




**GWINNETT
COUNTY
PUBLIC
SCHOOLS**

Gwinnett County Board of Education

Level: Procedure G-Personnel	Accompanying Policy: GAEB 	Descriptor Code: P.GAEB	Rescinds August 6, 2010
Descriptor Term: Sexual Harassment/Discrimination (Employees)		Effective Date: March 28, 2014	

The Board takes pride in the professionalism of GCPS employees and is confident that all employees will show respect to coworkers and students with whom they work. In this regard, the Board takes sexual harassment and other unprofessional conduct very seriously and is committed to preventing or eliminating such conduct. The Board recognizes that sexual harassment interferes with work productivity and deprives employees of the opportunity to work in a hostile free environment.

Sexual harassment includes repeated unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which:

1. Is made a term or condition of an individual's employment;
2. Is used as the basis for employment decisions such as promotions or benefits;
3. Substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Examples of sexual harassment and unprofessional conduct include:

- Making sexually oriented remarks such as jokes, inquiries, or innuendo;
- Making inappropriate sex-based comments, gestures, or insults and sex-based stereotyping;
- Making inappropriate comments or compliments about physical appearance or attire;
- Making inappropriate sexual terms of endearment or demanding forms of address;
- Offering employment or other benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Asking a coworker repeatedly to spend time with you after being turned down;
- Displaying offensive sexual material in the work place;
- Touching, pinching, grabbing, patting, kissing, or hugging unnecessarily or inappropriately.
- Having inappropriate discussion of personal sexual activities;
- Sending inappropriate sexually explicit photos, poems, stories, jokes by electronic media or courier or any other internal means of communication.

HOW TO FILE A COMPLAINT OF HARASSMENT OR DISCRIMINATION
WITH
GWINNETT COUNTY PUBLIC SCHOOLS

INSTRUCTIONS FOR EMPLOYEES OR APPLICANTS

It is the intent of Gwinnett County Public Schools (GCPS) to be in compliance with federal, state, and local laws regarding equal opportunity and nondiscrimination. The Board is committed to the elimination of bias, prejudice, and discrimination based on gender, age, race, color, disability, religion, or national origin against employees.

If you believe that you have been discriminated against, harassed or treated unfairly, or witnessed this type of behavior, you must report your concerns to your supervisor, any manager, or the Director of Equity and Compliance, Title IX. Be advised that while GCPS does not have a time limit for filing a complaint, the federal Office of Civil Rights in the U. S. Department of Education requires that you file within 180 days of the alleged incident.

If you desire to file a complaint of discrimination or harassment with the Director of Equity and Compliance, Title IX, you must send a written complaint stating the complaint and any information that will be helpful in determining action. The written complaint should be submitted to the Director of Equity and Compliance, Title IX, Division of Human Resources and Talent Management, 437 Old Peachtree Road, NW, Suwanee, GA 30024.

Every written complaint received will be investigated, as well as all reports and rumors of sexual harassment. An investigation includes record reviews and interviews with witnesses. You will be asked to provide names of persons who can verify important aspects of the case. The person you are complaining against will also be given the opportunity to provide witnesses. Those persons whom are viewed as likely to contribute relevant information to the investigation will be interviewed. We may discuss the case with various administrators as necessary. Information from the investigation is kept confidential except to the extent that limited disclosure may be necessary in order to conduct a full and fair investigation, allow the alleged to respond, take remedial action, or answer a governmental or court inquiry.

Any employee determined to have harassed or engaged in unprofessional conduct toward another employee, student, parent or anyone doing business with the school district will be subject to appropriate disciplinary action up to and including termination. Any form of retaliation against any employee making a complaint of sexual harassment will also be subject to disciplinary action up to and including termination.

GUIDELINES FOR EMPLOYEES OR APPLICANTS FILING A COMPLAINT OF SEXUAL HARASSMENT

1. Filing a Complaint of Sexual Harassment

A person should report complaints of sexual harassment to his/her supervisor or any manager. If, for any reason, the person prefers not to share the complaint with the supervisor, or any manager, he/she may file a complaint or consult with the appropriate person in the Division of Human Resources and Talent Management; or the person may file a written complaint with the Director of Equity and Compliance, Title IX. A person who has a concern about the handling of his/her complaint is encouraged to discuss those concerns with the Director of Equity and Compliance, Title IX.

2. Reporting Complaints

Supervisors or managers who receive a complaint of sexual harassment, or learn about conditions that could be sexual harassment, are required to report immediately to the Director of Equity and Compliance, Title IX that such a complaint has been received or

that such information has been obtained. Assistance will be provided and if deemed necessary an investigations will be conducted.

3. Investigating Complaints

Supervisors, and managers shall ensure that complaints are investigated promptly either by conducting the investigation themselves, or by referring the complaint to the Director of Equity and Compliance, Title IX . When the supervisor or manager chooses to conduct the investigation, the Director of Equity and Compliance, Title IX must be advised of the nature of the complaint, the steps being taken to investigate, and the results of the investigation, prior to taking final action.

If the supervisor or manager concludes that sexual harassment did occur, the report must include a recommendation regarding discipline of the harasser, and remediation of the complaining individual's working conditions. Even if the principal or program manager concludes that harassment did not occur, discipline or remediation may be recommended if the investigation indicates that is appropriate. The Director of Equity and Compliance, Title IX shall provide assistance in the preparation of investigative reports as necessary and shall review all such reports and recommendations. If necessary, the Division of Human Resources and Talent Management shall undertake an independent investigation of the allegations and make its recommendations regarding discipline and remediation.

The recommendations of the Director of Equity and Compliance, Title IX regarding investigative reports, discipline and remediation shall be final. Records regarding complaints of sexual harassment will be maintained in the Division of Human Resources and Talent Management.

4. Confidentiality

Reports of sexual harassment will be kept confidential except to the extent that limited disclosure may be necessary for the purpose of conducting a full and fair investigation, providing opportunity for the accused harasser to respond, taking remedial action, and responding to government inquiry or legal action. The complainant and the accused harasser will be advised of the outcome of the investigation. **No individual exercising the right to complain about or report an incident of sexual harassment will be subject to retaliation.**

5. Dissemination of Information about Policy and Complaint Procedures

Supervisors or managers shall inform employees about the contents of Sexual Harassment Policy and Procedures. This information shall also be included in the personnel handbook or told where information can be accessed. Supervisors or managers shall remind employees about the policy on a regular basis, preferably annually. Supervisors or managers shall be responsible for the prominent display of posters advising individuals of the complaint process for use when they feel that they have been sexually harassed. Such posters are available from the Division of Human Resources and Talent Management.

6. Disciplinary Action

Any individual found to have violated the sexual harassment policy shall be subject to appropriate action up to and including termination.

7. Avoidance of Improper Relationships

Supervisors and managers should be aware of their particular obligations to understand

and comply with policy. Persons in such positions should avoid sexual relationships with their subordinates and other relationships that may give the appearance of favoritism. Sexual and other inappropriate social relations are never permissible between school system employees and students, or between other individuals involved in school system business.

8. Training

GCPS shall conduct training for supervisors and managers on the subject of fair employment practices that includes a component on sexual harassment.

9. Newly Hired Employees

Newly hired employees shall be provided a copy of the Sexual Harassment Policy and Procedure during orientation. A newly hired employee is eligible to file a complaint of discrimination if he/she believes that the disciplinary action is the result of sexual harassment.