

Policy Number: 425

Policy Title: Anti-Harassment and Anti-Retaliation

Policy Council Review Date(s): 4/22/11 and 6/16/11

PPAB Approval Date: 8/9/11

POLICY:

Georgia Perimeter College prohibits any form of discrimination, harassment or retaliation against or by any member of the faculty, staff, administration, student body, or visitors to campus based upon race, color, religion, sex, national origin, age, whistle-blower status, disability, gender identity or expression, genetics, or any other characteristic protected by state or federal law.

PROCEDURE:

I. Harassment, Sexual Harassment, and Retaliation

A. Harassment

Harassment is unwelcome verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, age, veteran status, whistle-blower status, disability, or genetics when

1. Such conduct has the purpose or effect of unreasonably interfering with the individual's work or educational performance;
2. Such conduct creates, or has the intention of creating, an intimidating, hostile, or offensive working and/or learning environment; or
3. Such conduct unreasonably interferes with the individual's ability to participate in or benefit from an educational program or activity.

Examples of harassing conduct include, but are not limited to, the following:

1. Epithets, slurs, negative stereotyping, threatening, intimidating, or hostile acts that relate to race, color, religion, sex, national origin, age, veteran status, whistle-blower status, disability, or genetics; and
2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, sex, national origin, age, veteran status, whistle-blower status, disability, gender identity or expression, or genetics.

B. Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors, sexually-motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program or activity;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or
3. Such conduct has the purpose or effect of interfering with an individual's work; creating an intimidating, hostile, or offensive working environment; or interfering with an individual's ability to participate in or benefit from an educational program or activity.

Examples of sexual harassment may include, but are not limited to the following:

1. Verbal or overt harassment or abuse;
2. Subtle or overt pressure for sexual activity;
3. Unwelcome or inappropriate sexually-motivated touching;
4. Offensive or unwelcome sexual advances or propositions;
5. Sexual or degrading verbal or written comments about an individual, his/her clothing or his/her physical attributes;
6. Display of sexually suggestive objects, pictures, text, cards, letters or other printed materials that do not serve an academic purpose;
7. Lewd or suggestive comments or gestures;
8. Off-color language or jokes or e-mails of a sexual nature;
9. Unwelcome, intentional touching of intimate body parts;
10. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or academic status;
11. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or academic status;
12. Sexual violence, a physical act of aggression that includes a sexual act or purpose.

Sexual harassment consists of exposure to a pattern of objectionable sexual behavior or exposure to a single, serious act (such as items 9-12 above). Sexual harassment can occur regardless of the relationship, position, or respective sex of the parties. Same sex harassment violates this policy as well as harassment by a subordinate employee of his/her supervisor. Although not acted upon, threats or suggestions of preferential or adverse treatment with regards to an individual's employment, academic program, or activity may constitute harassment. Conduct may be determined to be sexual in nature or to create a hostile work environment only if it would be viewed as such by a reasonable person.

Anyone involved in a romantic or sexual relationship with someone with whom he or she teaches or over whom he or she has supervisory power must immediately recuse himself or herself from decisions that affect the compensation, evaluation, employment conditions, instruction, and/or academic status of the involved individual.

C. Retaliation

Retaliation against individuals who file complaints of harassment, discrimination, or retaliation is expressly prohibited. Retaliation includes but is not limited to any form of intimidation, reprisal, or harassment due to filing a complaint of misconduct. Appropriate disciplinary action shall be imposed for verified acts of retaliation.

II. Complaint Resolution Process

Any employee, student, or visitor of the college who feels he or she has suffered any form of harassment, discrimination, or retaliation should immediately report the alleged conduct to any individual at the next supervisory level (above the level of the person identified in the complaint) and/or the Director Human Resources AA/EEO and Compliance. The supervisor must report the complaint to the Director Human Resources AA/EEO and Compliance within two business days of receiving the complaint.

All supervisory personnel have an affirmative obligation to report, prevent, and eliminate harassing, discriminatory, and retaliatory conduct. Faculty members have an obligation to address any inappropriate behavior and report it to appropriate supervisory personnel and, in the case of sexual violence, to public safety. Chairs, deans, directors, executive directors, associate vice presidents, vice presidents, members of public safety, and the Office of the President have been designated as officials who have the authority to address allegations of harassment, discrimination, and retaliation in consultation with the Director Human Resources AA/EEO and Compliance. These persons shall receive training in proper procedures. These persons immediately shall intervene to eliminate misconduct in working and learning environments, regardless of whether they have or have not received a complaint of harassment, discrimination, or retaliation. All offenses shall be reported to the Director Human Resources AA/EEO and Compliance within one business day after becoming aware of the incident.

Other personnel who have knowledge of alleged harassment, discrimination, or retaliation shall report the conduct to a supervisor (above the level of the person identified in the complaint) and/or to the Director Human Resources AA/EEO and Compliance. If the Director Human Resources AA/EEO and Compliance is accused of wrongdoing, the report shall be submitted to the Chief Human Resources Officer. Complaints of alleged harassment, discrimination, and retaliation should be reported within two business days after becoming aware of the incident.

