

# Sexual Harassment Prevention Training for Employees – Student Guide

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## Module 1: Training Overview

### Governor's Introduction Video

This is Governor Brian Kemp. As Georgia's 83rd Governor, I'm proud to welcome you to this important training.

Since day one, I have made it a priority to ensure a workplace free of sexual harassment for our State employees.

By executive order, all State employees undergo mandatory training and must abide by uniform standards for preventing, reporting, and investigating allegations of sexual harassment in the State's Executive branch.

This course will walk you through those expectations to ensure a positive work environment in State agencies by preventing and properly responding to harassment in the workplace.

This training sets a high standard for workplace conduct, one that is important for us to strive towards as public servants.

As governor I will not tolerate sexual harassment in the workplace. To best serve the people of Georgia, it is up to all of us to ensure a safe, respectful work environment for all State employees and the constituents with whom they interact.

Together, we can achieve this goal, and work to keep Georgia the best place to live, work, and raise a family. Thank you for your commitment to a harassment free workplace throughout State government here in Georgia.



## Introduction to Sexual Harassment Prevention Training for Employees

This module covers the following topics:

- The purpose of the sexual harassment prevention training for employees
- The learning objectives of the course

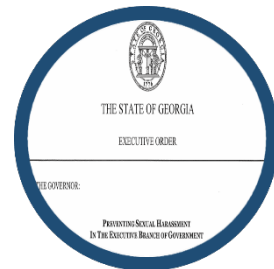
On January 14, 2019, Governor Brian Kemp signed an Executive Order to Prevent Sexual Harassment in the Executive Branch of the Government.

While there are multiple types of workplace harassment, incidents of sexual harassment present unique challenges which warrant increased emphasis and the implementation of a special approach to the prevention, detection, and elimination of sexual harassment.

The executive order requires:

- Mandatory sexual harassment training for employees, supervisors and managers,
- The creation of a state-wide sexual harassment prevention policy, and
- The development of standardized reporting and investigation methods

Under the executive order and the statewide sexual harassment prevention policy agencies will require all employees, including part-time, temporary and seasonal employees to complete employee sexual harassment training on an annual basis.



## Proactive Approach

State agencies and their employees must take a proactive approach to creating and maintaining respectful workplace cultures to ensure adherence to State and agency policies and to remain productive



## Hostile or Offensive Work Environment

Sexual harassment is a destructive behavior that creates a hostile or offensive work environment. It damages the respect and dignity of the person being harassed.



## Safe and Respectful Environment

The Statewide Sexual Harassment Prevention Policy prohibits all sexual harassment and is not limited to conduct that is unlawful under State and federal anti-harassment laws.

The State of Georgia is committed to providing a safe and respectful environment that is free from sexual harassment.

For this reason, it is every State employee's responsibility to:

- Demonstrate appropriate behavior,
- Follow State and agency policies, and
- Comply with the laws



## Course Learning Objectives

During the course you will be presented with information that will help expand your knowledge and awareness of sexual harassment. The learning objectives of this course include the following:

- Provide an overview of conduct prohibited by the Statewide Sexual Harassment Prevention Policy
- Provide examples of what may be considered sexual harassment
- Provide guidance on how to report allegations of sexual harassment and retaliation
- Highlight the State's reporting and investigative requirements and what you can expect during an investigation
- Outline how you can help prevent sexual harassment in the workplace



## Module 2: What is Sexual Harassment?

### Module Topics

Module2: What is Sexual Harassment?

This module covers the following topics:

- The Statewide Sexual Harassment Prevention Policy definition of sexual harassment
- Forms of sexual harassment
- Examples of prohibited conduct

In the previous section, you reviewed that every employee should be concerned with preventing sexual harassment in the workplace. Sexual harassment is a destructive behavior that can:

- Result in lost productivity, and the
- Creation of a hostile work environment.

It is prohibited by:

- State of Georgia Executive Order 01.14.19.02,
- The Statewide Sexual Harassment Prevention Policy, and
- It is against the law

### Definition of Sexual Harassment

The Statewide Sexual Harassment Prevention Policy defines sexual harassment as physical, verbal, or non-verbal/visual conduct that is either directed toward an individual or reasonably offensive to an individual because of his or her sex.



Some examples of such conduct or actions may include:

- Unwanted sexual attention
- Sexual advances
- Requests for sexual favors
- Sexually explicit comments
- Other conduct of a sexual nature



Whether it is direct or implied by an individual who knows, or reasonably should know, that such conduct is unwanted and offensive.

It also includes conduct that is:

- Hostile
- Threatening
- Derogatory
- Demeaning
- Abusive



Or intended to:

- Insult
- Embarrass
- Belittle
- Humiliate

An individual because of his or her sex.

## Ways Sexual Harassment Occurs

The following examples should not be considered all inclusive of behavior which is prohibited.

