

**GAEB-R Discrimination and Harassment**

7/1/18

GSBA Reference: GAEB (Harassment)

**RATIONALE/OBJECTIVE:**

Discrimination and harassment, including sexual harassment and other forms of discriminatory harassment, are unlawful and are specifically prohibited by the Cobb County Board of Education (Board) and will not be tolerated against applicants, employees, or students.

**RULE:****A. GENERAL PROVISIONS:**

1. The Board desires that its students and employees be able to learn and work in environments free from all forms of discrimination, and harassment.
2. **Confidentiality:**  
Complaints of discrimination, harassment, or retaliation shall be maintained as confidential as possible by the District; however, in order to properly investigate and address such Complaints, confidentiality may not be absolute.
3. **Retaliation:**  
It is a violation of law and District policies and this Rule to retaliate against students or employees who file a Complaint or participate in a Complaint investigation.
4. **Notification:**  
All employees, including new hires, and applicants will have access to this Rule which shall also be posted on the District's website.
5. **Training:**  
The District will make available discrimination and harassment training which will be open to all employees.
6. This Administrative Rule is not intended to be read as an expansion of any existing Federal or State law.

**B. DEFINITIONS:**

For purposes of this Rule, the following definitions and guidance shall apply:

1. "Discrimination" generally means the failure or refusal to hire an applicant; the termination or demotion of an employee; the taking of an adverse action against an employee with respect to compensation or other terms, conditions or privileges of employment; the exclusion of a student from participation in an educational program or activity; or the denial of benefits to a student of an educational program or activity; or any other act or omission which constitutes unlawful discrimination or harassment based on an applicant's, employee's, or student's race, creed, color, national origin, religion, sex, age, genetic information, service in the uniform service, disability, or any other legally protected status.
2. "Harassment," which may include sexual harassment as well as other forms of discriminatory harassment, generally means verbal, physical, or graphic conduct that degrades or shows hostility or aversion toward an individual or group on the basis student's race, creed, color, national origin, religion, sex, age, genetic information, service in the uniform service, disability, or any other legally protected status, and that:
  - a. Has the purpose or effect of creating an intimidating, hostile, or offensive working or learning environment; or
  - b. Has the purpose or effect of unreasonably interfering with an individual's work or educational performance.

## C. PROCEDURES:

### 1. **Intervention:**

All administrators and other supervisors are authorized and expected to intervene immediately to prevent or eliminate discrimination, harassment, or retaliation in working and learning environments.

### 2. **Mandatory Reporting:**

- a. It is the responsibility of all employees to report any unlawful conduct as prohibited in Policy GAA and GAEB as well as the rules related to those policies, whether they are personally subjected to the conduct or merely witness the behavior.
- b. All administrators and other supervisors have an affirmative obligation to report to the Human Resources Division any discriminatory, harassing, or retaliatory behavior that is witnessed by them or reported to them even if not reported by an affected student or employee. If the report concerns an individual in the Human Resources Division, the report may be made to the Superintendent's Office; if the report concerns the Superintendent, the report may be made to the Chair of the Board of Education.

### 3. **Complaints:**

Any student, employee or applicant who wishes to file a Complaint should contact the Employee Relations office in the Human Resources Division. If the report concerns an individual in the Human Resources Division, the report may be made to the Superintendent's Office; if the report concerns the Superintendent, the report may be made to the Chair of the Board.

### 4. **Timeframe:**

- a. Individuals should make Complaints as promptly as possible to aid the District in ensuring that appropriate and timely action is taken.
- b. Complaint investigations shall be prompt, thorough, and impartial. The total time frame for the investigation shall not exceed sixty (60) working days from the receipt of the Complaint until notification to the Complainant of the decision rendered by Human Resources. Under unusual circumstances when it is not feasible to produce a satisfactory investigative determination within sixty (60) working days, the Deputy Superintendent may extend the timeframe as needed to ensure an appropriate investigation is completed by up to ten (10) working days.

### 5. **Investigation:**

- a. Employees are required to cooperate in complaint investigations and are expected to protect confidentiality.
- b. Allegations of discrimination, harassment, and retaliation shall be investigated in compliance with Administrative Rule GBK-R (Discipline, Suspension, and Dismissal of Staff).

### 6. **Retaliation:**

It is a violation of law to retaliate against employees who file a discrimination complaint or participate as a witness (Administrative Rule DIE-R [Fraud Prevention]).

## D. STATUTORY RIGHTS:

This rule does not preclude any statutory rights under which an employee may otherwise be entitled.

Adopted: 3/25/93

Revised: 3/28/96

Reclassified an Administrative Rule: 9/1/04

Revised: 11/14/07; 5/14/08; 1/13/10; 3/10/10

Revised and recoded: 7/19/12 (Previously coded as Administrative Rule GBAA)

Revised: 4/21/14; 7/1/18

### Legal Reference

O.C.G.A. 45-1-4

Whistleblower

O.C.G.A. 19-7-5

Reporting child abuse

O.C.G.A. 20-2-1184

Mandatory reporting of students committing certain prohibited acts

42 USC 2000d

1964 Civil Rights Act

42 USC 2000e-2

Unlawful employment practices

