

SUBJECT: SEXUAL MISCONDUCT		POLICY #: 203	NO. OF PAGES: 3
NOTES:	SUPERSEDES: NOVEMBER 30, 2017	EFFECTIVE DATE: JUNE 15, 2021	

I. Purpose

This policy establishes directives for recognizing, reporting, and handling sexual misconduct incidents involving employees.

II. Policy

The Harris County Sheriff's Office (HCSO) is committed to providing a workplace free from sexual misconduct. Sexual misconduct committed by members of the HCSO may constitute a violation of state and federal law. Every allegation of sexual misconduct will be thoroughly investigated, and those allegations found to be credible will result in prompt and appropriate disciplinary action.

III. Sexual Harassment

A. Sexual harassment is prohibited.

B. Sexual harassment refers to 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. [*Tex. Pen. Code § 39.03(c)*]

1. Making an employment decision as a result of a person submitting to, or rejecting, sexual harassment is prohibited.
2. Unwelcome conduct which unreasonably interferes with a person's work performance, or creates an intimidating, hostile, or abusive work environment is prohibited.
3. Romantic relationships between supervisors and those under their supervision are presumed to be coercive and may be deemed sexual harassment. Employees must comply with *Policy #248 – Supervisor-Subordinate Relational Disclosure* to avoid this outcome.

SUBJECT: SEXUAL MISCONDUCT	POLICY #: 203	NO. OF PAGES: 3
--------------------------------------	-------------------------	---------------------------

IV. Other Sexual Misconduct

- A. Any welcome or unwelcome sexual advance, request, or activity, verbal or physical, is prohibited while on-duty. These actions are also prohibited while off-duty if they adversely affect the HCSO or are in violation of law.
- B. The following non-exhaustive list provides examples of potential sexual misconduct prohibited by this policy:
 - 1. Sexual pranks, or repeated sexual teasing, jokes, or innuendo, in person or via any other form of communication;
 - 2. Verbal abuse of a sexual nature;
 - 3. Touching or grabbing of a sexual nature;
 - 4. Repeatedly standing too close to or brushing up against a person with the intent to receive sexual gratification;
 - 5. Repeatedly asking a person to socialize during off-duty hours when the person has refused or indicated he or she is not interested (supervisors in particular should be careful not to pressure their employees to socialize);
 - 6. Giving gifts or leaving objects that are sexually suggestive;
 - 7. Repeatedly making sexually suggestive gestures;
 - 8. Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace; and
 - 9. Off-duty, unwelcome conduct of a sexual nature that affects the work environment.

NOTE: A victim of sexual harassment can be any gender. The victim can also be of the same sex as the harasser. The harasser can be a supervisor, co-worker, or non-employee who has a business relationship with the HCSO.

V. Reporting Requirements

- A. Any employee made aware of a violation of this policy must immediately report the violation to their supervisor.
- B. If the violation involves a supervisor, the employee may notify any other supervisor and is not required to follow the chain of command.

SUBJECT: SEXUAL MISCONDUCT	POLICY #: 203	NO. OF PAGES: 3
--------------------------------------	-------------------------	---------------------------

- C. The notified supervisor will immediately contact the Internal Affairs Division (IAD) who will initiate an investigation in accordance with the Department Manual.
- D. The supervisor of the accused employee will not attempt to resolve a complaint of this nature with the victim, and is required to make immediate contact with the IAD on how to proceed.
- E. Having knowledge of an incident in violation of this policy, and failing to report it in accordance with this policy, will constitute a violation of this policy.
- F. The HCSO is committed to take action if it learns of possible sexual harassment or misconduct, even if the victim does not wish to file a formal complaint.

VI. Disciplinary Action

Any violation of this policy will result in disciplinary action up to and including termination, as well as referral for possible prosecution.

VII. Training

Employees will receive annual training on this policy and demonstrate their knowledge and understanding thereof.

- A. A copy of this policy will be issued to each employee during the training.
- B. Training will be documented, and records maintained by the HCSO Academy.

Revision

This policy has been revised on the below listed dates:

April 21, 2009
November 30, 2017
June 15, 2021