




ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

TO: President Judges

FROM: David W. Kutz 
Director of Human Resources

DATE: August 15, 2016

RE: Distribution of Revised UJS Non-Discrimination Policy

As noted in the memo from Tom Darr emailed earlier today, the UJS Policy on Non-Discrimination Equal Employment Opportunity has been amended by the Supreme Court to include “gender identity or expression” as a protected class along with the existing categories of race, color, sex, sexual orientation, national origin, age, disability, and religion. This, and several other minor wording changes intended to simplify existing language, have also been made to all policy related complaint procedure documents and the associated complaint form.

Copies of the revised policy and related employee and non-employee complaint procedures are attached. Please ask your Court Administrator to ensure these documents are disseminated to all county-level court employees under your supervision and to the chief official in each Related Staff office as defined in the Policy. *The updated policy and procedures should also replace the copies currently posted in your court facilities.* These documents and the complaint form are also available at www.pacourts.us by clicking [here](#).

Any questions or concerns may be directed to AOPC Human Resources at 717-231-3309 or human.resources@pacourts.us.

Attachments

cc: The Honorable Thomas G. Saylor
Thomas B. Darr
District Court Administrators



Supreme Court of Pennsylvania
Unified Judicial System of Pennsylvania

Policy on Non-Discrimination and Equal Employment Opportunity

The Supreme Court of Pennsylvania declares that it is the policy of the Unified Judicial System of Pennsylvania (UJS) to ensure that all individuals having business with the UJS are treated in a dignified, civil, respectful, and non-discriminatory manner.

This policy prohibits all forms of discrimination and harassment in a Court Facility (defined as "Any building or office serving as the workplace for Personnel of the System, Supreme Court Boards and Committees, and/or Related Staff; and any UJS-related building or office in which Court Users conduct business with the UJS"), and applies to the following:

Personnel of the System – defined in 42 Pa.C.S.A. § 102 as "Judicial officers, personal staff, administrative staff, and central staff."

Supreme Court Boards and Committees – includes all staff and appointed members of boards, committees and court-related panels appointed by the Supreme Court of Pennsylvania, including, but not limited to, the following - Board of Law Examiners, Continuing Legal Education Board, Disciplinary Board, Interest on Lawyers Trust Account Board, Minor Judiciary Education Board, Pennsylvania Lawyers Fund for Client Security Board, Interbranch Commission for Gender, Racial and Ethnic Fairness, Investment Advisory Board, Appellate Court Procedural Rules Committee, Civil Procedural Rules Committee, Committee on Rules of Evidence, Criminal Procedural Rules Committee, Domestic Relations Procedural Rules Committee, Juvenile Court Procedural Rules Committee, Minor Court Rules Committee, Orphans' Court Procedural Rules Committee.

Related Staff – defined in 42 Pa.C.S.A. § 102 as "All individuals employed at public expense who serve the UJS, but the term does not include Personnel of the System". Those who serve the UJS include district attorneys, public defenders, sheriffs and other officers serving process or enforcing orders, registers of wills, prothonotaries, clerks of courts, clerks of the orphan's court division, coroners, jury commissioners, probation officials, and personnel of all of the foregoing.

Court Users – includes, but is not limited to, attorneys, applicants for employment, litigants, witnesses, jurors, and court volunteers.

The Supreme Court of Pennsylvania is committed to the principles of equal employment opportunity to ensure legal and appropriate hiring and employment practices, and to promote public confidence in the fairness and integrity of the judicial system and the judicial process. It is, therefore, the policy of the Supreme Court that there shall be no discrimination because

of race, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, or religion by any Personnel of the System, Supreme Court Boards and Committees, or Related Staff in any employment-related action (e.g., hiring, promotion, terms or privileges of employment, etc.), or by any Personnel of the System, Supreme Court Boards and Committees, Related Staff or attorney in any court-related action.

Accordingly, all judicial officers, managerial and supervisory Personnel of the System, and Supreme Court Boards and Committees shall ensure adherence to and compliance with this Policy and the procedures intended to facilitate its implementation and administration.

Prohibition Against Discrimination and Harassment

Discrimination and harassment because of race, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, or religion are prohibited. Such discrimination and harassment constitute an abuse of authority that will not be tolerated by the UJS. Further, such discrimination and harassment constitute misconduct, warranting appropriate disciplinary action. All judicial officers, managerial and supervisory Personnel of the System, and Supreme Court Boards and Committees shall ensure adherence to, and compliance with, this Policy.

