

**SIXTEENTH JUDICIAL CIRCUIT**  
**SEXUAL HARASSMENT POLICY AND PROCEDURES**

**I. STATEMENT OF POLICY**

It is our policy to provide all judiciary employees a work environment free of sexual harassment. The Sixteenth Judicial Circuit prohibits sexual harassment of and by its employees. Sexual harassment is inappropriate, offensive and illegal and will not be tolerated.

Sexual harassment is defined as any unwelcome sexual advances, or requests for sexual favors, or any conduct of a sexual nature when:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or,
- b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,
- c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, such that the aggrieved party perceived the environment to be abusive and a reasonable person would find the environment to be hostile or abusive.

The Sixteenth Judicial Circuit directs all judiciary personnel to ensure their workplaces are free of sexual harassment. Judiciary personnel shall be responsible for supporting training on sexual harassment prevention and this sexual harassment policy. Judiciary personnel shall post and distribute this policy, encourage employees to report sexual harassment incidents and assure employees they do not have to endure a sexually harassing work environment.

**A. Sexual Harassment Behavior - Examples**

Sexual harassment, as defined above, most frequently involves a man harassing a woman. However, sexual harassment can also involve a woman harassing a man or harassment between members of the same gender. Sexually harassing behavior can include, but is not limited to, the following:

- 1) Verbal Behavior: Negative or offensive comments, jokes or suggestions about another employee's gender or sexuality, threats related to sexual conduct, repeated unwelcome requests for dates, statements about other employees of a sexual nature, obscene or lewd sexual comments; using slang names or labels that can be considered derogatory or too familiar, such as, "honey", "sweetie", "dear", "darling", "boy", "girl", or other

terms people may find offensive; or talking about or calling attention to an employee's body or characteristics in a sexually negative or embarrassing way.

- 2) Nonverbal Behavior: Sexually suggestive looks, sexually suggestive or insulting sounds (whistling, catcalls, smacking or kissing noises), or obscene or sexually suggestive bodily gestures.
- 3) Physical Behavior: Unwelcome pats, squeezes, hugs, kissing, pinching, repeatedly brushing against someone's body or actual sexual assault or abuse.
- 4) Visual Behavior: Displaying pictures, cartoons, posters, pinups, calendars, signs, etc., of a nude or sexual nature.

Other behavior that can constitute sexual harassment includes laughing at, ignoring or not taking seriously an employee who experiences sexual harassment; blaming the victim of sexual harassment for causing the problems; continuing the offensive behavior after a co-worker has expressed objection to the behavior; retaliating against an employee who rejects sexual advances by denying promotions or other job related benefits; or, gossiping about or ridiculing a victim or alleged harasser with respect to the alleged harassment.

#### B. Notification

Employees are encouraged to report incidents of sexual harassment and/or ask questions about conduct that may be considered sexual harassment in confidence and without fear of retaliation. Employees should immediately report incidents of sexual harassment in the manner set forth below. This includes employees who think they have witnessed another employee being sexually harassed. Any employee bringing a good faith sexual harassment complaint or assisting in the investigation of a complaint will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint or assistance.

#### C. Confidentiality

The disclosure of allegations of sexual harassment shall be restricted to those individuals who have a "need to know". The complaint shall not be discussed with anyone other than those directly involved in the incident or the investigation process. It is as important to protect the confidentiality rights of the alleged harasser as it is the rights of the complainant.

#### D. Harassment by Non-Employees

With respect to incidents of sexual harassment where the offending individual is not an employee of the judiciary, the appropriate judicial or supervisory personnel shall

communicate the alleged conduct to the offending person and/or his or her employer. They shall be informed that the offensive conduct will not be tolerated and that steps must be taken to assure such actions do not reoccur.

#### E. Discipline

Complaints and cases of sexual harassment will be dealt with promptly. Employees who sexually harass others and/or supervisors who knowingly allow such activities to go on, subject themselves to the full range of disciplinary procedures, including reprimand, suspension or discharge, depending on the seriousness and/or frequency of the violations. In the most severe cases employees are subject to immediate discharge.

