

Human Resources Policy 550 – Discrimination and Harassment

1. The judicial branch is committed to providing a work environment free from all forms of discrimination and harassment based on the following: sex, gender, age, ancestry, national origin, race, color, religious creed, mental or physical disability or medical condition, sexual orientation, gender identity or expression, marital status, military or veteran status, genetic information, or any other category protected by federal, state or applicable local law. This policy applies to every employee of the judicial branch, regardless of their position, including Administrative Office of the Courts management, as well as commissioners, judges and justices. This policy also applies to contractors, vendors, and other third parties who affect the workplace environment. In addition to the protections provided by this policy, commissioners, judges and justices are prohibited under the Utah Code of Judicial Conduct from manifesting bias or prejudice or engaging in harassment.

2. Sexual harassment.

2.1 The judicial branch strictly prohibits and will not tolerate sexual harassment of any kind by any individual, employee, commissioner, judge or justice. ~~It bears emphasis that this policy prohibits sexual harassment by any employee of the judicial branch, regardless of their position, including Administrative Office of the Courts executives and commissioners, judges and justices. This policy also addresses sexual harassment by contractors, vendors, and other third parties who affect the workplace environment.~~ Sexual harassment may include: any conduct of a sexual nature that is unwelcome and makes a reasonable person feel that the work environment is intimidating, offensive or hostile; ~~any Sexual harassment may occur conduct~~ between people of the opposite sex or the same sex; ~~and Sexual harassment may also include~~ non-sexual comments, threats or actions that display hostility toward a person in the workplace because of gender.

2.2 All types of unlawful offensive, hostile and intimidating behavior are prohibited by this policy. The following list is not intended to be all-inclusive, but illustrates kinds of behavior that may be considered forms of sexual harassment, and are strictly prohibited:

2.2.1 Offering a job benefit in return for sexual favors.

2.2.2 Taking or threatening to take an adverse action against an individual who refuses sexual advances.

Comment [MCD1]: Moved to intro paragraph.

- 2.2.3 Other advances or requests of a sexual nature.
- 2.2.4 Sexual flirtations.
- 2.2.5 Unwelcome or inappropriate statements about an individual's body or sexuality.
- 2.2.6 Sexually degrading words to describe a person.
- 2.2.7 Gestures of an obscene or sexually suggestive nature.
- 2.2.8 Humor or jokes of a sexual nature.
- 2.2.9 Posters, pictures, cartoons, toys or objects of a sexual nature.
- 2.2.10 Leering or staring that is offensive.
- 2.2.11 Any unwelcome touching or other physical contact with an individual.
- 2.2.12 Hostile comments toward employees in the workplace because of gender.
- 2.2.13 Sexting, texting, messaging, emailing, or any other form of communication of a sexually suggestive nature.

3. Other types of harassment.

- 3.1 Harassment based on an individual's race, color, religion, religious affiliation, age, national origin, ancestry, mental or physical disability or medical condition, sex, gender, sexual orientation, gender identity or expression, genetic information, marital status, military or veteran status or any other category protected by federal, state or local law is prohibited under this policy and will not be tolerated. ~~It bears emphasis that this prohibition applies to any employee of the judicial branch, regardless of their position, including Administrative Office of the Courts executives and commissioners, judges and justices. This policy also addresses other types of harassment by contractors, vendors and other third parties who affect the workplace environment.~~
- 3.2 All types of unlawful offensive, hostile and intimidating behavior are prohibited by this policy. The following list is not intended to be all-inclusive, but illustrates kinds of behavior that may be considered forms of harassment, and are strictly prohibited.
 - 3.2.1 Telling racial, ethnic, disability, age-related or other types of degrading jokes.
 - 3.2.2 Making racial, ethnic, or religious slurs, and other forms of degrading name calling.
 - 3.2.3 Making threats or intimidation based on a category protected by the judiciary's policies.
 - 3.2.4 Possessing written or graphic material or communications in the workplace that is offensive based on a category ~~protected by the judiciary's policies~~ identified in 3.1 or that violates universal standards of conduct.

