



HUMAN RESOURCES

Georgia Building Authority / State Properties Commission / Georgia State Financing & Investment Commission

HR-04: Sexual Harassment Prevention Policy (effective: 04/15/2019)

Purpose

The Georgia Building Authority (GBA), Georgia State Financing and Investment Commission (GSFIC), and the State Properties Commission (SPC) promote respect and dignity and will not tolerate sexual harassment in the workplace. GBA, GSFIC, and SPC are committed to providing a workplace and environment free from sexual harassment for its employees and for all persons who interact with state government. Accordingly, employees are expected and required to interact with all persons including other employees, contractors, and customers in a professional manner that contributes to a respectful work environment free from sexual harassment.

Applicability

This policy applies to all GBA, GSFIC, and SPC employees, regardless of status (i.e. temporary and / or part-time employees), and covers conduct occurring in or otherwise affecting the workplace, including conduct both on and off the work premises, and during or outside of work hours.

Definition of Sexual Harassment

Physical, verbal, or non-verbal/visual conduct that is either directed toward an individual because of his or her sex, or reasonably offensive to an individual because of his or her sex. Therefore, for the purpose of this policy, “sexual harassment” includes physical, verbal, or non-verbal/visual conduct constituting:

1. Sexual attention, sexual advances, requests for sexual favors, sexually explicit comments, and other conduct of an expressed or obviously implied sexual nature, by an individual who knows, or reasonably should know, that such conduct is unwanted and offensive; and
2. Conduct that is hostile, threatening, derogatory, demeaning, or abusive or intended to insult, embarrass, belittle, or humiliate an individual because of his or her sex – regardless of whether the underlying reason for the conduct is apparent.

This policy purposefully prohibits all sexual harassment and is not limited to conduct that would rise to the level of unlawful conduct under state or federal anti-harassment laws. 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 Policy # HR-01.)

Prohibited Conduct

- A. While sexual harassment encompasses a wide range of conduct, some examples of conduct specifically prohibited by this Policy include, but are not limited to:
 1. Denying (directly or indirectly) an employment benefit or employment-related opportunity to an employee for refusing to comply with a sexually-oriented request;
 2. Threatening (directly or indirectly) to deny an employment benefit or an employment-related opportunity to an employee for refusing to comply with a sexually-oriented request;
 3. Providing or promising (directly or indirectly) to provide an employment benefit or employment-related opportunity to an employee in exchange for complying with a sexually-oriented request;
 4. Engaging in sexually-explicit or suggestive physical contact, including touching another employee in a way that is unwelcome or restricting an employee’s movement;



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5. Displaying or transmitting pornographic or sexually-oriented materials (such as photographs, posters, cartoons, drawings, or other images) or storing or accessing such materials on State-owned equipment for personal use or consumption;
6. Engaging in indecent exposure;
7. Making obscene gestures (i.e., hand or bodily gestures);
8. Making romantic advances and persisting despite rejection of the advances;
9. Using sexually-oriented language or making sexually-related propositions, jokes, or remarks, including graphic verbal commentary about an individual's body or clothing; and,
10. Sending sexually suggestive or obscene messages by mail, in person, by telephone, or by electronic communication.

B. Employees are further prohibited from engaging in retaliation against an employee for submitting (or assisting with submitting) a complaint of or reporting sexual harassment, for participating in a sexual harassment investigation or proceeding, or for otherwise opposing sexual harassment.

Reporting & Investigation

Employees who believe they are being or have been sexually harassed in the workplace by vendors, clients, customers or other employees strongly encouraged to promptly submit a complaint regarding the incident(s) to one of the following officials:

1. Employee's supervisor or manager;
2. Employee's division director;
3. Human Resources Director; or,
4. Assistant Human Resources Director.

Employees who have witnessed or otherwise have reason to believe that another employee is being or has been subjected to sexual harassment or retaliation shall promptly report the same to one of the officials listed above. To the extent that any of the above officials are the alleged harasser or retaliator, or an employee has a reasonable fear of retaliation by one of the above officials, the employee may submit a complaint or report of sexual harassment or retaliation directly to the Office of the Inspector General (OIG).

While written complaints and reports of sexual harassment or retaliation are preferred, all complaints and reports shall be accepted, whether written, verbal, or anonymous, and will ensure that each complaint or report is promptly and appropriately investigated and resolved. Complaints will be investigated promptly and thoroughly. Any allegations of criminal conduct will be reported to the appropriate law enforcement agency. Such referral shall not prohibit an GBA, GSFIC, or SPC from pursuing its own investigation of the complaint or report.

Discipline

Employees found to have engaged in sexual harassment are subject to disciplinary action, up to and including dismissal from employment. Furthermore, failure to report and/or investigate a complaint of sexual harassment may result in disciplinary action, up to and including dismissal from employment.



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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. 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.

A third party, such as a vendor or contractor, found to have engaged in sexual harassment and/or retaliation may be subject to appropriate corrective action. Such action may include, but is not limited to, termination of contract, removal from agency premises, restricted access to agency premises and/or personnel, and notification to the third party's employer.

Annual Training

Pursuant to the Governor's Executive Order 01.14.19.02, GBA, GSFIC, and SPC employees will complete mandatory Sexual Harassment Prevention Training on an annual basis. All GBA, GSFIC, and SPC supervisors and managers will also receive additional mandatory training specific to their leadership roles.