#### F. False and Frivolous Complaints

False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

#### G. Application of Policy

This policy and the procedures set forth herein shall be applicable to all employees of the Judiciary; whether full-time, part-time, temporary or contractual.

#### H. Further Information

Any employee who has questions about this policy should contact the Court Administrator or Chief Judge. All inquiries will be handled in the strictest confidence.

#### I. Review of Policy and Procedures

The Court Administrator and Chief Judge are responsible for implementing this sexual harassment policy and will review it as needed for developments in legislation relating to sexual harassment.

## **II. PROCEDURES**

### A. Initial Step

An employee who believes she or he is sexually harassed may first identify the offensive behavior to the offending party as directly and firmly as possible and request that it stop.

Employees are urged to take this step if they believe that the offensive conduct may be unintentional. However, if the employee does not feel comfortable confronting the offending party, or feels threatened or intimidated by the situation, or if the behavior does not cease after a confrontation with the offending party, the matter should be reported as set forth below.

## B. Reporting

An employee's complaint of sexual harassment may be reported to his or her immediate supervisor, the Court Administrator, or the Chief Judge for investigation.

Notwithstanding the foregoing, any complaint alleging that a member of the judiciary has committed an act of sexual harassment may be filed with the Judicial Inquiry Board at (312) 814-5554 and any complaint alleging that the Administrative Director of the Administrative Office has committed an act of sexual harassment may be filed with the Chief Justice of the Supreme Court or the person designated by the Chief Justice.

Complaints must be in writing, describing the alleged incident(s) of sexual harassment, the date(s) and time(s) of the incident(s) and any witnesses to the incident(s).

## C. Investigation

When the Court Administrator, Chief Judge, or Designee has received a complaint alleging sexual harassment, he or she shall promptly initiate an investigation of the complaint. The complainant shall be assured of confidentiality in the investigation to the extent possible. The complainant should be made aware that in order to investigate the complaint to its fullest extent, it may be necessary to make his/her name known and/or necessary for the complainant to confront the alleged harasser. Disclosure of the allegation of sexual harassment shall be restricted to individuals who have a "need to know" in order to conduct a proper investigation.

The investigation shall include the following steps:

- 1) The investigating party shall conduct an interview with the employee registering the complaint. The intent of the interview is to determine a true and complete account of the complaint. The following information should be sought in the interview: severity of conduct; the number and frequency of acts of alleged harassment; the apparent intent of the alleged harasser; the relationship of the parties; the response of the complainant at the time of the incident(s); and the relevant work environment.
- 2) To the extent practicable, the investigating party shall interview all other individuals who witnessed or may have witnessed the incident or who may have knowledge of the incident.

- 3) To the extent practicable, the investigating party shall review any other relevant information or evidence and/or interview any other relevant witnesses.
- 4) The investigating party shall interview the alleged harasser and inform the individual that a complaint has been made against him or her. The individual shall be informed that the incident is not to be discussed with co-workers and that retaliatory action against the complainant will not be tolerated.
- 5) The investigating party shall make a written record of the interviews and any other aspects of the investigation.
- 6) The investigating party shall prepare a written summary of the finding of the investigation and, in appropriate cases, any recommendations for discipline.
- 7) The findings of the investigation shall be reported to a supervisor of the alleged harasser for appropriate action.

#### D. Disciplinary Action

The Court Administrator, Chief Judge or Designee after conducting the investigation shall make a determination as to whether the individual charged has committed sexual harassment, and, if so, determine and impose the appropriate discipline. Where required by a collective bargaining agreement, the discipline will be imposed pursuant to the relevant provisions of the collective bargaining agreement.

The discipline imposed shall reflect the severity of the improper conduct, taking into consideration the nature of the conduct, the frequency of the conduct, the relationship of the parties involved, the intent of the offending party, and any other relevant matters.

Available discipline for sexual harassment includes, but is not limited to, verbal reprimand, written reprimand, transfer, reassignment of duties, demotion, suspension or discharge. In the most severe and blatant cases of sexual harassment, the offending employee may be immediately discharged. In all cases, the complainant shall be notified of the results of the investigation and the discipline imposed, if any.