



EXECUTIVE ORDER

Prohibition on Workplace Discrimination and Harassment

EO No.

EO 1-50

Effective Date:

Upon Approval

1. PURPOSE

1.1. The purpose of this policy is to:

- 1.1.1. Provide a workplace free from discrimination/harassment based on a protected characteristic and free from retaliation for reporting conduct prohibited by this executive order; and
- 1.1.2. Provide the process for reporting and investigating workplace discrimination, harassment and retaliation pursuant to this executive order.

2. OBJECTIVE

2.1. The objective of this policy is to:

- 2.1.1. Define workplace discrimination, harassment, retaliation, and other prohibited conduct under this executive order;
- 2.1.2. Establish a procedure for reporting and addressing allegations of workplace discrimination, harassment, and retaliation as defined by this executive order.

3. SCOPE

- 3.1. This policy governs the conduct of City employees only. It does not impose obligations on, or authorize discipline of, vendors, contractors, citizens, or other non-employees. References in this policy to non-employees are included solely to define an employee's obligations, including an employee's obligation not to discriminate against or harass a non-employee and an employee's obligation to report, and not ignore, discrimination or harassment directed at City employees by a non-employee.
- 3.2. This policy governs employee conduct in all City workplaces and vehicles, during business travel, in any location where City business is conducted, and in any other setting where an employee's conduct has a connection to or impact on the workplace, regardless of whether the property is owned or leased by the City and regardless of whether the employee's conduct involves other City employees or non-employees.
- 3.3. This policy applies to all employees regardless of civil service status, classification, pay grade, length of employment, or employment status.
- 3.4. This policy applies to employee conduct regardless of whether it occurs during working hours, during lunch breaks, or off duty.

4. DEFINITIONS

Discrimination: Decisions regarding employment based on a protected characteristic that adversely affect the terms, conditions, or privileges of employment, including but not limited to an employee's pay, status, position, or assignment; opportunities for overtime pay and advancement; and decisions regarding recruitment, appointment, compensation, promotion, discipline, demotion, transfers, scheduling, layoff, recall, termination, and training opportunities. Discrimination also shall mean to distinguish, differentiate, separate, or segregate, to either the advantage or disadvantage of any person, on the basis of protected characteristics as defined by

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Date Approved:

9/8/2026

Page 1 of 7

this executive order in the consideration, award, or administration of any contract or in the authorizing or making available the use of city facilities or in the delivery of city services.

Gender identity: An individual's concept of self as male, female, a blend of both, or neither. Individuals' gender identity can be the same as or different from their biological sex assigned at birth.

Genetic information: An individual's genetic tests, the genetic tests about an individual's family members, and the manifestation of disease or disorder in family members of an individual. The term does not include the age or sex of any individual.

Protected characteristics: An individual's race, color, national origin, marital status, religion, age, sex, sexual orientation, gender identity, genetic information, disability, military service, or any other legally protected characteristic.

Retaliation: An employee's conduct or *decisions* that a reasonable employee would view as *materially* adverse and the purpose of which is to discourage employees from opposing any conduct prohibited by this executive order, or because the employee has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing pursuant to this executive order.

Sexual harassment: Unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome verbal comments of a sexual nature, unwelcome physical contact or touching, or unwelcome displays or distribution of sexually-oriented material.

Sexual orientation: An inherent or immutable enduring emotional, romantic, or sexual attraction to other people.

Workplace harassment: Any unwelcome verbal, written, or physical conduct that denigrates or shows hostility or aversion toward a person on the basis of a protected characteristic that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an employee's work performance; or 3) affects an employee's employment opportunities or compensation.

5. POLICY DETAILS

General Provisions

- 5.1. The City of Houston is committed to providing a work environment free from discrimination, harassment, and retaliation as described in this executive order.
- 5.2. Discrimination and harassment based upon a protected characteristic, as defined herein, will not be tolerated.
- 5.3. No employee shall discriminate against or harass any individual based on a protected characteristic as defined in Section 4 of this executive order.
- 5.4. No employee shall discriminate against or harass any individual based on protected characteristics regardless of whether the complainant and the respondent have the same or different protected characteristics.
- 5.5. No employee shall create an intimidating, disruptive, hostile, or offensive work environment by engaging in prohibited conduct as set out in the executive order.
- 5.6. No employee shall engage in retaliation against another for engaging in a protected activity under this policy or for making a complaint of discrimination or harassment, as defined by this policy.
- 5.7. Employees who become aware of behavior which may violate this policy shall promptly report it in

accordance with Sections 6 and 7 below. A delay in reporting prohibited conduct defined in this policy may impair the City's ability to investigate or to take corrective action and may lead to corrective action up to and including an indefinite suspension or termination.

- 5.8. Employees who initially submit oral complaints may be required to submit their complaints in writing.
- 5.9. All complaints of conduct that would violate this policy received by the HR Employee Relations Specialist or liaison assigned to the department shall be transmitted to the OIG for review and advice on appropriate next steps.

