



Title:	Unlawful Harassment	
Document Type:	Code of Conduct	
Effective Date:	05/01/2000	# Pages 4
POC for Changes:	Director of Human Resources/taburris@dch.ga.gov Phone: 404-657-9473	
References:	Title VII of the 1964 Civil Rights Act, 42USC@2000e., et. seq as amended by the Civil Right Act of 1991 Fair Employment Practices Act, O.C.G.A 45.19-20 et. seq.	

I. Purpose

The purpose of this policy is to establish the Department’s position on unlawful harassment, to set forth guidelines for handling violations of this policy and to specify the complaint procedure.

II. Scope

The provisions of this policy shall apply uniformly to all employees of the Department of Community Health including full-time and part-time, hourly and salaried. This policy also applies to all vendors and contractors of DCH when they are on the DCH premises.

III. Policy

A. It is the policy of the Department of Community Health that employees and their work environments shall be free of all forms of unlawful harassment and intimidation.

B. Unlawful harassment (i.e., any form of harassment relating to a person or persons race, color, sex or gender, religion, age, national origin, or disability) by any Department employee, supervisor, manager, or other individual doing business with or on behalf of the Department (e.g., vendors, contractors, etc.) is a violation of this policy and shall not be tolerated.

C. Violations will subject an employee to disciplinary action up to and including dismissal from employment.

D. Definitions: For the purposes of this policy, the following terms are defined as follows:

1. The term “disability” refers to a physical or mental impairment that substantially limits one or more of an individual’s major life activities.

2. The term “harassment” includes, but is not limited to:
 - a) Offensive remarks, jokes or slurs pertaining to an individual’s race, color, sex/gender, religion, age, national origin, or disability;
 - b) Offensive sexual remarks, sexual gestures, sexual advances or requests for sexual favors regardless of the gender of the individual(s) involved;
 - c) Offensive or unwelcome physical conduct/contact (including touching), regardless of the gender of the individual(s) involved;
 - d) Offensive pictures, drawings, photographs, or written materials;
 - e) Offensive e-mail or voice mail, or the use of the Internet in a manner inconsistent with the provisions of this policy (e.g., downloading sexually explicit web sites or material);
 - f) Obscene language;
 - g) Threatening a reprisal or retaliating against an employee for refusing to respond to a sexual advance or a request for a sexual favor, or for reporting a violation of this policy;
 - h) Offensive gestures or remarks related to an individual’s race, color, sex, religion, age, national origin, disability or citizenship status.
 3. The term “retaliation” means any adverse action that an employee, supervisor or manager takes against an employee because he or she complained about harassment or discrimination or participated in the complaint process as a witness. Any negative action that would deter a reasonable employee in the same situation from making a complaint or giving a witness statement qualifies as retaliation.
 4. The term “sexual harassment” is defined as unsolicited and unwelcome sexual advances, requests for sexual favors and other verbal, physical, visual or written conduct of a sexual nature directed to persons of the same or opposite sex when:
 - a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment;
 - b) Submission to or rejection of such conduct by an employee is used as a basis for employment decisions affecting the employee; or
 - c) Such conduct has the purpose or effect of substantially interfering with the terms of an employee’s employment or creating an intimidating, hostile or otherwise offensive working environment.
- E.** All employees are expressly prohibited from engaging in any form of harassing conduct or behavior. Employees in a supervisory or managerial capacity are also prohibited from knowingly permitting such conduct in assigned work unit(s).

- F.** No supervisor or other member of management has the authority to suggest to any employee or applicant that his or her initial or continued employment or potential advancement will be affected by his or her participation in or refusal to participate in any form of intimate relationship.
- G.** Supervisors and other members of management are expressly prohibited from retaliation against an employee by threatening a reprisal or initiating an adverse employment action against the employee for reporting a violation of this policy.
- H.** The harassment of our employees by non-employees (e.g., vendors or other third parties) in conjunction with the performance of their assigned duties and responsibilities will not be tolerated.
- I.** As a condition of employment, all employees are required to read and become familiar with this policy. Additionally, each employee must sign an acknowledgment statement, which will become a permanent part of his or her personnel records.
- J.** All employees currently in a supervisory or managerial position, as well as employees appointed to/promoted into a position with supervisory/managerial responsibilities will be required to read and sign a supervisor's acknowledgment statement.
- K.** Complaints will be kept as confidential as possible and no employee will be penalized for reporting inappropriate and harassing behavior on the part of another employee, vendor or other third party.
- L.** Questions as to what constitutes harassing behavior or what conduct is prohibited by this policy should be directed to an employee's immediate supervisor, the next level supervisor, the Division Director, or the Director of Human Resources, with the understanding that each of these individuals may consult with the others for the purpose of responding to the employee's question.
- M.** A copy of this policy shall be accessible to all employees in the policy manual located in the Human Resources Office and electronically on the DCH Dispatch.
- N.** If this policy is selected for "refreshed and ready" training then it must be reviewed as part of the Department's annual compliance training.

IV. Procedures

- A.** If an employee believes that another employee, vendor or other third party is harassing him or her or retaliating against him or her, the employee should

first inform the individual that the conduct is unacceptable and must stop. The matter should then be reported in writing to his or her supervisor or the next level supervisor to ensure that the conduct does not continue.

- B. An employee observing the harassment of an employee by another employee, vendor or other third party should report the matter in writing to his or her immediate supervisor or next level supervisor.
- C. If the harassing behavior or retaliation involves the employee's immediate supervisor, next level supervisor or other management representative, or if the employee feels uncomfortable in discussing the matter with these individuals, the employee should contact the Office of Inspector General ("OIG") Internal Investigations Unit and submit a written report.
- D. The written complaint should contain the following:
 - 1. Name of the alleged harasser;
 - 2. Names of any witnesses;
 - 3. Dates and times occurrences took place;
 - 4. Detailed description of alleged unlawful harassment
- E. The OIG Internal Affairs Officer will investigate and document all harassment complaints.
- F. No employee will be penalized for good faith reporting of inappropriate or harassing behavior.
- G. Any employee found to have violated the provisions of this policy will be subject to disciplinary action up to and including dismissal from employment.
- H. At the conclusion of the investigation, the employee and the alleged harasser will be notified of the results and any action(s) taken by the Department.

Approved by: 	Date: 
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