPERVISOR’S RESPONSIBILITY
Each supervisor has the responsibility to maintain the workplace free of discrimination. This duty includes discussing this policy with all employees and stressing the gravity of such conduct. Upon receiving a report, superiors, Elected Officials, Appointed Officials or Department Heads should be proactive in protecting the alleged victim from further discrimination or harassment during the investigation. This may include increased supervision, re-arranging employee work locations or job assignments or other appropriate actions. Any such steps must not create the appearance that the alleged victim is being retaliated against for reporting. Ignoring reports or condoning violations will result in disciplinary action against the supervisor, up to and including termination.

3.02 POLICY AGAINST SEXUAL HARASSMENT

Sexual harassment is strictly prohibited by McLennan County, whether committed by an Elected Official, Appointed Official, Department Head, co-worker or non-employee the County does business with. It is the policy of McLennan County to provide a workplace free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.

A. SEXUAL HARASSMENT DEFINITION
Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual harassment prohibited by this Policy can take many forms. In addition, sexual harassment violates the law when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment
- Submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment

While it is not possible to identify each and every act that constitutes or may constitute sexual harassment, the following are some examples of prohibited conduct:

- Unwelcome sexual advances or requests for sexual favors
- Lewd or derogatory comments, slurs or jokes
- Comments regarding sexual behavior or the body of another employee
- Sexual innuendos and other vocal activity such as catcalls or whistles
• Obscene letters, notes, emails, invitations, photographs, cartoons, articles, text messages or other written/electronic transmissions or forms of correspondence of pictorial materials or comments of a sexual nature
• Repeated requests for dates after being informed that the interest is unwelcome
• Retaliating against an employee for refusing a sexual advance or reporting an incident of possible sexual harassment to McLennan County or any government agency
• Offering or providing favors or employment benefits such as promotions, favorable evaluations, favorable assigned duties or shifts, etc., in exchange for sexual favors
• Unwelcome touching
• Sexist comments

B. SEXUAL HARASSMENT PROHIBITED
Sexual harassment is strictly prohibited and an employee who perpetrates sexual harassment will be subject to disciplinary action up to and including discharge.

C. ADDRESSING SEXUAL HARASSMENT
Use the following procedures when encountering discrimination and/or harassment:
• When practical, confront the harasser and ask them to stop the unwanted behavior
• Record the time, place and specifics of each incident, including any witness names
• Report sexual harassment to the Elected Official, Appointed Official or Department Head; or to the Human Resources Department
• If an investigation reveals that sexual harassment has occurred, McLennan County will take effective remedial action in accordance with the circumstances, up to and including termination

D. REPORTING DISCRIMINATION & HARASSMENT
Employees who feel they have been discriminated against, harassed or have been a witness to such conduct should immediately report the situation to the Elected Official, Appointed Official or Department Head who is responsible for the department in which they work. The superior or official who receives the report shall create a written report of what they were told and immediately provide the report to Human Resources. If, for any reason, the employee feels that reporting the harassment to the departmental superior may not be the best course of action or the superior or department head/official is the perpetrator, the report should be made directly to Human Resources.

Employees are encouraged to report sexual harassment whether or not they are the victim of the harassment.

The County cannot take effective action to address an issue of which it is not aware. Therefore, reporting is necessary. When an employee chooses to report within his/her office/department—if timely handling of the matter is not occurring—he or she must report the matter to the Human Resources Department.

E. SEXUAL HARASSMENT INVESTIGATION AND CORRECTIVE ACTION
Any reported allegations of sexual harassment will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation, fairness, and appropriate corrective action. While all claims of harassment shall be handled with
discretion to the extent possible, there can be no complete assurance of full confidentiality or protection of the identity of the individual making a report. In order to maintain workplace safety and the integrity of its investigation, the County may suspend employees, either with or without pay, pending the completion of the investigation. When a report is reasonably substantiated, corrective action against the alleged perpetrator will be taken, up to and including termination. The failure of a superior to report allegations made to him or her in accordance with this policy will give rise to disciplinary action against the superior, possibly including termination.

Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions which are to be taken.

**F. RETALIATION**
No person shall be retaliated against for reporting or opposing prohibited harassment or discrimination. Retaliation should be reported in the same manner as set forth above. An employee found to have retaliated against a person for reporting or opposing prohibited harassment or discrimination will be subject to disciplinary action up to and including discharge.