Examples of Prohibited Conduct

- 5.10. Discrimination or harassment based on a protected characteristic as described in this policy, includes but is not limited to:
 - 5.10.1. Offensive and unwelcome name-calling, jokes, slurs, negative stereotyping, threats, staring, giving inappropriate gifts, visual images, such as derogatory or offensive pictures, cartoons, drawings, posters, screen savers, or gestures, whether in hard copy or electronic form.
 - 5.10.2. Insults, critical or mocking comments or remarks, names, epithets, statements about physical characteristics or dress, and symbols or stories that are lewd, menacing, demeaning, derogatory, or objectively offensive.
 - 5.10.3. Perpetuating or promoting stereotypes.
 - 5.10.4. Submission to unwelcome conduct that is made either explicitly or implicitly a term or condition of an individual's employment.
 - 5.10.5. Submission to or rejection of unwelcome conduct by an individual being used as a basis for employment decisions affecting that individual.
 - 5.10.6. Unwelcome conduct that has the purpose or effect of interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.
 - 5.10.7. Unsolicited and unwelcome flirtations, touching of any kind, advances, communications, and/or propositions of a sexual nature.
 - 5.10.8. Making an adverse decision against a person who refuses to comply with a request of a sexual nature or making favorable decisions because of compliance with requests of a sexual nature.
 - 5.10.9. Threatening, either directly or indirectly, to retaliate against a person who refuses to comply with or submit to a request of a sexual nature.
 - 5.10.10. Unwelcome physical contact, including touching, grabbing, pinching, or massaging.
 - 5.10.11. Inappropriate display or distribution of materials that ridicule or insult any person on the basis of a protected characteristic, including video images, audio clips, or graffiti.
 - 5.10.12. Use of electronic equipment, including computer networks, cell phones, and copy machines, to transmit or display objectively offensive material.
 - 5.10.13. Romantic or sexual relationships between supervisors and subordinates raise concerns of conflict of interest, favoritism and potential sexual harassment. Therefore, supervisors and managers are prohibited from initiating, pursuing, engaging in, or maintaining a romantic or sexual relationship with an employee in their chain of command or over whom they exercise

direct or indirect supervisory authority.

5.10.13.1. If such a relationship exists or occurs as a result of an employee transfer or similar circumstance, both parties are required to immediately report the relationship to the next level supervisor or manager in the chain of command and the HR Employee Relations Specialist or liaison assigned to the department.

5.10.13.2. Failure of a supervisor or manager to immediately report a romantic or sexual relationship with an employee in their chain of command or over whom they exercise direct or indirect supervisory authority may result in corrective action up to and including indefinite suspension.

5.10.13.3. When such a relationship is reported, the affected department, in conjunction with the HR Employee Relations Specialist or liaison assigned to the department, shall investigate the circumstances and determine next steps, which include removing any supervisory authority of the supervisor or manager over the employee.

Seeking Advice or Information

5.11. Any individual may seek advice or information on matters related to this policy without lodging a formal complaint.

5.12. Employees may contact the City's Office of the Inspector General by calling its Hotline at (832) 394-5100, contacting the HR Employee Relations Specialist or liaison assigned to their Department, or visiting the Human Resources Department's Civil Service & EEO Division located at 611 Walker, 4th Floor, Houston, TX 77002.

Retaliation

5.13. No employee shall retaliate against any individual for engaging in protected activities under this policy.

5.14. Protected activities include, but are not limited to:

5.14.1. Filing a complaint under this policy;

5.14.2. Filing a complaint with an external government agency, such as the Equal Employment Opportunity Commission (EEOC) or the Texas Workforce Commission: Civil Rights Division;

5.14.3. Providing information during an investigation of a complaint filed pursuant to this policy;

5.14.4. Testifying or participating in a proceeding concerning an alleged violation of this policy or applicable law; or

5.14.5. Opposing conduct prohibited by this policy.

5.15. Employees who engage in or knowingly permit retaliation under this policy are subject to corrective action, up to and including indefinite suspension or termination.

