



Affirmative Action/Equal Employment Opportunity Related Georgia State University Policies

101.1 Equal Opportunity Statement

It continues to be the policy of Georgia State University to implement affirmative action and equal opportunity for all employees, students, contractors, consultants and applicants for employment or admission without regard to race, color, religion, creed, national origin, sex, age, veteran status or disability.

The University's affirmative action program and related policies are developed in compliance with Executive Orders 11246 and 11375, as amended; the Rehabilitation Act of 1973 (Sections 503 & 504) and the Americans with Disabilities Amendments Act of 2008 (Title II) and their implementing regulations; the Age Discrimination in Employment Act of 1967; and the Vietnam Era Veterans Readjustment Assistance Act of 1974, as it amends 38 U.S.C. 4212.

In conformance with the federal regulations listed above, Georgia State University does not discriminate against any employee or applicant for employment with regard to any opportunity for which the employee is qualified.

Persons wishing to file complaints under the provisions of this policy should contact the Opportunity Development/Diversity Education Planning Office.

Every member of the Georgia State University community is expected to uphold this policy as a matter of mutual respect and fundamental fairness in human relations. The policy has the unequivocal support of the Office of the President. All members of the faculty, staff, and student body are expected to ensure that nondiscriminatory practices are followed at Georgia State University.

Specifically, the University will:

- comply with both the letter and spirit of the laws and regulations governing equal opportunity in the workplace providing equal opportunity to all employees and to all applicants for employment;
- review all of its personnel policies, including benefits, compensation, employment, promotion, training, tuition assistance, and separation, to ensure there is no unlawful discrimination or harassment because of a person's age, color, marital status, national origin, disability, race, religion, gender sexual identity or status as a disabled veteran or veteran of the Vietnam Era, and for people in any other legally protected groups;
- make reasonable accommodations for the physical and/or mental disabilities of qualified employees and applicants;
- inform employees of the right to refer complaints to their supervisor, the Opportunity Development/Diversity Education Planning Office, the Human Resources Department, or the Office of Legal Affairs without being subject to intimidation or retaliation in any form.

101.2 Americans with Disabilities, Disabled Veterans and Veterans of the Vietnam Era

It is the policy of Georgia State University not to discriminate against any employee or applicant for employment because he or she is an individual with a disability, a disabled veteran or a veteran of the Vietnam Era. It is also the policy of Georgia State University to take affirmative action to employ and advance in employment qualified disabled veterans, veterans of the Vietnam Era and individuals with disabilities. This policy applies to all employment actions including, but not limited to, advertising, recruitment, hiring, compensation, retention, training, demotion, promotion or transfer, layoff, Reduction in Force (RIF) or termination and tenure.

Persons wishing to self-identify as an individual with a disability, disabled veteran or veteran of the Vietnam era should contact the Human Resources Department.

An individual wishing to file a complaint should contact the Opportunity Development/Diversity Education Planning Office.

All personnel actions involving individuals with disabilities, disabled veterans and veterans of the Vietnam Era will be governed by the affirmative action programs developed in compliance with 41 CFR Parts 60-741 and 60-250.

In order to ensure compliance, operational responsibility for implementing and monitoring this policy and maintaining and updating the affirmative action plan for individuals with disabilities, disabled veterans and veterans of the Vietnam Era lies with the Opportunity Development/Diversity Education Planning Office.

This affirmative action plan is available for inspection by any employee or applicant for employment, during normal business hours, in the Georgia State University Opportunity Development/Diversity Education Planning Office or the University Library. Every member of the University community is expected to uphold this policy as a matter of mutual respect and fundamental fairness in human relations. This policy has the unequivocal support of the Office of the President. All members of the faculty, staff, and student body are expected to ensure that nondiscriminatory practices are followed at Georgia State University.

101.2a Americans with Disabilities Act Amendments Act (ADAAA)

Georgia State University prohibits discrimination against qualified individuals with disabilities who can perform the essential functions of the job, with or without reasonable accommodation(s). An individual is disabled under the Act if he or she:

- Has a physical or mental impairment that substantially limits one or more major life activities; or
- Has a record of such an impairment; or
- Is regarded as having such impairment.

