

	<b>GENERAL ORDER</b> <b>Effective: 02-28-2022</b>	<b># 02-03</b>
	<b>Section:</b> <b>Conduct &amp; Appearance</b>	<b>Replaces or Modifies:</b> <b>GO 02-03 (6-1-2017)</b>
	<b>Title:</b> <b>Sexual Harassment and Discrimination</b>  <b>Issued by:</b> <b>Chief Deputy Mattie Provost</b>	

**I. Purpose:**

To establish Fort Bend County Sheriff’s Office (FBCSO) standards and procedures concerning prohibited conduct as described by this General Order.

**II. Policy Statement:**

The Fort Bend County Sheriff’s Office is committed to ensuring a respectful work environment that is free from discrimination, harassment, and retaliation. 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.

**III. Definitions:**

Prohibited Conduct - Discrimination, workplace harassment, sexual harassment, and retaliation as defined or described in this General Order.

Complainant - The person making a complaint of any prohibited conduct as defined by this General Order. The complainant may also be a third party who witnesses such conduct.

Respondent - The person or persons reported as the offender in a prohibited conduct complaint.

Protected Categories - Specific categories listed in this General Order. These categories are based on Title VII Civil Rights Act (1964), Age Discrimination in Employment Act (ADEA) (1967), Title I Americans with Disabilities Act (ADA) (1990), the Pregnancy Discrimination Act, the Genetic Information Nondiscrimination Act of 2008 (GINA), including applicable amendments to such acts, and department policy.

Discrimination - 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.

Workplace Harassment - 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:

- a. Verbal harassment includes offensive or unwelcome comments such as slurs, epithets, and negative stereotyping regarding a person based on any protected status.

- b. 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.

Sexual Harassment – Unwelcome sexual advances, requests for sexual favors and other physical, verbal, or visual conduct based on sex when:

- a. 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
- b. 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.

Retaliation - Adverse employment actions including demotion, suspension, failure to promote, termination, unfair pay decisions, or other punitive actions that could have the effect of deterring a reasonable person from participating in the complaint process of prohibited conduct.

For conduct to be considered discrimination or harassment, it must involve misconduct based on at least one of the following protected categories:

- a. Race
- b. Color
- c. Gender and/or gender identity
- d. National origin
- e. Religion
- f. Pregnancy
- g. Age
- h. Disability
- i. Sexual orientation
- j. Genetic information

#### **IV. Details and Procedures**

##### **A. Reporting**

1. A complainant who feels they are the victim of prohibited conduct, has the following options available for handling the matter:
  - a. The employee may tell the instigator that their conduct is unwelcome and request that they stop the prohibited conduct immediately. If this addresses the problem to the employee satisfaction, it is not required to take any further action. Also, at any time, the employee may inform supervisory personnel about any such issue.
  - b. Of the employee does not feel comfortable addressing the instigator in the above manner,

the employee may choose to report the prohibited conduct to supervisory personnel. A complainant of prohibited conduct does not have to follow the chain of command and may report it to any level in the chain of command up to the Chief Deputy.

- c. If the complainant is reporting prohibited conduct made by the Chief Deputy, the complainant may report actions directly to the Sheriff. If the complainant is reporting prohibited conduct made by the Sheriff, the employee may report actions directly to the Chief Deputy.

#### B. Supervisory responsibility

1. A supervisor who receives a report of prohibited conduct, or who becomes aware of any prohibited conduct, will immediately notify the Division Commander through the chain of command so that immediate steps may be taken to protect complainant(s) from recurrence of prohibited conduct and so that an immediate investigation into the matter may be initiated.
2. The Division Commander will immediately notify the Chief Deputy.
3. If someone in the chain of command is the alleged respondent, then that person will be skipped and reporting shall go to higher authority.

#### C. Investigation

1. Upon receipt of a complaint of prohibited conduct it shall be forwarded to the Chief Deputy for investigation assignment.
2. Provisions of investigating these complaints are found in General Order 03-08 "Internal Affairs"
3. A sustained violation of this policy will result in appropriate disciplinary action in keeping with provisions of law and disciplinary policies. Further, the Chief Deputy will make necessary orders to ensure that any complainant of prohibited conduct will be reasonably protected from future prohibited conduct by the respondent(s).
4. If a sustained violation of this policy resulted in actions that denied an employee certain work benefits or opportunities the Chief Deputy will order and/or work with Fort Bend County HR and the Civil Service Commission as applicable to assist in restoration of work benefits or opportunities as is legally possible.
5. Employees involved in such investigations shall keep information confidential where law and policy allow. Only the Sheriff or Chief Deputy can authorize release of information on ongoing investigations.
6. If a complaint of prohibited conduct is made against the Chief Deputy, the Sheriff or someone appointed by the Sheriff shall perform the duties assigned to the Chief Deputy concerning that investigation.

#### D. Retaliation prohibited

1. No complainant who presents a complaint on prohibited conduct will be retaliated against in any manner.
2. No employee who serves as a witness to a complaint on sexual harassment will be retaliated against in any manner.
3. If an employee makes a false complaint or statement concerning prohibited conduct, that employee is subject to disciplinary action for the false complaint or statement as this is not retaliatory for purposes of this section.

**Only the Sheriff or Chief Deputy may authorize exceptions to this General Order.**

**Reference Material:**

**I. FORT BEND COUNTY EMPLOYEE INFORMATION MANUAL**

**A. SECTION 202 - Respectful Workplace: Discrimination, Harassment and Sexual Harassment Prevention**