



Georgia Department of Human Services
Office of Inspector General

Sexual Harassment & Investigations Process

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General Counsel

Inspector General



stronger families

FOR A STRONGER GEORGIA



Roadmap

- Why training is necessary
- Statewide requirements
- Identifying harassment
- Employer responsibilities
- Investigative process
- Reviewing complaints
- Fact finding
- Reports



Federal Laws

- Title VII of the Civil Rights Act of 1964
 - Protects individuals against employment discrimination
 - On the basis of race, color, national origin, sex and religion
 - Sexual harassment is a form of discrimination based on sex
 - Investigations by Equal Employment Opportunity Commission (EEOC)
 - Lawsuits against state government entities as employers
- 42 U.S.C. § 1983
 - Provides a cause of action for damages for sexual harassment
 - Lawsuits against state officials and employees acting “under the color of law”



Practical Considerations



Maintaining employee morale and productivity



Improving recruitment & retention



Avoiding or minimizing negative publicity



Protective important agency relationships



Executive Order on Preventing Sexual Harassment



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

**PREVENTING SEXUAL HARASSMENT
IN THE EXECUTIVE BRANCH OF GOVERNMENT**

WHEREAS: The State of Georgia does not tolerate sexual harassment in the workplace, and the State of Georgia is committed to providing a harassment free-workplace and environment for its employees and all citizens who interact with state government; and

- Signed by Governor Kemp on January 14, 2019
- Applies to all Executive Branch agencies
- Requires:
 - Mandatory annual prevention training for employees
 - Additional Training for Supervisors
 - Uniform process for reporting and investigating complaints



Department of Administrative Services Office of the State Inspector General Statewide Prevention Policy

- Policy effective March 1, 2019
- Describes:
 - Prohibited Conduct
 - Complaint Procedure
 - Investigation Procedure

POLICY



MEMORANDUM

SUBJECT: Statewide Sexual Harassment Prevention Policy

EFFECTIVE: March 1, 2019

ISSUED BY: DEPARTMENT OF ADMINISTRATIVE SERVICES
OFFICE OF THE STATE INSPECTOR GENERAL

I. Introduction

While there are multiple types of workplace harassment, as Executive Order 01.14.19.02 recognizes, incidents of sexual harassment present unique challenges which warrant special emphasis and the implementation of a particularized approach to the prevention, detection and



Types of Sexual Harassment

Quid Pro Quo

Used by someone with authority that has the power to grant rewards or penalties

- Promotions, raises or work shifts
- Demotions, reprimands or salary decreases
- Explicit or implicit submission
- Victim agrees to some type of sexual activity
- Impacts subordinate's employment

Hostile Work Environment

Does not require an exchange or a condition of employment

- 80% of harassment claims
- Actions of a **verbal, physical** or **visual** nature
- Creates an intimidating, hostile or offensive environment
- Offensive based on gender or other characteristics
- Interferes with work performance



Three Types of Hostile Work Environment

Physical

Hugging or touching

Standing too close

Physical restraint

Sexual assault

Verbal

Vulgar language

Pet names

Requests for dates or
affection

Crude jokes

Inappropriate
compliments

Visual

Obscene images

Suggestive gifts, cards or
emails

Provocative body
language

Stares or rude gestures





Employer's Responsibility

Prevention

Steps to take to prevent sexual harassment from occurring

Detection

Steps to ensure employers find out about any sexual harassment that occurs

Remedy

Steps to remedy sexual harassment once employer discovers it





DHS HR Policy # 102

Prevention

- Identify prohibited conduct
- Employee training
- Contractor training

Detection

- Complaint procedure
- Investigations

Remedy

- Prompt determinations
- Corrective or disciplinary actions
- Prohibit retaliation



DHS Learning Management System

The screenshot displays the DHS Learning Management System interface. At the top, there is a navigation bar with the Georgia Department of Human Services logo, and links for Learn, Manage, and Administer. A search bar and a user profile icon (SH) are also present. The main content area shows the 'Workplace Harassment 2019' course with a 'Curriculum' tab selected. A progress bar indicates 100% completion. A 'View Certificate' button is visible, along with a 'Restart Curriculum' link. Below this, a list of course modules is shown, all marked as 'Completed' with green checkmarks and 'Review' buttons.

Module	Status	Action
1. Workplace Harassment Module 1 - Introduction	Completed	Review
2. Workplace Harassment Module 2 - What is Harassment?	Completed	Review
3. Workplace Harassment Module 3 - Harassment Law and Policy	Completed	Review
4. Workplace Harassment Module 4 - Preventing Harassment	Completed	Review

The certificate is titled 'CERTIFICATE OF ACCOMPLISHMENT' in large, teal, serif capital letters. Below the title, it reads 'Proudly presented to' followed by the name 'Stephen Harris' in a teal, italicized serif font. The next line states 'For successfully completing the course' followed by 'Sexual Harassment Prevention Training for Employees 2021/22' in a teal, italicized serif font. The date 'on 9/3/2021' is printed below. In the bottom right corner, there is a signature of Erica Atkins and her title, 'Erica Atkins, Director Office of Enterprise Development'. The bottom left corner features the official seal of the State of Georgia, which includes the text 'STATE OF GEORGIA' and '1776'.



OIG Investigative Process

- Complaint received in the Office of Human Resources (OHR)
- OHR notifies the State Office of Inspector General
- OHR refers the complaint to the DHS Office of Inspector General (OIG)
- DHS OIG Chief Investigator reviews the complaint and then assigns the appropriate investigator



Assigning the Investigator

- Is the investigator trained to conduct Sexual Harassment investigations
- Consider any perceived conflicts of interest
- Familiarity with the work environment
- Is a 3rd party investigator appropriate for the investigation



Preliminary Complaint Review

- Review the complaint and any supporting documents received
- Consider if any interim protective measures are warranted
- Contact the complainant
- Request personnel files
- Search for any previous investigations involving complainant or respondent



Develop Investigation Plan

- Identify potential witnesses
- Determine order of interviews
- Set up site visits if necessary
- Identify and request any documents needed
- Identify documents or other evidence that needs to be collected and secured for the investigation
- Prepare investigation outline



Conducting the Interview

- Each person is interviewed separately
- Each person interviewed is explained their rights and requirement to participate in the interview
- Upon completion of the interview, each person is requested to complete a written statement



Putting the Puzzle Together

- Documents are reviewed
- Interviews and written statements are compared for continuity
- Follow up questions or interviews are conducted for clarification
- Evidence and exhibits are numbered and documented
- Determinations are made based on evidence and information gathered during the investigation
- A draft report is finalized for review



Review of Investigative Report

- The investigative report is sent to the Chief Investigator for initial review, and preparation for approval signatures
- The Chief Investigator finalizes the review and sends it to the Inspector General for review and approval
- The DHS Inspector General then sends the report to Executive Leadership for review and final approval by the DHS Commissioner



Closing the Loop

- Once approved, OIG notifies the State Office of Inspector General of the status of report through their web portal
- OIG sends the investigative report to the Office of Human Resources (OHR) for review and action as necessary
- Investigative report is filed in OIG



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