Georgia State University has and will continue to provide reasonable accommodations to enable Georgia State University to hire and retain qualified employees who are able to perform the essential functions of their positions. Employees may contact the Human Resources Department for questions.

Any person wishing to self-identify as disabled or request a reasonable accommodation due to a disability should contact Human Resources during normal business hours.

101.3 Sexual Harassment Policy

Sexual harassment is prohibited by Georgia State University, the University System of Georgia and by state and federal law. Sexual harassment is a form of prohibited sex discrimination. Georgia State University is firmly committed to maintaining a work environment free of sexual harassment and does so by providing training for all employees explaining the definition of sexual harassment, how to report sexual harassment and the consequences for sexually harassing a member of the University community. Sexual harassment of any member of the University community is prohibited and will subject the offender to disciplinary action which may include termination.

101.3a Definition of Sexual Harassment

The Equal Employment Opportunity Commission definition, adopted by Georgia State University, states that unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing; or
- submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting an individual; or
- such conduct unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile or offensive working or academic environment.
- such conduct that can be implicitly or explicitly categorized under Sex Discrimination, a prohibited form of Sexual harassment under Title IX of the Education Amendments Act of 1972.

Georgia State University will not tolerate any form of harassing behavior to or from employees, consultants, contractors, or other non-employees.

Source: Georgia State University Classified Employee Handbook

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101.3b Reporting Procedures

Any employee who feels that he or she has been the victim of harassment is encouraged to use the University's internal procedures to resolve complaints. The supervisor is also responsible to report any knowledge of harassment. The complainant may elect to use any of three University procedures. The complainant may consult informally with a counselor (employees contact Faculty and Staff Assistance), with the University Ombudsperson, or the complainant may submit a formal complaint with the Opportunity Development/Diversity Education Planning Office. *Complainants should note that informal resolution through the Ombudspersons Office or Faculty and Staff Assistance does not constitute "putting the University on notice" of sexual harassment.*

A counselor from *Faculty and Staff Assistance or the Counseling and Testing Center* is used when the complainant desires personal assistance in dealing with what appears to be a sexual harassment problem, and is outside the University's mechanism for resolving complaints.

Actions of the *Ombudsperson* focus on communication, education, and possible resolution.

Formal complaint procedures through the Opportunity Development/Diversity Education Planning Office focus on investigation and discipline. A complainant may use any of the procedures initially, and may move among them as the situation dictates. Employees may also file harassment complaints with the appropriate state or federal agencies under Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments Act of 1972.

101.3c Sexual Identity Policy

It is the policy of Georgia State University that an individual's sexual identity will not be considered when making any personnel decisions. One's sexual identity is strictly personal, and such information is prohibited from being used in any way by the University or its employees in employment decisions.

101.3d Title IX of the Education Amendments of 1972

Title IX of the Education Amendments of 1972 was the first comprehensive federal law to prohibit sex discrimination against students and employees of educational institutions. Title IX states, in part:

No person shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

The policy of Georgia State University is to implement affirmative action and equal opportunity for all employees, students and applicants for employment or admission without regard to race, color, religion, national origin, sex, age, veteran status or disability.

Title IX prohibits sex discrimination. Sexual harassment is a form of prohibited sex discrimination. Students (male and female) and employees (faculty and staff) are protected from sexual harassment and may recover monetary damages.

The Title IX Coordinator is responsible for enforcing the law. Faculty, staff, and students can file complaints of sex discrimination with the Title IX Coordinator. Retaliation against complainants is prohibited.