## Forms of Sexual Harassment

**Physical** - This not only includes overt actions such as assault or abuse but also includes more covert physical touching in a manner not generally considered appropriate social touching.



**Verbal** - This can include disparaging remarks about a person's gender, comments or jokes of a sexual nature, requests for sexual favors or unwelcome sexual advances.



**Visual or Non-Verbal** - This can include facial expressions, suggestive gestures, leering and even can be vocal such as making sounds or whistling.



**Online or Electronic** - Sexual harassment can occur anywhere such as online or other electronic platforms. Which can include sharing sexually suggestive comments or media through posts in social media platforms, emailing, texting, calling, etc.



**Offsite** - Includes work related social events, business travel or unwelcome visits to a person's home or hotel room.



## Prohibited Conduct Examples

Some examples of conduct specifically prohibited by the Statewide Sexual Harassment Prevention Policy include, but are not limited to the following:





***Denying an Employment Benefit*** - Denying or threatening to deny (either directly or indirectly) an employment benefit or employment-related opportunity to an employee for refusing to comply with a sexually-oriented request.



***Providing or Promising an Employment Benefit*** - Providing or promising (either directly or indirectly) to provide an employment benefit or employment-related opportunity to an employee in exchange for complying with a sexually-oriented request.



***Displaying or Transmitting Pornography*** - 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.



***Engaging in Indecent Exposure*** – Engaging in indecent exposure.



***Making Obscene Gestures*** – Making obscene gestures, such as hand or bodily gestures.



***Making Romantic Advances*** – Making romantic advances toward an individual and persisting despite rejection of the advances.



## **Next Module**

In the next module you review who is impacted by sexual harassment in the workplace.



## Module 3: Who is Impacted by Sexual Harassment?

### Module Topics

#### Module 3: Who is Impacted by Sexual Harassment?

This module covers the following topics:

- Sexual harassment offenders
- Targets of sexual harassment
- Motivations for sexual harassment

To this point you reviewed the:

- Definition of sexual harassment,
- Its various forms, and
- Some examples of prohibited behavior

In this module you shift the focus of the program from “What is sexual harassment?” to “Who may be affected by sexual harassment in the workplace?”

Just as sexual harassment is demonstrated through a variety of behaviors and situations, offenders appear in a variety of roles within and/or outside the organization. For example, an offender may be:

- Complainant’s supervisor
- Supervisor in another area
- Co-worker
- Contractor
- Lobbyist
- Member of the public



In addition, sexual harassment is not only a male harassing a female. It may include any gender combination of offender and target. For example,

- Male to female
- Female to male
- Male to male
- Female to female



### Who can make a complaint or report?

Keep in mind, a sexual harassment complaint or report may be made by bystanders or witnesses not directly targeted.

For example:

- A group email or text including sexually explicit jokes and/or pictures could be considered offensive by one of the recipients. Another example may involve
- An employee repeatedly witnessing a co-worker being touched inappropriately by another employee – this bystander could make a hostile work environment sexual harassment report



### So, what is the motivation behind sexual harassment?

A common belief is that sexual harassment is primarily about sex, or sexual gratification. However, it can also be conduct directed at someone because of his or her sex regardless of whether it is conduct of a sexual nature.

An example is a male supervisor or manager that only berates female subordinates for mistakes but not male subordinates.



The research indicates sexual harassment is actually about exerting power over another person. Sexual harassment is the method used to dominate and control someone.

This reality supports the fact sexual harassment often involves persons of unequal authority.



Another possible cause for sexual harassment is the blurring of social and business behaviors.

Employees should treat each other with the same dignity and respect in social settings or offsite work situations as they would in the work place.



Employees should always be conscious that sexual harassment can occur in any setting.

Regardless of the cause, sexual harassment is prohibited in the State of Georgia.

## Module 4: Workplace Environment and Retaliation

### Module Topics

#### Module 4: Workplace Environment and Retaliation

This module covers the following topics:

- Types of unacceptable behaviors
- How to recognize and report retaliation



In previous modules, you reviewed:

- What sexual harassment is, and the
- Various forms and types of sexual harassment

You also reviewed how:

- Sexual harassment may come from anybody an employee encounters as part of his/her employment, and that
- Sexual harassment is not only a male harassing a female. It can include any gender combination of offender and complainant



In this module, you look at behaviors, which could escalate into harassment if not addressed promptly. These unacceptable behaviors are unprofessional and prohibited.

You also review how to recognize, and report retaliation should it occur.



### Unprofessional and Prohibited Behaviors

Unprofessional and prohibited behaviors can:

- Adversely affect morale and productivity, and
- Make it difficult for an employer to maintain a respectful, harassment free workplace



Unprofessional behaviors consist of conduct which is:

- Offensive
- Disruptive
- Disrespectful



Some examples of unprofessional behavior include:

- Gossiping
- Talking negatively about another employee without their knowledge
- Teasing
- Shouting
- Arguing
- Bullying
- Calling people inappropriate or unwanted nicknames



As a reminder, such conduct could be considered sexual harassment if the behavior involves images, content, language, and/or jokes of a sexual nature.