1. Prohibition Against Discrimination

Under this Policy, discrimination includes actions by an individual or organization that cause an individual or a group of individuals to be denigrated or treated less favorably than another person or group because of one's race, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, or religion. Such discriminatory conduct may include, but is not limited to, actions relating to the following:

1. Recruitment and hiring by Personnel of the System, Supreme Court Boards and Committees, or Related Staff; or
2. Provision of salary, benefits, or other terms or conditions of employment by Personnel of the System, Supreme Court Boards and Committees, or Related Staff; or
3. Provision of training and other education opportunities by Personnel of the System, Supreme Court Boards and Committees, or Related Staff; or
4. Promotions, transfers, discharge or other employment actions by Personnel of the System, Supreme Court Boards and Committees, or Related Staff; or
5. Any matter relating to the judicial process by Personnel of the System, Supreme Court Boards and Committees, Related Staff or attorneys.

2. Prohibition Against Harassment

a. Sexual Harassment

Sexual harassment is sex discrimination. Equal Employment Opportunity Commission (EEOC) guidelines define sexual harassment as unwelcome sexual attention, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:

1. The submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. The submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; 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.

Sexual harassment does not refer to socially acceptable behavior or occasional compliments of a socially acceptable nature. It refers to behavior that a reasonable person could and does consider unwelcome or personally offensive. Sexual harassment involves improper behavior or requests that establish improper *quid pro quo* workplace requirements of a sexual nature, or which otherwise create a hostile work environment for a reasonable person of that gender. Types of sexual harassment include:

1. "*Quid Pro Quo*" Harassment – Is when an individual in a position of authority demands sexual consideration in exchange for the promise of a job, certain job benefits such as raises or promotions, or the promise of continued employment.
2. "Hostile Work Environment" Harassment – Is when unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature create an atmosphere which unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment for any individual.

Sexual harassment may take different forms including, but not limited to, the following examples.

1. *Verbal*: Sexually explicit language, sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats.
2. *Non-Verbal*: Display of sexually suggestive objects or pictures, commentaries, suggestive or insulting sounds, leering, whistling, or obscene gestures.
3. *Physical*: Unwanted physical contact, or the threat of unwanted physical contact, including offensive touching, un-welcomed sexual intercourse, sexual assault and other forms of physical contact of a sexual nature.

b. Racial and Other Harassment

Under this Policy, racial and other harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that individual's race, color, sexual orientation, gender identity or expression, national origin, age, disability, or religion. Harassing conduct may include, but is not limited to, the following:

1. *Verbal*: Epithets, slurs, stereotyping, or denigrating jokes.
2. *Non-Verbal*: Display of written or graphic materials that denigrate or show hostility or aversion toward an individual or group in such a manner as to be readily viewed by others.
3. *Physical*: Threatening, intimidating, or hostile acts.

Prohibition Against Retaliation

Retaliation in any form against any person who complains about harassment or discrimination, who files a harassment or discrimination complaint, or who cooperates with, or assists in, the investigation of such complaints is prohibited under this Policy. Retaliation constitutes an abuse of authority, and will not be tolerated. Retaliation by any Personnel of the System, Supreme Court Boards and Committees, or Related Staff will be considered misconduct warranting disciplinary action. All judicial officers, managerial and supervisory Personnel of the System, and Supreme Court Boards and Committees shall ensure adherence to and compliance with this Policy.

Charges of retaliation will be viewed as separate and distinct from the original complaint or action which precipitated the alleged retaliation and may form the basis for a new complaint. Retaliation may result in disciplinary action even though the original harassment or discrimination complaint was determined to be unfounded and dismissed.

Compliance and Reporting Responsibilities

All Personnel of the System, Supreme Court Boards and Committees, and Related Staff are expected to comply with this Policy, and all judicial officers, managerial and supervisory Personnel of the System, and Supreme Court Boards and Committees are obligated to take appropriate measures to ensure that prohibited conduct does not occur, or is properly reported, if observed.

Personnel of the System and Supreme Court Boards and Committees who engage in any form of prohibited discrimination or harassment within a Court Facility may be subject to disciplinary action.