6. RESPONSIBILITIES

6.1. Department Directors are responsible for:

6.1.1. Abiding by this policy;

6.1.2. Rigorously enforcing the standards imposed by this policy;

- 6.1.3. Taking appropriate action to ensure that complaints are investigated;
- 6.1.4. Administering corrective action, up to and including termination or indefinite suspension when violations of this policy are sustained;
- 6.1.5. Taking reasonable measures to prevent future violations if or when violations of this policy occur;
- 6.1.6. Ensuring that employees receive periodic training on this policy; and
- 6.1.7. Completing periodic training on this policy.
- 6.2. Supervisors and managers are responsible for:
 - 6.2.1. Abiding by this policy;
 - 6.2.2. Reporting allegations or observations of prohibited conduct covered by this policy to the HR Employee Relations Specialist or liaison assigned to his or her department or the OIG;
 - 6.2.3. Reporting conduct prohibited by this policy even if the affected person does not wish to file a complaint or asks that the complaint or allegations not be shared with anyone;
 - 6.2.4. Taking concerns of prohibited conduct under this policy seriously by notifying OIG and/or HR promptly;
 - 6.2.5. Refraining from retaliating or permitting retaliation under this policy; and
 - 6.2.6. Completing periodic training on this policy.
- 6.3. Employees are responsible for:
 - 6.3.1. Abiding by this policy;
 - 6.3.2. Reporting allegations or observations of prohibited conduct covered by this policy at the earliest possible time to the HR Employee Relations Specialist or liaison assigned to his or her department or the OIG;
 - 6.3.3. When observing prohibited conduct at any time in the workplace covered by Section 3 of this policy, promptly notifying the HR Employee Relations Specialist or liaison assigned to their department or the OIG; and
 - 6.3.4. Completing periodic training regarding this policy.
- 6.4. The HR Employee Relations Specialist or liaison assigned to the department is responsible for:
 - 6.4.1. Abiding by this policy;
 - 6.4.2. Documenting and acknowledging any reported complaints of prohibited conduct under this policy, regardless of whether the complaint is formal or informal;
 - 6.4.3. Assessing whether complaints received are covered by this policy and should be referred to the OIG;
 - 6.4.4. For complaints not referred to the OIG, maintaining a written record of the complaint, including the terms and conditions of the resolution; if any;
 - 6.4.5. Advising managers and supervisors on appropriate interim measures to protect employees and

preserve the integrity of the process; and

6.4.6. Promptly notifying OIG upon observing prohibited conduct covered by this policy.

6.5. The HR Department Director is responsible for developing training programs, additional guidelines, and procedures as necessary to implement compliance with this policy.

6.6. The Mayor is responsible for oversight if the department director is the subject of a complaint under this policy.

7. PROCEDURE

7.1. A person who believes they have been subjected to conduct prohibited by this policy is encouraged to inform the alleged offender that the conduct in question is unwelcome or offensive.

7.1.1. If this approach is unsuccessful or not feasible, the employee may pursue formal means of resolution.

7.2. The following process shall be used to report and address concerns or allegations of conduct prohibited by this policy:

7.2.1. The employee shall inform, in writing or verbally, OIG, their immediate supervisor, a manager in their chain of command, or the HR Employee Relations Specialist or liaison assigned to their department.

7.2.2. If the employee informs the immediate supervisor or a manager in the chain of command, the person receiving the complaint shall promptly notify OIG or HR Employee Specialist or liaison assigned to the department.

7.2.3. If the employee informs the HR Employee Relations Specialist or liaison of the department, the HR Employee Relations Specialist or liaison shall assess whether the conduct falls under this policy and, if so, it shall be referred to the OIG.

7.2.4. If the concern or allegation does not involve conduct prohibited by this policy or applicable laws, the HR Employee Relations Specialist or liaison shall assist the employee in identifying appropriate avenues for resolution.

7.2.4.1. The HR Employee Relations Specialist or liaison may also provide guidance to management and/or refer the matter to the OIG for further review.

7.3. Employees may also file a complaint with the:

7.3.1. U.S. Equal Employment Opportunity Commission (EEOC):

7.3.1.1. By submitting a complaint via the EEOC Public Portal at <https://publicportal.eeoc.gov/Portal/Login.aspx>; or

7.3.1.2. In person by visiting the Houston District Office located at the Mickey Leland Building, 1919 Smith Street, 6th Floor, Houston, TX 77002.

7.3.2. Texas Workforce Commission, Civil Rights Division by:

7.3.2.1. Completing an Employment Discrimination Complaint Form via their online portal at <https://apps.twc.texas.gov/EDISS/ediss?execution=e1s1>;

7.3.2.2. Sending an email to EEOintake@twc.texas.gov; or

7.3.2.3. Mailing complaints to the TWC Civil Rights Division, 101 E 15th St, Guadalupe CRD, Austin, TX 78778-0001.

7.3.3. Certain procedural requirements and deadlines may apply.

7.3.4. Information regarding these agencies shall be posted on the department's designated bulletin boards.

8. COMPLIANCE

8.1. Adherence to this policy is mandatory.

8.2. Any employee who fails to comply with this policy shall be subjected to corrective action up to and including an indefinite suspension or termination.

9. CONFLICT AND REPEAL

9.1. This Executive Order supersedes Executive Order 1-50, effective April 6, 2012 and revised February 28, 2019, which shall be of no further force or effect.

9.2. In the event of a conflict between this Executive Order and any federal, state, or local law, the federal, state, or local law supersedes this Executive Order.

10. APPENDIX

10.1. Article VI, Section 7a, City Charter of the City of Houston

10.2. Executive Order 1-39: Establishing the Office of the Inspector General

10.3. U.S. Equal Employment Opportunity Commission, [Know Your Rights: Workplace Discrimination is Illegal](#) Bulletin Board Poster.

Sponsoring Department: Human Resources Department