



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved March 3, 2009

2.14

Council Personnel

Harassment and Discrimination in the Workplace

1. Purpose.

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination. This policy provides for the protection of classes of persons based on race, color, sex, religion, age, disability, national origin and sexual orientation. This policy is adopted in accordance with Title VII of the Civil Rights Act of 1964 as amended, Age Discrimination in Employment Act of 1967, Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

2. General.

- (a) It is the policy of the Council that all employees have the right to work in an environment free of all forms of harassment. The Council will not tolerate, condone or allow harassment by employees or other non-employees who are associated with this agency. The Council considers harassment and discrimination of persons to be serious employee misconduct. Therefore, the Council shall take direct and immediate action to prevent such behavior and to remedy all reported instances of harassment and discrimination. A violation of this policy will result in appropriate discipline to include termination of employment.
- (b) Persons covered under the policy include employees, applicants for employment and other persons associated with this agency.

3. Prohibited Conduct

- (a) Employees shall not either explicitly or implicitly ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- (b) Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, sexual orientation or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the Council.



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- (c) Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
 - (2) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

4. Supervisor Responsibilities.

- (a) Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:
 - (1) Monitoring the work unit environment on a daily basis for signs that harassment may be occurring;
 - (2) Counseling all employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment;
 - (3) Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
 - (4) Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation.
- (b) If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant.



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- (c) Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
- (d) Failure to carry out these responsibilities will be considered in any evaluation or promotional decision and may be grounds for discipline.
- (e) Each supervisor has the responsibility to assist any Council employee who comes to that supervisor with a complaint of harassment in documenting and filing a complaint with the Director of Human Resources.

5. **Employee Responsibilities.**

Each Council employee is responsible for assisting in the prevention of harassment through the following acts:

- (a) Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
- (b) Reporting acts of harassment to a supervisor; and
- (c) Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
- (d) Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

6. **Complaint Procedures.**

- (a) Process.
 - (1) Any employee encountering harassment is encouraged to inform the person that his or her actions are unwelcome and offensive. The employee is encouraged to document all incidents of harassment in order to provide the fullest basis for investigation.



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- (2) Any employee who believes that he or she is being harassed shall report the incident(s) as soon as possible so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor, with the Director of Human Resources or the Director.
- (3) The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the date(s) on which it occurred
- (4) In the event that the complaint is regarding the supervisor, the supervisor should not meet with the employee. Instead, the supervisor should promptly submit a memorandum to the Director of Human Resources with the information that the supervisor has regarding the complaint
- (5) The agency employee taking the complaint shall promptly submit a memorandum documenting the complaint to the Director of Human Resources
- (6) The Director of Human Resources shall be responsible for investigating any complaint alleging harassment or discrimination
- (7) The Director of Human Resources shall immediately notify the Executive Director. The Executive Director shall notify the appropriate prosecutor's office if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.
- (8) The investigation shall include a determination as to whether other employees are being harassed by the person, and whether other agency members participated in or encouraged the harassment.
- (9) The Director of Human Resources shall inform the parties involved of the outcome of the investigation.



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- (b) A file of harassment and discrimination complaints shall be maintained in a secure location.
- (c) There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint
- (d) The complaining party's confidentiality will be maintained throughout the investigative process to the extent practical and appropriate under the circumstances.
- (e) Complainants or employees accused of harassment may file a grievance/appeal in accordance with Council procedures when they disagree with the investigation or disposition of a harassment claim.
- (f) This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

7. Retaliation.

- (a) Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint, is illegal and is prohibited by the Council and by federal statutes
- (b) Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.
- (c) Monitoring to ensure that retaliation does not occur is the responsibility of supervisors and Director of Human Resources.

8. Malicious Reports.

If as a result of an investigation, it is determined that a complaint was made in bad faith or with the intent to harm another, disciplinary action may be taken against employee making the complaint.



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9. Conflicts of Interest.

If the supervisor is a complainant or a respondent in these procedures he/she has a conflict of interest position and will not be involved in the investigation or decision making process and will be replaced by a person designated by the Executive Director. If the Executive Director is a complainant or a respondent, the Chairman of the Council shall designate a person to conduct the investigation and make recommendations to the Council.