

# **ANTI-HARASSMENT POLICY - COLORADO JUDICIAL BRANCH**

**Adopted June 1, 1995**

*Amended March 21, 1996*

*Amended May 2001*

*Amended April 2007*

The Colorado Judicial Branch is proud of its tradition of maintaining a work environment where all persons are treated with dignity and respect. Each individual should be provided with the opportunity to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices, including harassment based on a person's race, color, national origin, gender, age, sexual orientation, religion, socioeconomic status or disability. Harassment, whether verbal, physical, or environmental, is unacceptable and will not be tolerated in the workplace itself or in other work-related settings such as business trips, conferences, or work-related social events.

## **A. DEFINITION.**

Wherever used in this policy, the term "harassment" means any offensive conduct, verbal or physical, based on a person's race, color, national origin, gender, age, sexual orientation, religion, socioeconomic status or disability if such conduct adversely affects that person's work performance or employment status, or otherwise creates an intimidating, hostile or offensive work environment. Examples of prohibited conduct include derogatory comments, remarks, gestures, or jokes relating to a person's race, national origin, gender, age, sexual orientation, religion, socioeconomic status or disability; racial or ethnic slurs; and negative epithets.

Sexual harassment specifically is defined as any type of offensive conduct based on an individual's sex, whether or not the conduct is sexual in nature, where: 1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of employment; or 2) this conduct unreasonably interferes with a person's employment or creates an intimidating, hostile, or offensive work environment.

Examples of prohibited sexual harassment include: derogatory comments, remarks, gestures or jokes about a particular sex; demands for sexual favors in exchange for favorable treatment or continued employment; unwanted sexual advances or propositions; unwelcome touching; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; repeated sexual comments, sexual gestures, sexual jokes, leering, whistling, or other verbal abuse of a sexual nature; and the display in the workplace of sexually suggestive objects or pictures.

## **B. APPLICATION.**

This policy applies to all employees (both contract and classified employees) and judicial officers of the Colorado Judicial Branch. The Colorado Judicial Branch will not tolerate, condone or allow harassment whether engaged in by fellow employees, supervisors, judicial officers, or non-employees who conduct business with the Judicial Branch. The Colorado Judicial Branch encourages

reporting of all incidents of harassment, regardless of who the offender may be.

### **C. COMPLAINT PROCEDURE.**

An employee or judicial officer who believes that he or she has been subjected to harassment is strongly encouraged to disclose the offending behavior so that appropriate action may be taken. Complaints concerning the actions of a judicial officer may be filed directly with the Human Resources Division of the State Court Administrator's office. Human Resources Division of the State Court Administrator's office. A classified employee may elect to commence action under the grievance procedure provided in Colorado Judicial System Personnel Rule (CJSPP) 33 to protest any harassing conduct prohibited by this policy. In the alternative, any employee (including contract employees) and judicial officers may use the special complaint procedure set forth below.

**(1) Reporting.** The employee or judicial officer should report the matter promptly and may choose any of the following persons for filing the complaint: the person's own supervisor or any other supervisor; the district administrator of the person's district; the chief probation officer of the person's district; the chief judge of the person's district or appellate court; or the Human Resources Division of the State Court Administrator's office. Judicial Department employees must report claims of harassment and discrimination under this policy to one of the parties above. Claims of harassment and discrimination against judicial officers will not be investigated or prosecuted by the Judicial Discipline Commission unless that action is recommended by the Human Resources Division of the State Court Administrators Office.

**(2) Form of the Report.** The initial report may be either an oral or a written complaint. Any person who receives an oral report of harassment should reduce the information received to writing and have it signed by the complaining party. Written complaints should include the date, time, location, and a description of the event or behavior complained of, the names of the parties involved and of any witnesses, and should be signed by the complaining party ("complainant"). In all cases, the recipient of the complaint must provide copies of the complaint (marked personal and confidential) to 1) the Chief Judge, Court Administrator, or Chief Probation Officer, and 2) to the Human Resources Division of the State Court Administrator's office.

**(3) Confidentiality.** All complaints of harassment shall be kept in confidence, except as is necessary to investigate the complaint and to respond to any legal and/or administrative proceedings arising out of or relating to the harassment report.

**(4) Investigation.** Reports of harassment concerning the actions of judicial officers may be referred to the Human Resources Division of the State Court Administrator's office for appropriate action. All other reports of harassment will be promptly investigated by the administrative authority or designee. The Human Resources Division of the State Court Administrator's office may also conduct investigations. The investigation, at a minimum, will include conferences with the complainant, the alleged perpetrator, and any witness to the incident to determine all facts that explain what happened. Any party involved in a harassment complaint may submit any documentation they believe to be relevant to the matter at issue to the investigating authority.

**(5) Recommendations and Penalties.** The investigating authority will make findings and will recommend appropriate action to be taken to resolve the matter. Such action may include, but is not limited to, mediation, education,

corrective or disciplinary action (including dismissal), or a combination of such actions. Any investigation that results in a finding that a person has maliciously or recklessly made false accusations against another may subject the accuser to appropriate corrective or disciplinary action, which may include dismissal. A full report of any disciplinary action taken will be sent to the Human Resources Division of the State Court Administrator's office.

**(6) Notice to Complainant.** The complainant will be advised of the results of the investigation and of the decision regarding the resolution of the matter within 30 days of the filing of the complaint. If no information has been provided to the complainant within 30 days, the complainant should immediately contact the Human Resources Division of the State Court Administrator's office, which will determine the status of the investigation or begin its own investigation, and provide a status report to the complainant. Both the complainant and the subject of the complaint will be informed of the final recommendations of the administrative authority.

**(7) Appeals.** If either party to a complaint does not agree with its resolution, that party may file for review of the matter by the Grievance Review Board as established in CJS PR 33 within 10 days of the decision.

#### **D. RETALIATION.**

Retaliation by any member of the Colorado Judicial Branch against any individual who has made a charge, filed a report or Complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy will not be tolerated. Retaliation is a serious violation of this anti-harassment policy and should be reported immediately. Any act of retaliation may result in appropriate corrective or disciplinary action, which may include dismissal.

**Adopted by the Court, En Banc, on June 1, 1995, and amended on March 21, 1996, and amended on May 2001, and amended on \_\_\_\_\_.**