

**DISTRICT OF COLUMBIA COURTS
JOINT COMMITTEE ON JUDICIAL ADMINISTRATION
PERSONNEL POLICIES**

Attachment J.9

SEXUAL HARASSMENT

**POLICY NO.
605**

605 Policy. It is the policy of the District of Columbia Courts (the “Courts”) that all employees are entitled to a work environment free of harassment or intimidation. This policy includes sexual harassment, which is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, as amended.

It is the Courts’ policy that sexual harassment is unacceptable conduct, will not be tolerated or condoned and may form the basis of disciplinary action.

Unwelcomed or unwanted conduct of a sexual nature, either verbal or physical, constitutes sexual harassment when: (1) submission to or rejection of this conduct is used, explicitly or implicitly, as a factor in any employment decision, including hiring, evaluation, or promotion; (2) this conduct unreasonably interferes with an individual’s performance; or (3) creates an intimidating, hostile, or offensive work environment whether or not the conduct is specifically directed against a particular individual. Such behavior is unacceptable in the workplace and in other work-related settings, such as business trips and business-related social events.

All managers and supervisors will be held responsible for taking appropriate measures to ensure that the work place is free from sexual harassment and that appropriate action is taken when allegations of violations of this policy are brought to their attention.

606 Definition.

Sexual harassment is verbal or physical conduct that includes:

- A. Unwelcomed sexual advances;
- B. Requests for physical conduct of a sexual nature; and
- C. Any written, verbal or physical conduct of a sexual nature when:
 - 1. submission to such conduct is made wither explicitly or implicitly a term or condition of an individual’s employment;
 - 2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; or
 - 3. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

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In the context of the above, sexual harassment includes, but is not limited to the following behaviors: requests for sexual favors; the use of threats or force to obtain sexual favors; sexual propositions (implied or expressed); sexually suggestive comments and inappropriate sexually-oriented comments on appearance, including dress or physical features; sexually-oriented teasing or joking; jokes about gender-specific traits; unwelcome or uninvited touching, patting, or grabbing or another's body; obscene spoken or written language; obscene gestures; and display of offensive or obscene printed or visual material.

This policy applies to court employees when they are conducting Court business and dealing with others while at work or at work-related social functions.

607 Guidelines.

- A. All employees are entitled to a work environment free of harassment or intimidation. Sexual harassment is a form of discrimination that is illegal and will not be tolerated.
- B. Court employees must not subject other employees, contractors, consultants, volunteers, applicants, or any member of the public to sexual harassment. A court employee who is found to have engaged in sexual harassment will be subject to appropriate disciplinary action, which may include dismissal.
- C. Sexual harassment of court employees by contractors, consultants, contractors, their employees who conduct business with the Court, or individuals who receives services from the Courts will not be tolerated, and may result in denial of contracting privileges.
- D. Managers and supervisors must take appropriate measures to ensure that employees under their supervision or direction are provided a work environment free of sexual harassment. Appropriate measures include, but are not limited to: informing employees about the Court's sexual harassment policy; intervening as soon as an issue or complaint regarding sexual harassment is brought to the supervisor's attention; and providing opportunities for employees to attend current training sessions on sexual harassment.
- E. Managers and supervisors who become aware of alleged sexual harassment must report the information to their division head, or applicable Clerk of the Court, or the Executive Officer.

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- F. An employee who witnesses or has knowledge of such conduct should report it to his/her manager or supervisor, or the division head, or Director of Human Resources, or to the Equal Employment Opportunity Officer.
 - G. The use of threats or other means to retaliate against another who resists harassment, reports the alleged harassment to another, participates or cooperates in an investigation of a complaint of sexual harassment or files a complaint about alleged harassment is prohibited.
 - H. Advice and counseling concerning sexual harassment may be obtained from the Director of Human Resources or the Equal Employment Opportunity Officer.

608 Procedure.

A. Filing and Investigation of Complaints

1. An employee who is subject to sexual harassment should promptly bring the matter to the attention of his/her supervisor. If the supervisor is a party to the alleged harassment, or if the supervisor does not wish to discuss the matter with the supervisor, the employee must bring it to the attention of the division head, the Director of Human Resources or the Equal Employment Opportunity Officer. All complaints will be processed according to Policy 600, et. Seq., of the comprehensive Personnel Policies, which policy includes the requirement that the complaint be filed with the EEO Office within 120 days of the date of the alleged discriminatory act, or the date the employee became aware of the act or its discriminatory nature.

2. The supervisor of a complainant must document information relevant to the complaint, including the date and substance of the complaint and the names of individuals who were involved or who witnessed the incident(s). The supervisor must notify his/her division head, the Director of Human Resources, or refer the matter to the Equal Employment Opportunity Officer for investigation if the matter is not investigated and resolved at the level reported. The supervisor may investigate the complaint and attempt to resolve it informally if agreed to by the Complainant. Informal resolution is appropriate only if the essential facts of the complaint are undisputed and both the victim and alleged perpetrator of the harassment agree to informal resolution. If attempts at informal resolution are unsuccessful, the complaint must be referred to his/her division head, the Director of Human Resources or the Equal Employment Opportunity Officer.

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3. A complaint brought to the attention of the Equal Employment Opportunity Officer may be oral or written and may be brought by any person having knowledge of the harassment.

4. Every effort will be made to maintain the confidentiality of the information provided in connection with a sexual harassment complaint, and to protect the privacy of the individuals involved. Information about the investigation will be given only to those persons who have a "genuine need to know" the information because of their role in the investigation or those who are legally entitled to the information.

B. Corrective Action.

1. The Courts' Comprehensive Personnel Policies, at Policy 1000, considers a willful violation of the laws against sexual harassment to be a Level II offense, with its companion levels of discipline.

2. Each supervisor, up through the division head, is responsible for taking appropriate corrective action to resolve the complaint, according to the Comprehensive Personnel Policies, at Policy 1000.

3. The Equal Employment Opportunity Officer is authorized to review all complaints to assure that each complaint is resolved according to the Courts' Comprehensive Personnel Policies and its policy against sexual harassment. The Equal Employment Opportunity Officer shall submit an annual report of sexual harassment complaint activity to the Executive Officer.

609 Education and Training.

A. The Courts will provide ongoing educational and training programs to inform employees and supervisory management about sexual harassment, how to prevent incidents, and how to identify and deal with complaints of sexual harassment. Management training in the area of the Courts' sexual harassment policy is mandatory for all of the Courts' supervisory personnel.

B. This policy must be provided to all employees and be made available to the public.

Approved July 21, 1999