

Final Approval – 8/3/2020

Book Board Policy Manual

Section 4. Personnel & Talent Management

Title Discrimination, Harassment, and Retaliation

Code GAEB

Status Active

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The Atlanta Board of Education believes that all individuals should learn and work in an environment free of all forms of discrimination, harassment, and retaliation. The board expects the superintendent to maintain diverse working and learning environments where the contributions of all are respected.

Atlanta Public Schools prohibits discrimination, including harassment, based on a person's race, color, religion, sex, citizenship, ethnic or national origin, age, disability, medical status, military status, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, ancestry, or any legally protected status. Acts of discrimination or harassment committed by any APS employee are violations of this policy and will result in disciplinary action up to and including termination.

Any person who believes that he, she, or another person has been subjected to discrimination, harassment, or retaliation prohibited by this policy should immediately report his or her concerns as outlined below.

Atlanta Public Schools prohibits retaliation against any person who has reported in good faith and/or cooperated with an investigation of discrimination or harassment. Acts of retaliation in violation of this policy will result in disciplinary action being taken against an offending employee up to and including termination.

Any employee who knowingly makes a false complaint or who makes a complaint in bad faith shall be subject to disciplinary action up to and including termination. The board authorizes the superintendent to issue administrative regulations to implement this policy.

## Definitions and Guidance

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

- a. "Complaint" means any complaint or report by an individual alleging or reporting an alleged occurrence of any form of discrimination, harassment, or retaliation prohibited by this policy. All complaints must be reduced to writing, either initially by the complainant or subsequently by another as part of an investigation into the complaint.
- b. "Complainant" means any person who makes a complaint of discrimination, harassment, or retaliation prohibited by this policy.
- c. "Discrimination" 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 because of the applicant's, employee's, or student's race, color, religion, sex, citizenship, ethnic or national origin, age, disability, medical status, military status, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, ancestry, or any legally protected status.
- d. "Harassment," generally, means verbal, physical, or graphic conduct that degrades or shows hostility or aversion toward an individual or group on the basis race, color, religion, sex, citizenship, ethnic or national origin, age, disability, medical status, military status, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, ancestry, or any legally protected status, and that:
  - Has the purpose or effect of creating an intimidating, hostile, or offensive working or learning environment; or
  - Has the purpose or effect of unreasonably interfering with an individual's work or educational performance.
- e. "Hostile environment" means a working or learning environment that both a reasonable person would find hostile or abusive *and* that the subject of the harassment perceives to be hostile or abusive. Whether the environment is hostile is determined by looking at all of the circumstances, including how often the harassment has occurred, its severity, whether it is physically threatening or humiliating, and if it interferes with an employee or student's performance, employee career advancement, or access to APS activities and services. Examples of conduct that could create or could contribute to a hostile environment may include but are not limited to:
  - Offensive comments about disability, race, sex, age, sexual orientation, etc., even when such comments were not intended to be offensive but were intended, for example, only to be humorous or an expression of a personal opinion.
  - Offensive or degrading physical contact or coercive behavior, including stroking, patting or similar physical contact.

- Pictures, posters, graffiti or written materials displayed in a working or learning environment which are offensive or obscene.
- Excluding individuals from meetings or APS activities due to their sex, their religious beliefs, or other protected class status.
- f. "Retaliation" means the failure or refusal to hire an applicant; the termination or demotion of an employee; or the taking of an 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 because the person filed a complaint about or otherwise opposed discrimination, harassment, or retaliation; or provided information relative to a complaint about discrimination, harassment, or retaliation, or was involved in such a complaint in any way; or engaged in an activity protected by Section 3-107 of the Atlanta Public Schools Charter, the Georgia Whistleblower Statute codified at O.C.G.A. § 45-1-4, or any other applicable law.
- g. "Sexual Harassment" means conduct that involves unwanted sexual advances, requests for sexual favors, or other physical, verbal, or graphic behavior or comments of a sexual nature, when:
  - The person who is the subject of the harassment believes that he or she must accept the advances, favors or behavior to keep his/her job or access an educational program or activity; to receive a reward such as a raise, transfer, selection for training, performance evaluation, benefit, a promotion; or, in the case of students, to receive a grade, award, position or access to an educational program or activity; or
  - Submission to or rejection of such conduct by an individual is used as the basis for decisions about employment, promotion, transfer, selection for training, performance evaluations, benefits, or other terms and conditions of employment; or
  - The harassing conduct creates or is intended to create an intimidating, hostile, or offensive environment; or
  - The harassing conduct unreasonably interferes with an employee's work performance or a student's educational performance

Examples of sexual harassment may include but are not limited to the following:

- Engaging in or threatening any act of sexual violence, including any act of aggression or intimidation of a sexual or sexually suggestive nature.
- Unwanted, intentional physical contact of a sexual or sexually suggestive nature, including stroking, patting or similar physical contact.
- Offensive sexual comments, sexual advances, requests for sexual favors, lewd or sexually suggestive comments, gestures or actions; off-color language or jokes of a sexual nature; graphic or degrading comments or gestures about an individual's body.

- Displaying offensive writings, pictures, drawings, posters, reading materials, calendars, photographs, or other physical objects, that are pornographic, sexual in nature, sexually suggestive, or sexually demeaning.
- Punishing or threatening to punish an individual for refusing to consent to requests for sexual favors.
- Disciplining or retaliating against any individual in any way because he or she has resisted, reported or complained about sexual harassment.
- Preferential treatment or the promise of preferential treatment for engaging in sexual conduct.

