

DISTRICT OF COLUMBIA COURTS
JOINT COMMITTEE ON JUDICIAL ADMINISTRATION
PERSONNEL POLICIES

SEXUAL HARASSMENT

POLICY NO. 410

- I. **Policy.** It is the policy of the District of Columbia Courts to provide an environment free of sexual harassment which the U.S. Supreme Court has found to be a form of discrimination. Sexual harassment is subject to corrective action, revocation of contracting privileges, or other appropriate sanctions.
- II. **Definition.** Sexual harassment is verbal or physical conduct that includes but is not limited to:
1. Unwelcome sexual advances;
 2. Requests for sexual favors; and
 3. Any written or verbal conduct of a sexual nature when:
 - a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions; or
 - c. 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 whether or not the conduct is specifically directed against a particular individual.
- III. **Covered Behavior.** Sexual harassment includes, but is not limited to the following behaviors of a sexual nature:
1. Requests for sexual favors;
 2. Use of threats or force to obtain sexual favors;
 3. Sexual propositions (implied or expressed);
 4. Sexually suggestive comments and inappropriate sexually-oriented comments on appearance, including dress or physical features;
 5. Sexually-oriented teasing or joking;
 6. Unwelcome or uninvited touching, patting, or grabbing of another's body;
 7. Obscene spoken or written language or gestures; or
 8. Display of offensive or obscene printed or visual material.

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- IV. **Anti-Retaliation.** Retaliation against covered individuals who participate in a protected activity, such as filing a complaint or participating in a sexual harassment investigation is prohibited.
- V. **Individuals' Duty to Report.** A covered individual who is personally subjected to harassment, or has knowledge of such conduct should report the information to the supervisor of the related court office, division head, Director of Human Resources, or to the EEO Officer.
1. Individuals who believe they are subjected to sexual harassment are encouraged to clearly communicate to the harasser that the conduct is unwelcome. Moreover, employees are strongly encouraged to promptly report harassment to a court supervisor before it becomes severe or frequent.
 2. If the supervisor is a party to the alleged harassment, or if the employee does not wish to discuss the matter with a supervisor, the employee may bring it to the attention of the division head, the Director of Human Resources, or to the EEO Officer.

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VI. Supervisor's Responsibilities.

1. Preventing Sexual Harassment. Supervisors must take appropriate measures to prevent sexual harassment in the workplace. Appropriate measures include, but are not limited to:
 - a. Informing employees about the Courts' sexual harassment policy; and
 - b. Providing opportunities for employees to attend training sessions on sexual harassment.
2. Supervisors' Duties to Document and Report. Supervisors who become aware of alleged sexual harassment allegations must document and report the information to their division head, or appropriate Clerk of the Court, or the Deputy Executive Officer. Each supervisor, up through the division head, is responsible for taking appropriate action to resolve the complaint.
 - a. Prompt Response. Supervisors are to intervene as soon as possible and gather the relevant facts. Supervisors should respond impartially and to the extent possible, confidentially. The complainant should be informed that it may be necessary to reveal information to potential witnesses.
 - b. Supervisors' Efforts to Informally Resolve. Supervisors shall initially discuss the allegations with the complainant and the alleged harasser separately and privately. Supervisory efforts to informally resolve the complaint are appropriate only if the essential facts of the complaint are undisputed and both the complainant and alleged perpetrator of the harassment agree to informal resolution. If these conditions are not met, then the complaint must be forwarded to the Courts' EEO Officer.

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VII. EEO Officer's Responsibility.

1. Informing the EEO Officer. A complaint brought to the attention of the EEO Officer may be oral or written and may be brought by any person having knowledge of the alleged harassment. The EEO Officer is authorized to review all complaints to assure that each complaint is resolved according to the Courts' policy against sexual harassment.
2. Need to Know Basis. 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 need to know.
3. Annual Report. The EEO Officer shall submit an annual report of sexual harassment complaint activity to the Executive Officer.
4. Advice and Counseling. Advice and counseling concerning sexual harassment may be obtained from the Director of Human Resources or the EEO Officer.
5. Education and Training. The Courts will provide ongoing educational and training programs to inform employees and management about sexual harassment.

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