

GEORGIA DEPARTMENT OF HUMAN RESOURCES
Human Resource/Personnel Policy #102

SEXUAL HARASSMENT

EFFECTIVE DATE: May1, 2005

PUBLISHED: June 1, 1993

REVISED: May 20, 2005

REFERENCES: Title VII of the 1964 Civil Rights Act, 42 USC 2000e, as amended by the Civil Rights Act of 1991
Fair Employment Practice Act (O.C.G.A. 45-19)
DHR Unlawful Discrimination Complaint Procedure
Guidelines of the Equal Employment Opportunity Commission
DHR Diversity Plan

It is the policy of the Department of Human Resources (DHR) that sexual harassment of any employee by superiors or co-workers is prohibited and is a basis for disciplinary action, up to and including separation. Sexual harassment of any employee is a violation of law and a violation of values and principles set forth in the DHR Diversity Plan.

Retaliation against any employee who has filed a sexual harassment complaint or has cooperated in the investigation of a sexual harassment complaint is also prohibited. Any employee engaging in retaliatory conduct is subject to disciplinary action, up to and including separation.

Employees who believe they are being or have been sexually harassed in the workplace by vendors, clients, customers or other employees should bring this matter to the attention of management for review and appropriate action.

**SEXUAL
HARASSMENT
DEFINED**

In accordance with the guidelines of the Equal Employment Opportunity Commission (EEOC) and for purposes of this policy, sexual harassment includes, but is not limited to:

1. unwelcome sexual advances,
2. requests for sexual favors, and
3. other verbal or physical conduct of a sexual nature when:
 - 3.1 submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting such employee; or,
 - 3.2 such conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

NOTE: Sexually offensive conduct that does not meet the legal definition of sexual harassment may nonetheless constitute misconduct under this policy and, therefore, may be a basis for disciplinary action, up to and including dismissal from employment. (See DHR Human Resource/Personnel Policy # 1201.)

ASSISTANCE

1. Employees should contact their supervisors, human resource/personnel representatives or the Office of Human Resource Management and Development (OHRMD) – Employee Relations Section with concerns regarding sexual harassment.
 - 1.1 Employees who feel that they have been sexually harassed or observed sexual harassment involving someone in their direct line of supervision may contact their designated human resource/personnel representative or OHRMD – Employee Relations to report their concerns.
 - 1.2 Employees who feel uncomfortable discussing their concerns with their immediate supervisor or human resource/personnel representative may contact OHRMD – Employee Relations for immediate assistance.
 - 1.3 Supervisors who receive a complaint or become aware of a complaint of sexual harassment **must** report the complaint to management **and** OHRMD – Employee Relations for further guidance and consultation.

NOTE: Failure to report and/or investigate a complaint of sexual harassment may result in disciplinary action, up to and including dismissal from employment.

2. Employees alleging that they are currently or have been subjected to sexual harassment may file a complaint under the Unlawful Discrimination Complaint Procedure. (See DHR Human Resource/Personnel Policy #1503.)
 - 2.1 The complaint will be investigated promptly and thoroughly in accordance with the Unlawful Discrimination Complaint Procedure.
 - 2.2 A finding that sexual harassment has occurred will result in appropriate action being taken.

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3. Employees found to have engaged in sexual harassment are subject to disciplinary action, up to and including dismissal from employment.
4. Employees alleging that they are currently or have been subjected to retaliation as a result of reporting sexual harassment or cooperating with a sexual harassment investigation may file a complaint under the Unlawful Discrimination Complaint Procedure. (See DHR Human Resource/Personnel Policy #1503.)
5. Employees found to have engaged in retaliation as a result of a sexual harassment complaint are subject to disciplinary action, up to and including dismissal from employment.

For additional information or assistance, please contact the OHRMD Employee Relations Section at (404) 656-5796.