Unprofessional behaviors are unacceptable and can escalate into situations which could be considered sexual harassment.

## **Retaliation**

Creating workplace environments free of harassment also includes making sure that employees who file a complaint or report of sexual harassment are not subjected to retaliation.

Retaliation is an act or omission intended to punish or otherwise negatively impact an individual for:

- Submitting or assisting with submitting a sexual harassment complaint or report
- Participating in a sexual harassment investigation
- Otherwise opposing sexual harassment



Agencies and employees are strictly prohibited from acts of retaliation.



## **Corrective & Disciplinary Action**

Employees who are found to have engaged in sexual harassment and/or retaliation in violation of the Statewide Sexual Harassment Prevention Policy will be subject to corrective and/or disciplinary action up to and including termination of employment.



## **Next Module**

In the next section, you review how to submit a complaint or report and what to expect after its submission.





## Module 5: Reporting Sexual Harassment

### Module Topics

#### Module 5: Reporting Sexual Harassment

This module covers the following topics:

- Who should report sexual harassment?
- When to report sexual harassment?
- How to report sexual harassment?

In the previous sections we reviewed:

- Behaviors considered prohibited sexual harassment, and
- Retaliation in the workplace environment

The best way to stop sexual harassment is prevent harassing behaviors from occurring and report them when they do.

### Who, When, and How to Report Sexual Harassment

This module reviews the who, when, and how to report sexual harassment and what expectations to have after the investigation begins.

### Who can report?

So, who can report sexual harassment?

- Anyone can report sexual harassment
- This includes the target of the harassment or a third party who observes behavior they find offensive.



## When can you report?

As a State of Georgia employee you are strongly encouraged to promptly submit a complaint if you believe you have been subjected to sexual harassment or retaliation.

You are also required to promptly report if you are a witness or otherwise have reason to believe that another employee is being, or has been, subjected to sexual harassment or retaliation.

You may submit a complaint or report regarding sexual harassment or retaliation to:

- Your supervisor or manager
- Your division director
- Your agency Human Resources Director
- Other agency designees

To the extent any of these individuals are the alleged harasser or retaliator, you may submit a complaint or report of sexual harassment or retaliation directly to the Office of State Inspector General (OIG).

## How to Report?

While written complaints and reports of sexual harassment or retaliation are preferred, you may submit a complaint or report verbally.

If you verbally report sexual harassment or retaliation the contacted person will document the facts of the incident in writing.

A trained investigator will promptly investigate all reports of sexual harassment and/or retaliation. This investigator may come from within your agency or may be assigned by the Office of the State Inspector General (OIG).



## Importance of Timely Reporting

Reporting sexual harassment and retaliation in a timely manner is important and helps your agency take appropriate and immediate action when a sexual harassment or retaliation incident occurs.



## Anonymous Reporting

Keep in mind if you submit a complaint or report anonymously the agency will make every effort to investigate but may be limited if sufficient information is not provided.

In addition, the investigator may need information from you to do a thorough investigation. Consequently, it may become impossible for you to remain anonymous.



## Investigation Process

Your agency and all parties involved in the investigation will make every effort to maintain confidentiality of the information you report. However, some information may be shared with agency officials and potential witnesses during the investigation.

In addition, complaints and reports of sexual harassment or retaliation, investigative reports, final determinations, and other related documents eventually become subject to disclosure under the Open Records Act after the investigation closes.



Conducting a thorough investigation takes time. If you are a witness or complainant, you may be asked for an interview to secure evidence (such as voicemails, text messages, emails, etc.) and possibly interviewed a second or third time.

You must be honest and open about the facts of what occurred at any time you are interviewed.



## Investigation Process - Interim Measures

Your agency may take interim measures while the investigation is ongoing.

Interim measures are non-disciplinary administrative steps taken for ensuring alleged conduct does not continue and/or you are protected from retaliation.

Examples of interim measures include:

- Changes to employment arrangements
- Work schedules
- Supervision or other directives designed to protect all parties involved in the investigation



## Investigation Process – Report of Findings

After an investigation begins a report of findings is provided to your Agency's leadership within 45 calendar days.

Your agency head may grant an extension past 45 calendar days if there are extenuating circumstances.

Once the report of findings is issued, a final determination based on the investigative report is made by your Agency within 21 calendar days.



## Thank You for Your Commitment

The State of Georgia appreciates your time and attention for completing the annual Sexual Harassment Prevention Training.

You can prevent sexual harassment and demonstrate a commitment to maintaining a work environment that is free from harassment.

