



CITY OF CORPUS CHRISTI

Subject: Harassment, Discrimination, and Retaliation

Administrative Directive: HR 18.0

Effective Date: 3/27/1995

Revised: FEB 23, 2024

Approved by:

 Feb 23, 24

Peter Zanoni, City Manager

Date

1. PURPOSE

- A. The purpose of this Administrative Directive (AD) is to prevent and expressly prohibit all forms of harassment, discrimination, and retaliation at all levels of employment with the City of Corpus Christi (City).

2. SCOPE

- A. This AD applies to all City employees, including part-time employees, temporary employees, volunteers, vendors, and contractors.
- B. In any case where this policy **conflicts** with provisions within Civil Services rules, Collective Bargaining Agreements, or Police and Fire policy, the established rules and procedures outlined in those existing documents shall govern.

3. UNLAWFUL HARASSMENT PROHIBITED

- A. Harassment on the basis of any legally protected class is **strictly prohibited**. This means that verbal or physical conduct that singles out, defames, or shows hostility or an aversion toward someone because of race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), disability, genetic information (including family medical history), veteran status, or other unlawful basis is prohibited.
- B. Prohibited conduct includes, but is not limited to, insults, slurs, and negative stereotyping; threatening, intimidating, or hostile conduct; defaming jokes and comments; and writings or pictures that single out, defames, or show hostility or aversion toward someone based

on a protected class. Conduct, comments, or innuendoes that may be perceived by others as offensive are inappropriate and are strictly prohibited.

C. The City does not condone any behavior or action, which constitutes sexual harassment. Under Equal Employment Opportunity Commission guidelines, sexual harassment in the workplace is described as follows:

- I. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendoes; verbal abuse of a sexual nature; commentary about an individual's body or sexual preference; leering; whistling; touching; insulting or obscene comments or gestures; displays in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.
 - a. Unwelcome sexual advances, defined as any invitation, no matter how blatant or subtle, which is intended to result in coerced sexual intercourse; requests for sexual favors; and all other verbal or physical conduct of a sexually offensive nature, especially where:
 - i. Submission to such conduct is clearly expressed or implied as a condition of employment by the person with authority by directly or indirectly threatening to base work-related decisions affecting an individual's employment on such submissions (e.g., promotions; desirable work assignments; future job opportunities; performance appraisals; merit pay recommendations; disciplinary actions up to and including termination).
 - ii. Such conduct has the purpose or effect of creating a hostile work environment. Examples of this type of sexual harassment include repeated unwelcome sexual flirtations, advances, or propositions; continued or repeated verbal abuse of a sexual nature; the display of sexually suggestive objects or pictures; any uninvited and unwelcome physical contact or touching, including patting, hugging, pinching, or repeated brushing against another's body; threats; assaults.
 - iii. Continued or repeated sexually explicit comments, such as describing a person's body; sexually explicit jokes and/or innuendoes; and other sexually oriented statements, which include the use of derogatory and insulting terms related to an employee of the same or opposite sex;

offensive calendars, magazines, or posters; suggestive or insulting sounds; leering; whistling; obscene gestures.

- II. This policy also prohibits sending, showing, sharing, or distributing in any form inappropriate jokes, pictures, comics, stories, etc., including but not limited to facsimile, texting, e-mail, and internet/intranet.

4. UNLAWFUL DISCRIMINATION PROHIBITED

A. The City will not tolerate discrimination against any applicants, employees, or independent contractors by supervisors, co-workers, customers, vendors, volunteers, agents, or any other third parties.

B. Discrimination occurs when an individual is subject to an adverse employment action because of the individual's membership in a protected class. Protected classes include race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), disability, genetic information (including family medical history), and veteran status.

C. Although not an exhaustive list, below are examples of conduct that could constitute discrimination pursuant to federal laws and this policy:

- I. Harassment on the basis of race, color, religion, sex, national origin, disability, genetic information, or age;
- II. Retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
- III. Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or national origin, or individuals with disabilities, or based on myths or assumptions about an individual's genetic information; and/or
- IV. Denying employment opportunities to an individual because of marriage to, or association with an individual of a particular race, religion, national origin, an individual with a disability, or because of participation in schools or places of worship associated with a particular racial, ethnic, or religious group.

5. UNLAWFUL RETALIATION PROHIBITED

A. Retaliation against employees for opposing alleged employment discrimination, harassment, sexual harassment, or gender harassment or for filing a charge, testifying, assisting, or participating in any manner in an Equal Employment Opportunity investigation, proceeding, or hearing is prohibited. Acts of retaliation must be reported immediately, as provided in Section 6 Mandatory Reporting.

6. MANDATORY REPORTING

A. The City requires that employees report all perceived incidents of harassment, discrimination, and/or retaliation regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment, discrimination, and/or retaliation in the workplace or who feels that he/she has been subjected to conduct prohibited by this policy must report it immediately to:

- I. Department Director; and/or
- II. Executive Leadership Team Member; and/or
- III. Director of Human Resources or designee; and/or
- IV. City Manager or designee.

B. Reports of harassment, discrimination, and/or retaliation should be made in good faith and truthful.

C. Any Supervisor, Manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise their immediate Supervisor or the Director of Human Resources or designee.

- I. Any employee with management responsibility who becomes aware of harassment in their work area must take corrective actions whether or not a formal complaint has been filed.
- II. Managers who fail to properly address harassment in their workplace may be disciplined, up to and including termination.

7. INVESTIGATION

- A. The Director of Human Resources or designee shall cause the matter to be promptly investigated. All parties involved in the investigation of a complaint must provide full and complete information relevant to the complaint. The complainant will be informed of the results of this investigation. Refer to HR 49.0 Complaints Against Employees.

8. CONFIDENTIALITY LIMITATIONS

- A. Under existing Texas law, confidentiality cannot be assured, and requests may have to be referred to the Attorney General for a ruling on confidentiality. An investigation of a complaint may necessitate divulging information to individuals who are directly named in the complaint, who may have witnessed the alleged harassment, or others with a need or right to know.

9. DISCIPLINARY ACTION

- A. Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Discipline, up to and including termination of employment, will be imposed upon any employee who is found to have engaged in conduct prohibited by this directive.

10. QUESTIONS

- A. Questions regarding this administrative directive should be shared with the employee's direct supervisor or the Human Resources Director or their designee, which can be contacted at (361) 826-3300.