Related Staff who serve the UJS and who engage in any form of prohibited discrimination or harassment within a Court Facility will be reported to the chief official in their Related Staff offices for appropriate review and action. With respect to violations of this UJS Policy by

Related Staff, the Supreme Court expects each Related Staff office to take discrimination and harassment complaints very seriously and to properly investigate and adjudicate such complaints.

Any Personnel of the System, Supreme Court Boards and Committees, Related Staff, or Court Users who feel they have been subjected to, or have observed, any form of discrimination or harassment in any judicial process or Court Facility are urged to report such discrimination or harassment in accordance with the published UJS Non-Discrimination and Equal Employment Opportunity Complaint Procedures which are posted as a companion document to this Policy.

Any Personnel of the System, Supreme Court Boards and Committees, Related Staff or Court Users who do not have access to these complaint procedures may obtain a copy of these procedures from their local personnel office, AOPC Human Resources at 717-231-3309, or the UJS Website at www.pacourts.us.

Judicial officers, managerial and supervisory Personnel of the System, and Supreme Court Boards and Committees who observe, or have reason to believe that discrimination or harassment has occurred in a Court Facility, must (1) take immediate action to terminate any ongoing harassment/discrimination if they are reasonably able to do so; or (2) immediately report such harassment/discrimination, if possible, as described in the UJS Non-Discrimination and Equal Employment Opportunity Complaint Procedures referenced above.

Filing Complaints under This Policy

The UJS Non-Discrimination and Equal Employment Opportunity Complaint Procedures accompanying this Policy offer guidance as to how to file complaints of alleged harassment or discrimination as described in this Policy. Specific procedures have been created for Personnel of the System, Supreme Court Boards and Committees, and Related Staff based on their organizational entity. Separate procedures have been created for Court Users doing business with the UJS in a Court Facility. Complaints should be filed with the office designated in each procedure document either by phone, by email, or by using the Non-Discrimination Plan Complaint Form available on the UJS website at www.pacourts.us.

If the appropriate procedures are not immediately available, complainants may obtain a copy of these procedures from their local personnel office, AOPC Human Resources at 717-231-3309, or the UJS Website at www.pacourts.us.

Investigation and Adjudication of Complaints

All complaints alleging harassment or discrimination will be fully investigated and adjudicated by duly designated authorities of the UJS. Such authorities are identified in the complaint procedures which are posted as a companion document to this Policy.

Disciplinary or Remedial Actions

Violations of this Policy may result in disciplinary action as prescribed by the appropriate policies, which govern the behavior and performance of Personnel of the System, Supreme Court Boards and Committees, and Related Staff. In addition to such discipline, appropriate remedial actions will be taken by the employing authority to (1) remedy the instant complaint, and (2) prevent future violations.

Responsibility to Monitor the Implementation and Enforcement of this Policy

For UJS offices employing Personnel of the System and Supreme Court Boards and Committees, the AOPC shall undertake those measures necessary to properly monitor compliance with this Policy through the following actions:

1. Develop and promote policies and procedures designed to ensure equal employment opportunity and fair and non-discriminatory treatment of the protected classes listed in this Policy.
2. Develop the administrative policies and procedures needed to ensure that alleged violations of this Policy can be appropriately investigated on a timely basis.
3. Collect data related to the hiring and employment practices of each UJS office employing Personnel of the System and Supreme Court Boards and Committees and conduct related audits of equal employment opportunity and non-discrimination practices.
4. Collect and maintain data/statistics relating to the number, nature, and disposition of complaints filed under this Policy.
5. Work with each UJS office employing Personnel of the System and Supreme Court Boards and Committees to oversee the development of education and training opportunities and materials designed to promote and ensure proper adherence to these policy guidelines.

For those offices employing Related Staff, the Supreme Court expects each office to take appropriate steps to monitor and enforce this Policy through 1) the development of administrative policies and procedures, 2) the collection of data and statistics, and 3) the development of education and training opportunities and materials.

Penalties for Misconduct

Any Personnel of the System or Supreme Court Boards and Committees who have been found to have violated this Policy, impeded the investigation of any complaint filed under this Policy, or retaliated against individuals who have provided evidence or have otherwise cooperated with any investigation of a complaint filed under this Policy, may be subject to appropriate remedial or disciplinary action up to and including discharge, as provided by the policies governing their employment with the UJS.