Determination of whether harassment has occurred must use the “preponderance of evidence” standard. If there is more evidence of harassment than evidence contradicting it, then harassment has occurred.

INFORMAL RESOLUTION (Supervisor, Complainant, and Respondent) The supervisor meets with the complainant and the respondent first individually and then as a group, if appropriate and agreed to by the complainant, to resolve the issue informally. These meetings should occur within seven business days of the initial complaint unless extraordinary circumstances intervene. If the complainant and the respondent accept the supervisor’s recommendation at the end of the informal process, each will sign a form acknowledging their acceptance and forward the form to the Director Human Resources AA/EEO and Compliance. If both parties are satisfied with the resolution, the process ends with the Informal Resolution. If either party is not satisfied, he/she may choose to speak with the Director Human Resources AA/EEO and Compliance within ten business days of completing this informal process to begin the Formal Resolution. (If the supervisor has concerns about the severity or complexity of the accusations, he/she may refer the case to the Director Human Resources AA/EEO and Compliance.)

Note: The complainant may skip the Informal Resolution at any time and proceed immediately to Formal Resolution.

FORMAL RESOLUTION (Director of Affirmative Action and Compliance)

Step I. Investigation and Recommendation: (Director Human Resources AA/EEO and Compliance) If either party or the supervisor contacts the Director Human Resources AA/EEO and Compliance requesting further action, the director will initiate an investigation including presenting a written statement of the alleged actions to the respondent. The director will present the written findings of the investigation along with a recommendation of a method of resolution to the area vice president within twenty business days, if possible, but no later than thirty business days. The Director Human Resources AA/EEO and Compliance will keep both parties and the appropriate level of supervision informed of the status of the complaint at the appropriate time.

Step II. Decision: (Area Vice President) The area vice president, in consultation with appropriate area supervisor (e.g. a dean or director), makes a determination based upon HR’s written findings within ten business days and notifies all parties. If the complainant or respondent does not agree with the decision, he/she may appeal to the president within ten business days.

Step III. Appeal: (President) The president or his / her designee (someone other than the area vice president involved in the “Decision”) either makes a final determination or convenes a review committee. If a review committee is convened, a chair is selected by the president or his/her designee. The complainant and respondent each select a committee member from within the college community. (Any committee member selected will have had no involvement in the Informal Resolution, the “Investigation and Recommendation,” or the “Decision.”) The committee must present a recommendation to the president within thirty business days of the appeal to the president. The president or his/her designee (someone other than the area vice president involved in the “Decision”) reviews the information from the investigation and the review committee’s recommendation and renders a final decision within ten business days.

III. Sanctions

Appropriate remedial and/or disciplinary action up to and including dismissal from the college will be implemented against individuals found to have violated this policy.

IV. Prohibitions

Persons who knowingly fabricate allegations of harassment, discrimination, or retaliation violate this policy. In such instances, the complainant will be subject to disciplinary action. However, failure to prove a claim of harassment, discrimination, or retaliation does not constitute proof of a false and/or malicious accusation.

Individuals who withhold information, purposely provide inaccurate facts, or otherwise hinder an investigation of misconduct shall be subject to disciplinary action.

V. Confidentiality of Proceedings

Although absolute confidentiality cannot be promised, the highest degree of confidentiality possible will be maintained by the college to protect the parties involved in these investigations. Only those persons who have a need to know for purposes of the investigation or resolution of the complaint shall be informed of the matter. Any individual who releases information relating to the complaint or the investigation during the course of the investigation to unauthorized individuals may be subject to disciplinary action. A complainant or respondent may seek procedural or legal advice from supervisors or consultants as long as conversations remain confidential.

Revised 11/01

Approved by PPAB 11/16/10

Approved by PPAB 8/9/11

**INFORMAL RESOLUTION OF HARASSMENT FORM
GEORGIA PERIMETER COLLEGE**

Complainant Name _____ **ID (900)** _____

Phone _____ **GPC E-mail** _____

Respondent Name _____ **ID (900)** _____

Phone _____ **GPC E-mail** _____

Supervisor Receiving Complaint (include title) _____

Phone _____ **GPC E-mail** _____

Relationship between Parties (include course number, department, and campus if applicable)

Date(s) of Alleged Harassment _____ **Date Reported** _____

Date(s) of Meetings (specify with whom) _____

Please state allegations below:

Please state resolution below:

By signing below, I acknowledge that the information on this form is correct. Should I wish to appeal the resolution stated on this form, I understand that I must contact the Human Resources Director of Affirmative Action and Compliance (678-891-2500) within 10 days of signing.

Complainant	_____	_____
	Signature	Date

Respondent	_____	_____
	Signature	Date

Department Chair Receiving Complaint	_____	_____
	Signature	Date

Please deliver this form to the Human Resources Director of Affirmative Action and Compliance.