The Title IX Coordinator is the Associate Vice President of Opportunity Development and Diversity Education Planning. The Title IX Coordinator can be contacted at:

Opportunity Development and Diversity Education Planning

Mailing Address	In Person Address
P.O. Box 3983	1 Park Place, Suite 308
Atlanta, GA 30302-3983	Atlanta, Georgia 30303
Office: (404) 413-3290	Fax: (404) 413-2560
Email: equalopportunity@gsu.edu	Website: http://odaa.gsu.edu/

101.4 Discriminatory Harassment Policy and Non-Discrimination Policy Statement

Georgia State University allows the free inquiry into all ideas and the free expression of opinions by those within it as a part of the basic process of education. In the presence of harassing behavior, a person's learning or working ability may be impaired. This discriminatory harassment policy acknowledges protection for free speech, which is

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guaranteed by the First Amendment of the United States Constitution, while at the same time requiring that the dignity and worth of the individual be nurtured and protected.

The University will not tolerate discrimination on the basis of race, color, gender, sexual identity, age, disability, national origin or religion. Every student and employee in the University community has the responsibility not to engage in any unlawful discrimination.

The right of free speech, although fundamental to our democratic system of government and essential to the exchange of ideas in a University, is not absolute. The Supreme Court of the United States has held that certain categories of speech are not entitled to First Amendment protection. These categories include obscenity, fighting words, and to a limited extent, defamation. There is no place on a University campus for speech or other expression that personally vilifies another individual. Such personal vilification is even more distasteful when it involves insults that are based on race, color, gender, sexual identity, age, disability, national origin, or religion.

Complainants who believe that they are victims of discriminatory harassment are encouraged to use the University's internal procedures to resolve complaints which are listed under Section 700 of the Classified Employee Handbook. They may also file discriminatory harassment complaints with appropriate state or federal agencies under Title VII of the Civil Rights Act of 1964.

The complainant may elect any of several internal procedures. The complainant may seek an informal resolution by:

- conferring with the University Ombudsperson;
- consulting with administrators who oversee the respondent;
- initiating formal procedures through the Opportunity Development/Diversity Education Planning Office;
- obtaining personal counseling through Faculty and Staff Assistance; such counseling lies outside the University's mechanisms for resolving complaints of discriminatory harassment, and is intended solely for the personal benefit of the individual.

101.16 Policy on Amorous Relationships

The integrity of academic and work relationships is the foundation of the University's educational mission. These relationships vest considerable trust in persons with authority whether as mentor, educator, evaluator and/or administrator. The unequal institutional power inherent in University academic and work relationships heightens the vulnerability of those in subordinate positions. The University must protect itself from influences or activities that interfere with intellectual, professional and personal growth, or with the University's financial interests. Consequently, people in positions of authority within the University community must be sensitive to the potential for conflict of interest as well as sexual harassment in amorous relationships with people over whom they have a professional power/status advantage. (Please see Section 101.3 of the Classified Employee Handbook for the Sexual Harassment Policy of the University.)

The individual in authority bears the primary responsibility for any negative consequences resulting from an amorous relationship. It is in the interest of the University to provide clear direction and educational opportunities to the University community about potential professional risks associated with consensual amorous relationships between members of the University community where a power/status advantage exists.

101.16a Power Advantages

Staff Advantage: A staff member will always be treated as having a power advantage when the staff member has the authority to evaluate, determine salary, and/or make employment decisions.

Other Power Advantage: Power advantages also can occur between junior and senior faculty, faculty and administrators, and faculty/administrators and staff.

101.16b Conflict of Interest

Relationships that are mutual and consensual may be viewed by others as exploitative and may adversely affect the work environment in that serious conflicts of interests may be perceived to exist. In particular, the parties to an amorous relationship should be aware that such relationships often create general conflicts of interest and the fear from co-workers or students of unfair treatment in terms of promotions, grades, etc. Therefore, Georgia State University prohibits the parties who are or have been involved in any amorous relationship from supervising each other.