Any Related Staff serving the UJS who have been reported to officials in their respective offices for appropriate review and action and have been found to have violated this Policy, impeded the investigation of any complaint filed under this Policy, or retaliated against individuals who have provided evidence or have otherwise cooperated with any investigation of a complaint filed under this Policy, may be subject to appropriate remedial or disciplinary actions, as provided by the policies of their respective offices.

The Supreme Court expects each Related Staff office serving the UJS to take such violations very seriously and to apply appropriate remedial or disciplinary actions.

Any judicial officer or attorney who - after proper investigation by the appropriate authority - has been found to have violated this Policy, impeded the investigation of any complaint filed under this Policy, or retaliated against individuals who have provided evidence or have otherwise cooperated with any investigation of a complaint filed under this Policy, may be subject to appropriate remedial or disciplinary action by the Disciplinary Board (in the case of attorneys) or the Court of Judicial Discipline (in the case of judicial officers.)

Exclusion of Judicial Proceedings and the Judicial Decision-Making Process

This Policy does not apply to a judicial officer's or attorney's consideration of, or reference to, a protected class as referenced above, when such consideration or reference is appropriate under the law and is relevant to an issue in a judicial proceeding, to the judicial decision-making process or to the proper administration of justice.

Distribution of Policy and Procedures

Personnel of the System - A copy of this Policy and accompanying complaint procedures will be provided initially to all current employees and will be posted prominently in visible locations within Court Facilities. Thereafter, a copy of this Policy, with accompanying complaint procedures, will be distributed to all new Personnel of the System upon their entry into judiciary service.

Supreme Court Boards and Committees – Copies of this Policy and accompanying complaint procedures will be provided initially to the administrator of each Supreme Court Board and Committee for distribution to all current employees and appointed members and for posting prominently in visible locations within Court Facilities. Thereafter, the administrator of each Supreme Court Board and Committee will distribute a copy of this Policy, with accompanying complaint procedures, to all new staff and appointed members upon their entry into judiciary service or appointment to a board/committee.

Related Staff – A copy of this Policy and accompanying complaint procedures will be provided to the chief official in each Related Staff office for duplication and distribution to all current employees and new Related Staff upon their entry into service.

Court Users – A copy of this Policy and accompanying complaint procedures will be prominently posted in a location visible to all Court Users within each Court Facility.



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Supreme Court of Pennsylvania
Unified Judicial System of Pennsylvania

Policy on Non-Discrimination & Equal Employment Opportunity

Complaint Procedures

**For Common Pleas Court Judges, Magisterial District Judges, Personnel of the System,
and Related Staff in a Court Facility in a Judicial District of Pennsylvania**

The Unified Judicial System of Pennsylvania (UJS) Policy on Non-Discrimination and Equal Employment Opportunity prohibits discrimination or harassment on the basis of race, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, or religion. Any such discrimination or harassment by any Personnel of the System or Related Staff (as defined in the UJS Policy on Non-Discrimination and Equal Employment Opportunity) will not be tolerated.

How to File a Complaint

If you believe you have been harassed or discriminated against in a Court Facility, you should take the actions outlined below.

Harassment: If you feel you are being harassed, you should tell the harasser politely but firmly that his/her conduct is not welcome and must stop. If the conduct persists, or if you are not comfortable confronting the harasser, you should report this harassment to your immediate supervisor. If he/she is involved, is not available, or fails to take action, you should report this harassing behavior to your District Court Administrator by telephone or via e-mail.

Discrimination: If you feel you have been discriminated against, you should report this discrimination to your District Court Administrator by telephone or via email.

If you observe behavior that you believe is harassment or discrimination, you should notify your immediate supervisor. If he/she is involved, is not available, or fails to take action, you should report your observations to your District Court Administrator by telephone or via email.

If you feel you have been retaliated against because you asked a harasser to stop their offending behavior, or because you filed a complaint alleging harassment or discrimination, you should report this retaliation to your immediate supervisor. If he/she is involved, is not available, or fails to take action, you should report this retaliation to your District Court Administrator, by telephone or via email.