**G. SUPERVISOR’S RESPONSIBILITY**
Each Elected Official, Appointed Official or Department Head has the responsibility to maintain the workplace free of sexual harassment. This duty includes discussing this policy with all employees and stressing the gravity of such conduct.

Upon receiving a report, superiors should be proactive in protecting the alleged victim from further discrimination or harassment during the investigation. This may include increased supervision, rearranging employees work locations or job assignments or other appropriate actions. Any such steps must not create the appearance that the alleged victim is being retaliated against for reporting.

**3.03 WORKPLACE VIOLENCE PREVENTION POLICY**

Violence or threats of violence will not be tolerated. McLennan County is committed to taking reasonable steps to prevent workplace violence and to maintain a safe work environment. McLennan County has adopted the following guidelines in order to minimize the risk of intimidation, harassment or other threats of (or actual) violence that may occur during or while on County business or on its premises.

**A. WORKPLACE VIOLENCE DEFINITION**
Workplace violence or other harassment is verbal or physical conduct that insults or shows hostility or aversion towards an individual that:

- Contributes to or has the effect of creating an intimidating, hostile or offensive working environment
- Unreasonably interferes with an individual’s work performance
- Otherwise adversely affects an individual’s employment opportunities

All employees must be treated with courtesy and respect at all times; conduct that threatens, intimidates or coerces another employee or a member of the public at any time, including during off-
duty periods, will not be tolerated. This prohibition includes harassment, including harassment that is based on an individual’s sex, race, age or any characteristic protected by federal, state or local law.

Specific examples of conduct that may constitute threats or acts of violence under this policy include:

- The use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to the above protected categories listed above
- Written or graphic material that insults, stereotypes or shows aversion or hostility towards an individual or group because of one of the above protected categories and that is placed on walls, bulletin boards, email, voicemail or elsewhere on the County’s premises, or circulated in the workplace
- A display of symbols, slogans or items that are associated with hate or intolerance towards any select group
- Threats or acts of physical or aggressive conduct directed toward another individual
- Threats or acts of physical harm directed toward an individual or his/her family, friends, associates or property
- The intentional destruction or threat of destruction of County property or another employee’s property
- Harassing or threatening phone calls
- Sending harassing or threatening correspondence to an individual by any means (e.g., public or private mail, interoffice mail, fax, text message, email or other forms of communication)
- Surveillance
- Stalking
- Veiled threats (not openly or directly expressed) of physical harm or similar intimidation
- Any conduct resulting in the conviction under any criminal code provision relating to violence or threats of violence that adversely affects the County’s legitimate business interests or services

Please note: Workplace violence does not refer to occasional comments that are constitutionally protected or of a socially acceptable nature. These comments may include references to legitimate sporting activities, popular entertainment or current events. Rather, it refers to behavior that is personally offensive, threatening or intimidating and that serves no legitimate purpose.

B. PREVENTING WORKPLACE VIOLENCE

Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate superior or the Sheriff’s department.

C. REPORTING WORKPLACE VIOLENCE

Employees who feel they have been a victim to workplace violence, harassed or have been a witness to such conduct should immediately report the situation to the Elected Official, Appointed Official or Department Head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the violence or harassment to the departmental superior may not be the best course of action, the report should be made to Human Resources. Employees are encouraged to report workplace violence or harassment whether or not they are the victim of the violence or harassment.

All threats of (or actual) violence, both direct and indirect, and any other violations of this policy should be reported as soon as possible to the on-duty superior, to any other member of the County’s
leadership positions or to Human Resources. This includes threats by employees, as well as threats by vendors, solicitors, or other members of the public. When reporting a threat of violence, employees should be as specific and detailed as possible. Employees are encouraged to report, even if they are not the victim of the conduct.

Violation of this policy will lead to disciplinary action against the perpetrator, up to and including discharge. No person shall be retaliated against for making a report, and retaliation is prohibited.

D. SUPERVISOR’S RESPONSIBILITY
Each Elected Official, Appointed Official or Department Head has the responsibility to maintain the workplace free of violence. This duty includes discussing this policy with all employees and stressing the gravity of such conduct.