

HARASSMENT PREVENTION POLICY

OFFICE of COURT ADMINISTRATION

Policy

The Office of Court Administration (OCA), in compliance with all applicable federal, state, and local anti-discrimination and harassment laws and regulations, prohibits harassment of any kind, including sexual harassment.

Scope

All OCA employees, regardless of their positions, are expected to comply with this policy and to take appropriate actions to ensure that prohibited conduct does not occur. Any employee who violates this policy will be subject to disciplinary action, up to and including termination.

Discrimination

OCA prohibits discrimination in employment opportunities, benefits, and work conditions on the basis of race, color, religion, gender, sexual orientation, national origin, age or disability.

Harassment

OCA prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. Harassing conduct includes any verbal or physical conduct designed to threaten, intimidate, or coerce an employee, co-worker, or any person working for or on behalf of OCA. This includes racial and ethnic slurs, negative stereotyping, and threatening, intimidating, or hostile acts.

Sexual Harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under this policy. Sexual harassment under the law is defined as:

- Unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct of a sexual nature when (1) submission to the conduct is made either implicitly or explicitly a condition of the individual's employment, or (2) submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
- Harassment that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an environment which is intimidating, hostile, or offensive to the employee.

There are two types of sexual harassment:

- "Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better

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working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.

- “Hostile work environment,” where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or otherwise offensive environment.

In addition, Section 39.03 of the Texas Penal Code provides that a public servant acting under color of his office or employment commits a misdemeanor offense if he intentionally subjects another to sexual harassment. Sexual harassment is defined in that law as follows:

“Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person’s exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.”

Sexually-oriented jokes, remarks, gestures, or pictures in the workplace do not necessarily mean that sexual harassment has occurred. Nevertheless, such conduct is often offensive to other employees, and is thus prohibited by OCA. Engaging in such conduct may subject employees to appropriate disciplinary action.

Reporting Violations

Any employee of OCA who believes that he or she has been or may be subjected to conduct in violation of this harassment policy should contact the employee’s supervisor or OCA’s human resources director. Any employee who becomes aware of any such conduct by any employee, supervisor, or manager should immediately advise his or her supervisor or the human resources director.

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Employees who have complaints about the manager to whom they report may complain directly to the human resources director or the administrative director of OCA.

If a harassment complaint is made involving an associate judge, OCA will attempt to investigate. If the complaint or report appears justified, OCA will request that the presiding judge take appropriate corrective and preventive action.

To the extent possible, OCA will protect the confidentiality of employees who report complaints.

Retaliation

No hardship, loss, benefit or penalty may be imposed on any employee of OCA in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination.

Continued Monitoring

OCA will continue monitoring the circumstances surrounding the complaint to ensure the situation has been remedied.