If you are a judge or a supervisor who has observed, or has been made aware of, harassment or discrimination in a Court Facility, you must (1) take immediate action to terminate any ongoing harassment/discrimination if you are reasonably able to do so; and (2) immediately inform your District Court Administrator. Please note that all allegations should be treated as confidential personnel matters and you should never undertake independent action to investigate allegations of harassment or discrimination without first coordinating such actions with your District Court Administrator.

If your District Court Administrator is not available, fails to take action, or is involved in the discrimination, harassment, or retaliation, you should report your concerns to your President Judge.

If your President Judge is not available, fails to take action, or is involved in the discrimination, harassment, or retaliation, you should contact AOPC Human Resources by calling 717-231-3309 or via e-mail at Human.Resources@pacourts.us.

As an alternative to reporting alleged discrimination via telephone or email in any of the situations described above, you may download a Non-Discrimination Policy Complaint Form from the UJS website at www.pacourts.us. The completed Complaint Form should then be submitted to your District Court Administrator for review.

Investigation and Adjudication of Complaints Against Judges and Personnel of the System

Individuals filing complaints alleging harassment or discrimination are advised that UJS authorities will take action to end any ongoing harassment/discrimination, will investigate all such complaints promptly, and will undertake remedial and/or disciplinary action as required. *Complaints of harassment/discrimination involving Related Staff will be referred to the respective Related Staff office for investigation and appropriate action.*

All individuals filing complaints are advised that legal considerations do not allow the UJS the discretion to delay, defer, or decline action on such complaints even if the complainant requests that no investigative or disciplinary action be taken.

Allegations of sexual harassment, other harassment, or any other type of discrimination involving a Common Pleas Court Judge, Magisterial District Judge, or Personnel of the System (as defined in the UJS Policy on Non-Discrimination and Equal Employment Opportunity) in a Court Facility in a Judicial District of Pennsylvania will be investigated promptly by your District Court Administrator; or, if appropriate, by an alternate authority appointed by the President Judge. Allegations involving the President Judge will be investigated by an authority to be appointed by the Court Administrator of Pennsylvania.

Interviews will be conducted with the complainant and any witnesses identified. The individual accused of harassment or discrimination will be given an opportunity to respond to the allegations, but ordered not to retaliate against or confront the complainant.

Following the investigation, the District Court Administrator (or other designated authority) will prepare a report summarizing his/her findings, and will forward the report to the President Judge for review. The President Judge will make the final determination as to whether a violation of the UJS Non-Discrimination Policy occurred or did not occur, or if there is inconclusive evidence to make a determination. The complainant and the accused will both be informed in writing as to the results of the investigation and as to any appropriate disciplinary and/or remedial action that may be taken as the result of the investigation. Matters involving complaints against attorneys or judicial officers may be referred to the Disciplinary Board of the Supreme Court of Pennsylvania or to the Judicial Conduct Board, respectively, for further investigation.

In cases involving the President Judge, the findings of the investigation will be submitted to the Court Administrator of Pennsylvania who will make the final determination as to whether a violation of the UJS Non-Discrimination Policy occurred or did not occur, or if there is inconclusive evidence to make a determination. The complainant and the accused will both be informed in writing as to the results of the investigation and as to any appropriate disciplinary and/or remedial action that may be taken as the result of the investigation. The matter may also be referred to the Judicial Conduct Board for further investigation.

The timeframe for completing the investigation and final adjudication will vary based on the circumstances and complexity of the case. However, complainants may be assured that every effort will be made to resolve allegations of harassment or discrimination as expeditiously as possible.

Investigation and Adjudication of Complaints Against Related Staff

Allegations of sexual harassment, other harassment, or any other type of discrimination involving Related Staff (as defined in the UJS Policy on Non-Discrimination and Equal Employment Opportunity) in a Court Facility in a Judicial District of Pennsylvania will be reported to the appropriate officials in the Related Staff office for investigation and appropriate action. The Supreme Court expects each Related Staff office serving the UJS to take discrimination and harassment allegations very seriously and to properly investigate and adjudicate such complaints.

Exclusion of Judicial Proceedings and the Judicial Decision-Making Process

This Policy does not apply to a judicial officer's or attorney's consideration of, or reference to, a protected class as referenced above, when such consideration or reference is appropriate under the law and is relevant to an issue in a judicial proceeding, to the judicial decision-making process or to the proper administration of justice.