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There are situations sufficiently complex that judgments may differ as to whether there is or may be a conflict of interest, and individuals may inadvertently place themselves in situations where conflict exists. Accordingly, for the common good, should a situation arise in which parties who are or have been involved in any amorous relationship come into a position in which they would normally be called upon to evaluate one another, the individual in authority must promptly report this fact to his or her supervisor. The supervisor will then make arrangements to see that those who are or have been involved in any amorous relationship do not evaluate each other. In particular, if a faculty member has had or comes to have an amorous relationship with a student over whom the faculty member has authority as described above, the faculty member must promptly report this to the department/school chair who will make arrangements for an alternate evaluation mechanism. Should the individual in authority fail to promptly report an amorous relationship with a person the individual in authority evaluates, the individual in authority has violated University policy and is subject to disciplinary action as outlined in the Classified Employee Handbook or appropriate college regulations (depending on whether the individual in authority is faculty, staff or a student).

101.16c Malicious Use of This Policy

It is important to avoid conflict of interests resulting from amorous relationships; it is equally important to recognize that malicious accusations of inappropriate amorous relationships have the potential to severely damage a person's career and reputation. Therefore, Georgia State University prohibits making knowingly false accusations that an unreported amorous relationship exists or existed between two parties now in a position to evaluate each other.

101.16d Due Process

Due process rights are matters of fundamental fairness. Therefore, any disciplinary action initiated will be taken in accordance with the procedures set out in the Classified Employee Handbook or appropriate college regulations.

702 Discrimination or Harassment Complaint Process

Georgia State University is committed to creating and maintaining a community in which students, faculty and staff can work together in an atmosphere free of discrimination, harassment and/or retaliation. The University encourages Complainants to avail themselves of counseling services prior to and during the pursuit of informal and formal procedures. On campus providers of these services include but are not limited to the Office of the Ombudsperson, FASA, Office of Disability Service, Dean of Student Services, and University Counseling Center.

The Opportunity Development and Diversity Education Planning Office (ODDEP) serves as a resource for potential complainants and provides an investigatory function for discrimination complaints. One of the responsibilities of ODDEP is to uphold the federal and state laws that prohibit discrimination in education and employment. It is illegal to discriminate against a person because of that person's national origin, race, color, sex, religion, age, veteran status or disability.

702.1 Informal Resolution Process

Employees are encouraged to participate in an informal resolution process. The informal resolution process may be utilized by consulting with Faculty and Staff Assistance, Employee Relations, or the University's Ombudsperson as the situation dictates.

In the event that any of these processes are not successful, the employee may initiate a formal complaint through the Opportunity Development and Diversity Education Planning Office (ODDEP) or by filing a Grievance Request Form with the Office of Employee Relations.

702.2 Formal Complaint Process

To begin the formal complaint process, the employee must contact the Opportunity Development and Diversity Education Planning Office (ODDEP). The initial intake interview serves the purpose of establishing that the complainant is currently affiliated with Georgia State University and that the complaint involves an illegal basis of discrimination, harassment and/or retaliation. If the alleged facts do not constitute a basis of discrimination prohibited by law, informal resolution options or grievance procedures are still available to the employee. Employees are encouraged to notify ODDEP of claims of discrimination and /or harassment as soon as possible. However, because of the statute of limitations on such claims and witness availability, a discrimination complaint must be filed within **180 days** of the occurrence of the alleged violation. In cases where discrimination is continued and ongoing employee should contact ODDEP as soon as possible.

If an employee wishes to file a formal complaint, the employee must complete an Employee and Student Complaint Questionnaire. The employee may do so by contacting the Opportunity Development and Diversity Education Planning Office or attain the questionnaire on line at: https://gsu-gme-advocate.symlicity.com/public_report.

After the Employee and Student Complaint Questionnaire has been returned to the Opportunity Development and Diversity Education Planning Office.

An assessment will be made as to whether there is cause to believe that statutes, executive order and/or policies as they relate to discrimination may have been violated.

Once a determination has been made, the employees who are directly involved and appropriate officials will be contacted regarding the findings of the complaint.

For detailed information on the ODDEP formal complaint process go to: <http://odaa.gsu.edu/resources/internal-complaint-process-faqs/>