

## **DIVISION 2. DISCRIMINATION, HARASSMENT, and RETALIATION POLICY**

### **Sec. 86-781. Dallas County Policy Statement and Purpose.**

- (a) This Policy defines discrimination, harassment, and retaliation in the workplace, outlines responsibilities for reporting and preventing such conduct, and explains the procedures for investigating and resolving discrimination, harassment, and retaliation complaints.
- (b) Dallas County prohibits all forms of unlawful discrimination, harassment, and retaliation and charges all employees with the responsibility for ensuring that the workplace is free from such conduct. This means that all employees must avoid any action, conduct, or behavior that could be viewed as unlawful discrimination, harassment, or retaliation and report any suspected discrimination, harassment, or retaliation. Any employee who violates this Policy may be subject to disciplinary action, up to and including termination.

(Admin. Policy Manual, § C(8.10 – 8.15)

(Ord. No. 2021 0077 – 01-19-2021)

### **Sec. 86-782. Definitions and Examples.**

- (a) *Complainant* means an employee or applicant who makes a report of discrimination, harassment, or retaliation to a supervisor, manager, or the Director of the Dallas County Human Resources/Civil Service Department/Director's designee.
- (b) *Supervisor or Manager* means an individual vested with the authority to control the working conditions or tangible job benefits of another employee.
- (c) *Unlawful discrimination* occurs when an employer fails or refuses to hire, discharges, or otherwise discriminates against an individual with respect to the compensation, terms, conditions, or privileges of employment because of protected characteristics, such as the individual's race, religion, color, sex, national origin, age, veteran status, pregnancy, leave status, or disability.
- (d) *Unlawful retaliation* refers to an adverse action taken against an employee because the employee engaged in activity protected by law, such as participating in an investigation related to discrimination, taking leave protected by the Family and Medical Leave Act, or reporting in good faith a violation of law by Dallas County to an appropriate law enforcement authority.
- (e) *Unlawful harassment* is unwelcome conduct based on a characteristic protected by law. Harassment is unlawful where (1) enduring the offensive conduct becomes a condition of continued employment or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

*Sexual harassment* is a type of unlawful harassment and refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or

condition of an individual's employment;

- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) 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.

Conduct considered harassment could include;

- Making derogatory or abusive statements, comments, slurs, noises, or gestures based on an individual's protected characteristic;
- Stereotyping, mocking, ridiculing, or mimicking an individual's culture, accent, appearance, or customs;
- Posting, circulating, or displaying written or graphic material (including cell phone pictures) that denigrates or shows hostility or aversion toward an individual or group based on a protected characteristic;
- Using sexually suggestive language or engaging in offensive touching, such as patting, pinching, or rubbing;
- Making unwelcome request for sexual favors, sexual advances, or requests for "dates"; and
- Implying, by words or actions, that an employee must tolerate or submit to sexual advances or offensive, inappropriate, or abusive conduct.

**Cross references:** Definitions generally, § 1-2.

(Ord. No. 2011 776 – 04-26-2011; Ord. No. 2021 0077 – 01-19-2021)

### **Sec. 86-783. Complaint Reporting, Investigation, and Resolution Procedures.**

- (a) Any employee who believes the employee or any other employee or applicant has been subjected to unlawful discrimination, harassment, or retaliation by a manager, supervisor, co-worker, vendor, customer, or other third party must report the alleged violation *immediately* to a supervisor or manager, elected official/department, *or* the Director of the Dallas County Human Resources Department/Director's designee.
- (b) All complaints of discrimination, harassment, and retaliation shall be taken seriously and addressed within a reasonable timeframe. After receiving a complaint, the recipient shall notify the Dallas County Human Resources Director/Director's designee. Upon receipt, the Human Resources Director/Director's designee shall promptly investigate and address the matter. This process may include interviews, a review of relevant documents, and temporary measures deemed necessary to protect employees or to preserve evidence, such as investigatory leave reassignment.
- (c) If it is determined that a Policy violation occurred, Dallas County will take appropriate actions designed to stop the inappropriate conduct and avoid its repetition. The Human Resources Director/Director's designee shall advise the complainant, the accused, and other relevant parties of any findings, taking care

to preserve confidentiality to the extent possible.

- (d) An employee may not retaliate against another employee for participating in the investigation.

(Admin. Policy Manual, § C(8.22))

(Ord. No. 2021 0077 – 01-19-2021)

**Sec. 86-784. Manager’s and Supervisor’s responsibilities.**

- a. Managers and supervisors shall take the initiative in preventing discrimination, harassment, and retaliation by:
  - (1) Modeling appropriate professional behavior in accordance with this Policy;
  - (2) Actively monitoring the work environment for indications of discrimination, harassment, and retaliation;
  - (3) Ensuring that each employee is aware of this Policy and of the procedure to report suspected incidents of discrimination, harassment, and retaliation;
  - (4) Ensuring that an employee does not suffer retaliation for reporting allegations of violations of this Policy or for cooperating in an investigation into alleged Policy violations;
  - (5) Taking appropriate disciplinary action when an investigation substantiates an allegation;
  - (6) Immediately reporting all complaints to the Dallas County Human Resources Director/Director’s designee; and
  - (7) Attending discrimination, harassment, and retaliation training at least once per year and ensuring subordinate employees attend such training at least once per year.
- b. Any manager or supervisor who fails to comply with these responsibilities may be subject to disciplinary action, up to and including termination.

(Admin. Policy Manual, § C(8.23, 8.24))

(Ord. No. 2011 1462 – 08-30-2011; Ord. No. 2021 0077 – 01-19-2021)

**Sec. 86-785. Employees’ responsibilities.**

- a. A county employee shall take the initiative in preventing unlawful discrimination, harassment, and retaliation by:
  - (1) Acting in a professional manner and in accordance with this Policy and all Dallas County policies designed to prevent lawful but inappropriate workplace conduct (such as bullying or commenting up—on an employee’s gender identity);
  - (2) Ceasing any conduct if told by a supervisor, manager, or co-worker that such conduct is offensive or otherwise inappropriate;
  - (3) Cooperating in any investigation into alleged violations of this Policy;

- (4) Immediately reporting perceived violations of this Policy to: a supervisor or manager, an elected official or department head, or the Director of the Dallas County Human Resources Department/Director's designee.
- (b) Any employee who fails to comply with these responsibilities may be subject to disciplinary action, up to and including termination.

(Admin. Policy Manual, § C(8.25--8.28))

(Ord. No. 2011 776 – 4-26-2011; 2011 1462 – 8-30-2011; 2021 0077; 01-19-2021)

**Secs. 86-785--86-810. Reserved.**