

Harassment and Discrimination Prevention, Reporting and Investigation	S.O.P. 1B		Page 1 of 4
	10/01	Rev. 1	
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	Approved By:		
STANDARD OPERATING PROCEDURE			

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I. SCOPE AND PURPOSE

- A. This Harassment and Discrimination Prevention, Reporting and Investigation Procedure have been developed to provide a method to recognize and prevent such acts in the workplace. Our goal is to provide a working atmosphere in which every individual is valued and treated equally with dignity and respect.
- B. This procedure applies to all Company personnel in the workplace itself and in the other work-related settings, such as work-related social events and work-related travel.

II. RELATED PROCEDURES AND RESOURCES

- A. Sexual Harassment Policy Statement
- B. Equal Employment Policy Statement
- C. Workplace Violence Policy Statement
- D. S.O.P. 1C, Workplace Violence Prevention, Reporting and Investigation Procedures

III. PERSONNEL RESPONSIBILITY

- A. All Personnel
 - 1. It is the responsibility of all employees to treat all other employees with respect. All employees will be responsible for their actions. Any employee that is found to have violated another person's right, through harassment or discrimination, will be held accountable.
 - 2. Given the nature of harassment and discrimination, "The Company"

recognizes that false accusations can have serious effects on innocent women and men. All employees are expected to act responsibly in reporting harassment and discrimination.

B. Management:

1. Any management employee who has reason to believe harassment or discrimination may be occurring or has received a complaint of either, is required to report the alleged or perceived conduct to either the Human Resource Manager or the Managing Partner for investigation and participate in the investigation as requested.

C. Supervisor:

1. The supervisor must have available related Policy Statements at the jobsite, where employees can read it.
2. It is the supervisor's responsibility to ensure that all employees are treated equally, based on their merit and to recognize and prevent harassment of all types.
3. All supervisors are responsible for knowing and implementing related policies and their procedures.
4. Supervisors shall recognize that harassment and discrimination can lead to violence in the workplace and should refer to the Workplace Violence Prevention Procedure as needed.
5. It will be the responsibility of the supervisor to report all complaints to appropriate personnel and keep all complaints confidential.

D. Employee:

1. Employees are advised to inform the alleged perpetrator that their words or action are not welcome and are offensive. It will be the responsibility of the employee who believes they have been or are being harassed or discriminated against, to report the acts directly to their Supervisor or use the information provided on the appropriate policy statement to report the complaint.

E. Investigators:

1. Investigators shall be available to answer all questions about the policy, or its implementation.

IV. RECOGNIZING HARASSMENT AND DISCRIMINATION

A. **Sexual Harassment:** Unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. It is either stated or implied that submission to such conduct is 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 individuals.
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.

4. Some examples of conduct that may alone or in cumulative effect, be sexual harassment in violation of this policy are as follows:

<u>Verbal (Spoken)</u>	<u>Non-Verbal</u>	<u>Physical</u>
Sexual Innuendoes (Implication or Hinting)	Leering	Touching or Pinching
Suggestive Comments	Whistling	Brushing Against
Insults	Obscene Gestures	Blocking Normal Movements
Sexual Humor & Jokes		Forced Intercourse
Threats or Sexual Demands		Assault

- B. **Discrimination:** When one is distinguished by class or category, such as race, gender, age, etc., without regard to individual merit and is shown preference or prejudice that effects employment, promotion, demotion, transfer, layoff, or termination, and the like. Examples include, but are not limited to:
1. Reduction in force based on age, sex, race.
 2. Promotion or demotion of persons based on nationality, color, sex, age.
 3. Layoff, termination, or rate of pay based on gender, national origin, disability, age, or the like.

V. REPORTING A COMPLAINT

- A. While “The Company” encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, “The Company” also recognizes that power and status disparities between and alleged harasser and a target may make such a conformation impossible.
- B. In the event that such informal, direct communication between individuals is either ineffective or impossible, the employee who believes they have been the subject of harassment or discrimination should report the alleged act immediately or as soon as possible either to their immediate supervisor or to the following individuals:
1. Human Resources Manager Main Office 361-884-4906
 2. Managing Partner 361-438-6655

VI. INVESTIGATION PROCEDURE

- A. Each charge of harassment or discrimination shall be investigated by the Managing Partner and/or the Human Resource Manager.
- B. The investigation shall be prompt, thorough, and impartial.
- C. Confidentiality shall be maintained throughout the investigation process to the extent practical and appropriate under the circumstances.
- D. In pursuing the investigation, the investigator will try to take the wishes of the complainant under consideration, but will thoroughly investigate the matter,

keeping the complainant informed as to the status of the investigation.

- E. “The Company” may consult with its attorneys in order to determine whether any conduct found to have occurred constitutes harassment or discrimination.
- F. If harassment or discrimination is found to have occurred, “The Company” will take prompt remedial action to end the harassment or discrimination. In addition, “The Company” may make subsequent inquiries, from time to time, to ensure that any such harassment has not suffered any retaliation.

VII. DISCIPLINE

- A. Any employee, supervisor or manager found by the company to have harassed or discriminated another employee will be subject to appropriate discipline, up to and including harassment.
- B. The complainant will be informed of the disciplinary action taken.

VIII. PROTECTION AGAINST RETALIATION

- A. “The Company” will not in any way retaliate against an individual who makes a complaint of harassment or discrimination or against any participant in the investigation, nor will “The Company” permit any partner or employee to do so. Retaliation is a serious violation of the policies of “The Company” and should be reported immediately.
- B. Any person found to have retaliated against another individual for reporting a complaint will be subject to the same disciplinary action for harassment and discrimination as offenders.