

24th JDC Harassment-Free Workplace Policy (Part 1, Ch 9 PRPP Manual)

A. General

The Court is committed to providing a workplace free of harassment. This includes harassment based on such factors as race, color, religion, national origin, ancestry, gender, age, physical disability, mental disability, medical condition, marital status, sexual orientation, family care or medical leave status, veteran status, or any other status protected by law.

The Court strongly disapproves of and will not tolerate harassment of its employees. Similarly, the Court will not tolerate harassment by its employees of non-employees with whom the Court employees have a business, service, or professional relationship. The Court will take steps to protect employees from harassment by non-employees in the workplace.

B. Harassment Explained

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with an employee's work performance. Such conduct constitutes harassment when: (1) submission to the conduct is made as a result of an explicit or implicit condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment is unacceptable behavior of one person towards another based on gender, pregnancy, childbirth, or related medical conditions. Sexually harassing conduct in particular also includes unwelcome conduct such as requests for sexual favors, conversation containing sexual comments, and unwelcome sexual advances.

Harassment includes, but is not limited to, the following: slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, or cartoons based upon an employee's sex, race, color, national origin, religion, age, physical disability, mental disability, medical condition, ancestry, marital status, sexual orientation, family care or medical leave status, or veteran status.

C. Reporting Procedure and Investigation

Any incident of harassment must be reported promptly to a Judge, the employee's supervisor or to the Judicial Administrator.

Any management employee who receives complaints or observes harassing conduct shall inform the Judicial Administrator immediately. The Court

emphasizes that employees are not required to complain first to their immediate supervisor, if that supervisor is the individual who is harassing the employee.

Every reported complaint of harassment will be investigated thoroughly, promptly, and in a confidential manner. You will be asked to provide an account of the incident(s), including the identification of any witnesses. The Court has an obligation to investigate any such reports and the investigator must discuss the complaint with the complainant and the accused harasser. Confidentiality will be maintained throughout the entire investigatory process to the extent possible and appropriate under the circumstances to protect the privacy of persons involved. However, the Court cannot guarantee complete confidentiality where it would conflict with the Court's obligation to investigate.

D. Prohibitions on Retaliation

In addition, the Court will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint of harassment. Retaliatory or intimidating conduct against any individual who has made a good faith harassment complaint or who has testified or assisted in any manner in an investigation is specifically prohibited and shall provide grounds for disciplinary action up to and including dismissal of any employee who retaliates. Examples of such retaliatory or intimidating conduct include unsupported disciplinary acts, changing working conditions without cause, intentionally providing inaccurate and/or misleading information concerning a work-related matter, or refusing to cooperate and/or discuss a work-related matter with any individual who has either initiated or participated in the investigation of a harassment complaint. The initiation of a good faith complaint of harassment by an employee will not reflect negatively on that employee nor will it affect the employee's rights, privileges, or working conditions.

E. Corrective Action and Discipline

In the case of Court employees, if harassment is established, the Court will discipline the offender. Disciplinary action for a violation of this policy can range from verbal or written warnings up to and including immediate dismissal, depending upon the circumstances. The decision of the Judicial Administrator shall be final and binding. With regard to acts of harassment by the public, litigants, attorneys or vendors, corrective action will be taken after consultation with the appropriate management personnel.