Confidentiality

All complaints will be investigated in as confidential a manner as possible, and all related files will be kept confidential to the extent possible. Individuals involved in the investigative process, including but not limited to, the complainant, the accused, and witnesses or other persons interviewed during the process will be directed to refrain from sharing information, including the identity of the complainant, with anyone other than the investigators. Anyone contacted or interviewed during the course of an investigation will be advised that all parties involved are entitled to respect and confidentiality and that they may not share information related to the case.

Prohibition Against Retaliation

Retaliation in any form by a Common Pleas Court Judge, Magisterial District Judge, Personnel of the System, or Related Staff against any person who files a complaint about harassment or discrimination, or who assists in the investigation of such complaints is prohibited. Individuals filing complaints of sexual/other harassment or any other form of discrimination will be protected from retribution or retaliation - *even if the investigation results in a finding that no discrimination has occurred.*

Personnel of the System who are found to have retaliated against a complainant or any individual who assists in the investigation of a complaint may be subject to appropriate disciplinary action. If there is clear and compelling evidence that a claim of harassment or discrimination had no basis in fact, was purely malicious in nature, and was filed with the sole intent to harm the accused party, appropriate disciplinary action may be taken against the individual making the false allegation.

Related Staff who are reported to the appropriate officials in their Related Staff office and who are found to have retaliated against a complainant or any individual who assists in the investigation of a complaint may be subject to disciplinary action in accordance with the policies of that office.



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Supreme Court of Pennsylvania
Unified Judicial System of Pennsylvania

Policy on Non-Discrimination & Equal Employment Opportunity

Complaint Procedures

**For Non-Employees Regarding Policy Violations by Common Pleas Court Judges,
Magisterial District Judges, Personnel of the System, and Related Staff in a Court
Facility in a Judicial District of Pennsylvania**

The Unified Judicial System of Pennsylvania (UJS) Policy on Non-Discrimination and Equal Employment Opportunity prohibits discrimination or harassment on the basis of race, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, or religion. Any such discrimination or harassment by any Personnel of the System or Related Staff (as defined in the UJS Policy on Non-Discrimination and Equal Employment Opportunity) will not be tolerated.

How to File a Complaint

If you believe you have been harassed or discriminated against by a Common Pleas Court Judge, Magisterial District Judge, Personnel of the System or Related Staff in a Court Facility in a Judicial District of Pennsylvania, you should report this harassment/discrimination to the District Court Administrator of the Judicial District where the incident occurred by telephone or via e-mail.

If you feel you have been retaliated against because you asked a harasser to stop their offending behavior, or because you filed a complaint alleging harassment or discrimination, you should report this retaliation to the District Court Administrator of the Judicial District where the incident occurred by telephone or via e-mail.

If you believe that the District Court Administrator of the Judicial District where the incident occurred is involved in the discrimination, harassment, or retaliation, you should report your concerns to the President Judge of the Judicial District where the incident occurred.

If you believe that the President Judge of the Judicial District where the incident occurred is involved in the discrimination, harassment, or retaliation, you should contact the Administrative Office of Pennsylvania Courts, Human Resources by calling 717-231-3309 or via e-mail at Human.Resources@pacourts.us.

If the District Court Administrator and the President Judge are not available or fail to take action, you should contact the Administrative Office of Pennsylvania Courts, Human Resources by calling 717-231-3309 or via e-mail at Human.Resources@pacourts.us.

As an alternative to reporting alleged discrimination via telephone or email in any of the situations described above, you may download a Non-Discrimination Policy Complaint Form from the UJS website at www.pacourts.us. The completed Complaint Form should then be submitted to the District Court Administrator of the Judicial District where the incident occurred for review.

Investigation and Adjudication of Complaints Against Judges and Personnel of the System

Individuals filing complaints alleging harassment or discrimination are advised that UJS authorities ***will*** take action to end any ongoing harassment/discrimination, will investigate ***all*** such complaints promptly, and will undertake remedial and/or disciplinary action as required. Complaints of harassment/discrimination involving Related Staff will be referred to the respective Related Staff office for investigation and appropriate action.

All individuals filing complaints are advised that legal considerations do not allow the UJS the discretion to delay, defer, or decline action on such complaints even if the complainant requests that no investigative or disciplinary action be taken.

