

**BOCC POLICY: SECTION NUMBER 07.18.00.00**

**SUBJECT: Prohibition of Discrimination and Discriminatory Harassment**  
**EFFECTIVE DATE: August 18, 2021**  
**SUPERCEDES: December 16, 2009**

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**PURPOSE AND POLICY**

Discrimination, discriminatory 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 any intern or volunteer working with the Board or individual Commissioner's office.

II. Definitions

- A. Discrimination in employment is an employment decision based on race, sex (including sexual orientation, gender identity, or pregnancy), religion, color, national origin, disability, marital status, age, genetic information, or any other characteristic protected by law.
- B. Employment decisions include, but may not be limited to, recruitment, selection, hiring, retention, training, transfer, demotion, promotion, dismissal and discipline.
- C. Terms or conditions of employment include, but may not be limited to, compensation and benefits, work hours, granting or denial of vacation requests, etc.
- D. Genetic information is information about (1) an individual's genetic tests; (2) the genetic tests of family members of such individual; and (3) the manifestation of a disease or disorder in family members of such individual.
- E. Discriminatory Harassment. Unwelcome verbal, written, or physical conduct relating to an individual's race, color, sex (including sexual orientation, gender identity, or pregnancy), age, religion, national origin, disability, marital status, genetic information, or other characteristic protected by law that has the purpose or effect of unreasonably interfering with or creating an offensive or hostile work environment is prohibited discriminatory harassment. The following are examples of conduct that can constitute such harassment under this policy:

- Using epithets or slurs;
  - Mocking, ridiculing or mimicking another's culture, accent, appearance, color or customs;
  - Unwelcome, offensive or abusive physical contact;
  - Threatening, intimidating or engaging in hostile or offensive acts that focus on an individual's race, color, sex (including sexual orientation, gender identity, or pregnancy), age, religion, national origin, disability, marital status, genetic information, or any other characteristic protected by law;
  - Offensive jokes or pranks;
  - Physical harassment such as assault, unwanted touching, blocking normal movement, or interfering with a person's ability to do his or her job;
  - Posting offensive material on walls, bulletin boards or elsewhere on County property;
  - Circulating offensive material in the workplace, in writing, by electronic means or otherwise.
- F. Retaliation. Retaliation is an adverse action taken against someone who in good faith has reported discrimination and/or discriminatory 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 discrimination or discriminatory harassment claim.

- G. 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 discrimination or discriminatory harassment. Employees, interns, and volunteers must report incidents they believe to be retaliatory immediately to the County Attorney.

### III. Directives

- A. Discrimination in employment decisions or terms or conditions of employment on the basis of race, sex (including sexual orientation, gender identity, or pregnancy), religion, color, national origin, disability, marital status, age or genetic information or any other characteristic protected by law, is not acceptable and will not be tolerated. Discriminatory harassment is also 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 discrimination and discriminatory harassment of any Commissioner's Aide, intern, or volunteer by or toward any 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 discriminatory 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 discrimination or discriminatory 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 discrimination and discriminatory harassment before the conduct arises to a level of a violation of law. This policy prohibits conduct that may amount to discrimination and discriminatory harassment under the law, as well as conduct that may not amount to a statutory violation.
- D. This policy prohibits discrimination and discriminatory 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 discrimination or discriminatory harassment.
- E. Commissioners and their Aides must report to the County Attorney any potential discrimination or discriminatory harassment that comes to their attention.
- F. The County Attorney will ensure each complaint of discrimination or discriminatory harassment is properly investigated.
- G. 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.
- H. During an investigation, it may be necessary to separate the person claiming potential discrimination or harassment from the person about whom she or he believes is the cause of the potential discrimination or 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 discrimination or 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 discrimination or harassment.
- I. Any form of retaliation against an individual for making a report of potential discrimination or harassment or for assisting in the investigation of such a report is strictly prohibited.
- J. Persons covered by this policy must immediately report incidents they believe constitute retaliation to the County Attorney.
- K. Reports of perceived retaliation should be made promptly and in the same manner as reports of discrimination or harassment. The County Attorney will ensure each such complaint is promptly investigated.
- L. A report of discrimination or discriminatory 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 discrimination or discriminatory harassment should not be used to address complaints for something other than discrimination or discriminatory harassment or made to achieve some purpose other than the eradication of discrimination or discriminatory harassment.

- M. If the County determines an employee, intern, or volunteer has purposefully and intentionally made allegations of discrimination or discriminatory 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 discrimination or discriminatory harassment, disciplinary action may be taken against the employee, intern, or volunteer, up to and including dismissal from employment or position.
- N. This policy is not intended to limit or constrain the employer's right to manage. For example, work assignments, performance reviews, coaching, work evaluation and disciplinary measures taken by a manager or supervisor, in good faith for valid reasons, do not constitute harassment in the workplace. These supervisory and management actions must remain respectful of the individual. This policy will not, under any circumstances, be used to impede the supervisory relationship, nor is it intended to inhibit normal social interaction in the workplace.

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