Sexual harassment is not limited to situations where a supervisor of one gender physically or verbally harasses a subordinate employee of another gender. Sexual harassment can happen in many situations, including but not limited to the following:

- Between coworkers.
- Between individuals of the same gender.
- Between employees and students.
- Between employees and contractors, consultants, or volunteers.
- Exposure to offensive physical, verbal, or graphic conduct even where the affected individual was not the direct target of the offensive conduct.

### **Reporting Discrimination, Harassment, and Retaliation**

Atlanta Public Schools is committed to enforcing this policy against discrimination, harassment, and retaliation. However, the district cannot respond to complaints of discrimination, harassment, or retaliation unless it becomes aware of those complaints. Therefore, it is the shared responsibility of all members of the APS community including employees, students and family members to report in good faith any incidents of discrimination, harassment, or retaliation prohibited by this policy so that appropriate action can be taken as warranted.

#### *Filing a Report*

Any person who believes that he, she, or another person has been subjected to any form of discrimination, harassment, or retaliation in the working or learning environment should report his or her concerns as soon as possible and preferably not later than the work day or school day immediately following the day on which the misconduct is believed to have occurred.

Any student or family member of a student who believes a student has been subjected to discrimination, harassment, or retaliation in the learning environment should report the concerns to the school principal, assistant principal, a school social worker or the APS Office of Internal Compliance.

Any person who believes that he, she, or another person has been subjected to discrimination, harassment, or retaliation in the working environment may report the concerns to his or her immediate supervisor if he or she is comfortable doing so; however, the person is not required to do so. The following are also authorized to receive reports of discrimination, harassment, and retaliation on behalf of Atlanta Public Schools:

- The Office of Internal Compliance;
- School Principals and Assistant Principals;
- The Human Resources Division;
- Executive Directors and Directors;
- The Ethics Officer in the Legal Department; or
- The Chair of the Atlanta Board of Education, if the subject of the complaint is the Superintendent.

Anyone making a complaint pursuant to this policy may be asked to put his or her complaint in writing. The person to whom the complaint is made may take notes and may request the complainant to sign those notes.

Retaliation against any individual who makes a good-faith complaint or report of suspected discrimination, harassment, or retaliation, or provides information related to such a complaint or report, is prohibited and will result in appropriate disciplinary action being taken against any employee who engages in such retaliation.

#### *Anonymous Reports*

Atlanta Public Schools maintains an anonymous reporting tip line, and the district will investigate to the best of its ability reports of discrimination, harassment and retaliation made anonymously if enough detailed information is provided to do so.

#### *Responsibilities of Administrators and Supervisors*

School principals and assistant principals, executive directors, directors, and department heads are authorized and expected to intervene immediately to prevent or eliminate discrimination, harassment, or retaliation in working and learning environments, regardless of whether they have received a report of such misconduct.

All administrators and other supervisory personnel have an affirmative obligation to report discrimination, harassment, and retaliation in working and learning environments. School and central office administrators receiving reports shall forward them immediately to the Chief Human Resources Officer or his/her designee. If the Chief Human Resources Officer is the subject of a report of discrimination, harassment, or retaliation, the report shall be submitted to the Ethics Officer in the Legal Department. If the Superintendent is the subject of a report of discrimination, harassment, or retaliation, the report shall be submitted to the Chair of the Atlanta Board of Education.

#### **Review of Complaints of Discrimination, Harassment, and Retaliation**

Atlanta Public Schools will impartially, thoroughly, and with due diligence review and address as appropriate all complaints and other reports of alleged discrimination, harassment, and retaliation.

#### **Title IX of the Education Amendments of 1972 ("Title IX")**

The Atlanta Public Schools does not discriminate on the basis of sex in its education program and activities, as required by Title IX. Such requirement to not discriminate extends to admission and employment. Effective August 14, 2020, and pursuant to federal

regulations implementing Title IX published in 2020 scheduled to become effective on August 14, 2020, any complaint involving “sexual harassment” as defined by those federal regulations that occurs in an Atlanta Public Schools education program or activity against a person in the United States shall be addressed pursuant to the Atlanta Public Schools Title IX Grievance Procedure. Should such federal regulations not go into effect for any reason, all such complaints involving an employee complainant shall continue to be addressed under the procedure outlined in this Policy GAEB.

Inquiries about the application of Title IX may be directed to the Assistant Secretary of the Office for Civil Rights, United States Department of Education, or to the following:

Dr. Maurice Granger, Title IX Coordinator for Student Matters  
Coordinator of Student Discipline, Atlanta Public Schools  
130 Trinity Avenue, S.W.  
Atlanta, GA 30303  
(404) 802-2239  
[mxgranger@atlantapublicschools.us](mailto:mxgranger@atlantapublicschools.us)

Mr. George Williams, Title IX Coordinator for Employee Matters  
Director of Employee Relations  
130 Trinity Avenue, S.W.  
Atlanta, GA 30303  
404-802-2374  
[gwilliams@atlanta.k12.ga.us](mailto:gwilliams@atlanta.k12.ga.us)

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**See also:**

[Board Policy GAE Complaints and Grievances](#)  
[Board Policy GAGC Employee Ethics](#)  
[Board Policy JCAC Harassment](#)

**Legal citations:**

[O.C.G.A. 45-01-0004 Whistleblower](#)  
[O.C.G.A. 19-07-0005 Reporting child abuse](#)  
[O.C.G.A. 20-02-1184 Mandatory reporting of students committing certain prohibited acts](#)

[42 USC 2000d 1964 Civil Rights Act](#)  
[42 USC 2000e-2 Unlawful employment practices](#)  
[20 USC 1681 Title IX of the Education Amendments of 1972](#)

Policy Contact:

George C. Williams  
Employee Relations  
Human Resources Division  
(404) 802-2374  
[gwilliams@atlanta.k12.ga.us](mailto:gwilliams@atlanta.k12.ga.us)