Allegations of sexual harassment, other harassment, or any other type of discrimination involving a Common Pleas Court Judge, Magisterial District Judge, or Personnel of the System (as defined in the UJS Policy on Non-Discrimination and Equal Employment Opportunity) in a Court Facility in a Judicial District of Pennsylvania will be investigated promptly by the District Court Administrator; or, if appropriate, by an alternate authority appointed by the President Judge. Allegations involving the President Judge will be investigated by an authority to be appointed by the Court Administrator of Pennsylvania.

Interviews will be conducted with the complainant and any witnesses identified. The individual accused of harassment or discrimination will be given an opportunity to respond to the allegations, but ordered not to retaliate against or confront the complainant.

Following the investigation, the District Court Administrator (or other designated authority) will prepare a report summarizing his/her findings, and forward the report to the President Judge for review. The President Judge will make the final determination as to whether a violation of the UJS Non-Discrimination Policy occurred or did not occur, or if there is inconclusive evidence to make a determination. The complainant and the accused will both be informed in writing as to the results of the investigation and as to any appropriate disciplinary and/or remedial action that may be taken as the result of the investigation. Matters involving complaints against an attorney or a judicial officer may be referred to the Disciplinary Board of the Supreme Court of Pennsylvania or the Judicial Conduct Board, respectively, for further investigation.

In cases involving the President Judge, the findings of the investigation will be submitted to the Court Administrator of Pennsylvania who will make the final determination as to whether a violation of the UJS Non-Discrimination Policy occurred or did not occur, or if there is inconclusive evidence to make a determination. The complainant and the accused will both be informed in writing as to the results of the investigation and as to any appropriate disciplinary and/or remedial action that may be taken as the result of the investigation. The matter may also be referred to the Judicial Conduct Board for further investigation.

The timeframe for completing the investigation and final adjudication will vary based on the circumstances and complexity of the case. However, complainants may be assured that every effort will be made to resolve allegations of harassment or discrimination as expeditiously as possible.

Investigation and Adjudication of Complaints Against Related Staff

Allegations of sexual harassment, other harassment, or any other type of discrimination involving Related Staff (as defined in the UJS Policy on Non-Discrimination and Equal Employment Opportunity) in a Court Facility in a Judicial District of Pennsylvania will be reported to the appropriate officials in the respective Related Staff office for investigation and appropriate action. The Supreme Court expects each Related Staff office to take discrimination and harassment allegations very seriously and to properly investigate and adjudicate such complaints.

Exclusion of Judicial Proceedings and the Judicial Decision-Making Process

This Policy does not apply to a judicial officer's or attorney's consideration of, or reference to, a protected class as referenced above, when such consideration or reference is appropriate under the law and is relevant to an issue in a judicial proceeding, to the judicial decision-making process or to the proper administration of justice.

Confidentiality

All complaints will be investigated in as confidential a manner as possible, and all related files will be kept confidential to the extent possible. Individuals involved in the investigative process, including but not limited to, the complainant, the accused, and witnesses or other persons interviewed during the process, will be directed to refrain from sharing information, including the identity of the complainant, with anyone other than the investigators. Anyone contacted or interviewed during the course of an investigation will be advised that all parties involved are entitled to respect and confidentiality and that they may not share information related to the case.

Prohibition Against Retaliation

Retaliation in any form by a Common Pleas Court Judge, Magisterial District Judge, Personnel of the System, or Related Staff against any person who files a complaint about harassment or discrimination, or who assists in the investigation of such complaints is prohibited. Individuals filing complaints of sexual/other harassment or any other form of discrimination will be protected from retribution or retaliation - *even if the investigation results in a finding that no discrimination has occurred.*

Personnel of the System who are found to have retaliated against a complainant or any individual who assists in the investigation of a complaint may be subject to appropriate disciplinary action. If there is clear and compelling evidence that a claim of harassment or discrimination had no basis in fact, was purely malicious in nature, and was filed with the sole intent to harm the accused party, appropriate disciplinary action may be taken against the individual making the false allegation.

Related Staff who are reported to the appropriate officials in their Related Staff office and who are found to have retaliated against a complainant or any individual who assists in the investigation of a complaint may be subject to disciplinary action in accordance with the policies of that office.



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