

**BOCC POLICY: SECTION NUMBER 01.27.00.00**

**SUBJECT: Prohibition of Sexual Harassment**  
**EFFECTIVE DATE: August 18, 2021**  
**SUPERCEDES: October 21, 2009**

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**PURPOSE AND POLICY**

Sexual harassment and retaliation are prohibited and will not be tolerated by the Hillsborough County Board of County Commissioners.

I. Applicability of Policy

This policy applies to the Commissioners serving on the Board of County Commissioners. This policy also applies to any employee serving as a Commissioner's Aide and also applies to any intern or volunteer working with the Board or individual Commissioner's office.

II. Definitions

- A. Sexual Harassment – Any unwelcome conduct of a sexual nature including, but not limited to sexual advances, requests for sexual favors, verbal, written or physical conduct that is sufficiently severe or pervasive that it creates an intimidating, hostile, or offensive work environment or that results in an adverse employment decision (i.e. termination, demotion, withholding of pay increase).

Harassment can also include offensive remarks about a person's sex (for example, is illegal to harass a woman by making offensive comments about women in general).

Both the person alleging harassment and the harasser can be either a woman or a man, or the same sex.

Examples of Prohibited Sexual Harassment Behaviors that can constitute sexual harassment under this policy include, but are not limited to:

- Any verbal or physical conduct of a sexual nature that may threaten or insinuate either explicitly or implicitly that any person's submission to or rejection of sexual advances will in any way influence any decision regarding that person's employment, evaluation, wages, advancement, assigned duties or any other condition of employment or career development;
  - Repeated unwelcome flirtations or advances;
  - Any sexually harassing behavior, whether verbal, written, visual or physical, including but not limited to comments about an individual's body; the use of sexually degrading words to describe an individual; offensive comments; off-color language or jokes; sexual innuendoes; the display of sexually suggestive objects, books, magazines, photographs, cartoons or pictures;
  - Unwelcome, offensive or abusive physical contact;
  - Physical harassment such as assault, unwanted touching, blocking normal movement, or interfering with a person's ability to do his or her job;
  - Offensive or abusive physical contact;
  - Explicit, degrading or unwelcome verbal, written or electronic communication about an individual's appearance;
  - Sexual based pranks or horseplay.
- B. Retaliation – Retaliation is an adverse action taken against someone who in good faith has reported sexual harassment or assisted the County in the investigation of a complaint. Retaliation is against this policy and is against the law and will not be condoned.

For example, you cannot punish an employee, intern, or volunteer for cooperating in the investigation of a sexual harassment claim.

Adverse action may include, but is not limited to: demotion, discipline, firing, salary reduction, negative evaluation, change in job assignment, refusing to recommend an employee, intern, or volunteer for a benefit for which he or she qualifies, spreading rumors about the employee, intern, or volunteer, encouraging hostility from co-workers, and escalating the sexual harassment. Employees, interns, and volunteers must report incidents they believe to be retaliatory immediately to the County Attorney.

### III. Directives

- A. Sexual harassment is not acceptable and will not be tolerated. Persons covered by this policy must immediately report incidents they believe are

violations of this policy to the County Attorney.

- B. This policy also prohibits sexual harassment of any Commissioner's Aide, intern, or volunteer by or towards third parties with whom the Commissioner's Aides, interns, or volunteers may come into contact as a result of their job duties. Third parties may include (but are not limited to) Hillsborough County employees, contractors, vendors, constituents and visitors to County Center. Any Commissioner's Aide, intern, or volunteer who believes he or she has experienced sexual harassment by a third party must immediately report the situation to the County Attorney.
- C. This policy prohibits conduct that may or may not amount to sexual harassment under the law, as well as conduct that may or may not amount to a statutory violation of county, state, or federal policies, rules or laws governing standards of conduct of employees. It is the purpose of this policy to stop all forms of sexual harassment before the conduct arises to a level of a violation of law. This policy prohibits conduct that may amount to sexual harassment under the law, as well as conduct that may not amount to a statutory violation of sexual harassment.
- D. This policy prohibits sexual harassment no matter where the conduct occurs. Conduct outside County Center, including but not limited to conduct at training sessions, during business travel, conferences or work-related social gatherings, whether it occurs during or after regular business hours, may constitute sexual harassment.
- E. The County will ensure each complaint of sexual harassment is properly investigated.
- F. The County cannot guarantee confidentiality. If an investigation is warranted, the County will make every attempt to keep the information provided and developed during the investigation process confidential.
- G. During an investigation, it may be necessary to separate the person claiming potential sexual harassment from the person about whom she or he believes is the cause of the potential sexual harassment. As elected officials, Commissioners must continue fulfilling their obligations to their electorate and, therefore cannot be reassigned, even on a temporary basis. The Chairperson or, in the event the Chairperson has been accused of sexual harassment, the Vice-Chairperson, will first consult with the County Attorney and then determine the appropriate course of action. After that consultation the Chairperson (or the Vice-Chairperson when appropriate) may reassign the employee, intern, or volunteer, or place on paid administrative leave the employee who believes he or she has experienced sexual harassment.

- H. Persons covered by this policy must immediately report incidents they believe constitute retaliation to the County Attorney.
- I. A report of sexual harassment is an extremely serious matter that could have a very damaging effect on an accused individual's professional and personal reputation, career and personal life. A report of sexual harassment should not be used to address complaints for something other than sexual harassment or made to achieve some purpose other than the eradication of sexual harassment.
- J. If the County determines an employee, intern, or volunteer has purposefully and intentionally made allegations of sexual harassment which he or she knows to be untrue, disciplinary action may be taken against the employee, intern, or volunteer, up to and including dismissal from employment or position. If the County determines an employee, intern or volunteer has provided false information regarding a complaint of sexual harassment, disciplinary action may be taken against the employee, intern, or volunteer, up to and including dismissal from employment or position.

**Approved By:** Board of County Commissioners  
**Approval Date:** August 18, 2021