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3.2.5 Texting, messaging, emailing, or any other form of communication ~~of~~ that is offensive, hostile or intimidating.

4. Retaliation.

4.1 The ~~judiciary-judicial branch~~ also prohibits retaliation against persons who make reports of discrimination or harassment or who provide assistance during an investigation. Retaliation will not be tolerated and will be considered a serious form of misconduct which can result in disciplinary action up to and including immediate termination of employment. ~~This policy specifically protects every employee from retaliation by any other employee of the judiciary and includes retaliation by commissioners, judges and justices.~~

5. Reporting Procedures.

5.1 Any employee who believes they have been subject to, have witnessed, or are aware of discrimination or harassment by any employee, commissioner, judge or justice, individual or entity is strongly encouraged to report the incident. All employees can report discrimination, harassment, or retaliation verbally or in writing by any of the following methods:

5.1.1 By contacting directly ~~to a any~~ supervisor or member of management ~~to with~~ whom the employee is comfortable reporting such matters.

5.1.2 By contacting any Human Resource representative using contact information at <https://www.utcourts.gov/intranet/hr/cus.htm>

~~5.1.2~~ By contacting directly ~~a trial court executive, director~~ any member of AOC management, ~~or including~~ any court-level administrator.

5.1.3 ~~By contacting Human Resources at insertpositionhere@utcourts.gov or (801) ###-#### (contact info for a position, not a specific person, so the info doesn't change).~~

~~5.1.4 By contacting any commissioner, judge or justice.~~

5.1.4 By contacting the State Court Administrator, Deputy State Court Administrator, or Assistant State Court Administrator.

5.1.5 By contacting any commissioner, judge or justice.

5.2 Commissioners, judges, justices, court executives and administrators, supervisors and managers must report any complaints or misconduct under this policy promptly to an appropriate authority, including a Human Resources representative at <https://www.utcourts.gov/intranet/hr/cus.htm> for further action ~~but not limited to a member of management at or associated with their location, or a Human Resources representative for further action.~~

Comment [MCD3]: URL only available on the INTRANET . . . former employees / those who aren't on the court network (i.e., from home) are not able to access this information . . . FYI

Comment [MCD4]: Same comment as above re: URL access

5.3 Upon receipt, Human Resources must promptly ~~forward~~ respond to any complaint of discrimination, harassment, or retaliation ~~to _____ who? _____ for investigation and resolution by _____ who? _____.~~

6. **Confidentiality.**

6.1 ~~RAI reports of policy violations will be investigated promptly and thoroughly in addressed as confidentially as confidential a manner as possible. Information will be disclosed only on a need-to-know basis for the purpose of investigating and resolving responding to the complaint report. At the conclusion of the response to the report. Upon conclusion of an investigation, all relevant parties will. the complaining party will be advised notified that the investigation has been completed and appropriate action taken. Any person accused of misconduct will be notified of the investigation results and any remedial action.~~

7. **Corrective Action.**

~~7.1~~ Violation of this policy will be considered a serious form of misconduct which can result in disciplinary action up to and including immediate termination of employment.

~~7.2~~ **Definitions.**

~~"Harassment" is unwelcome conduct toward an individual because of sex, gender, age, ancestry, mental or physical disability or medical condition, marital status, race or color, national origin, religion, religious affiliation, sexual orientation or gender identity or expression, genetic information, military or veteran status, or any other category protected by federal, state or local law when the conduct creates an intimidating, hostile or offensive work environment that causes work performance to suffer, or negatively affects the terms and conditions of the individual's employment.~~

~~"Sexual Harassment" is a form of harassment that is based on a person's sex or that is sex-based behavior. It is also sexual harassment for anyone in a position of authority to tie hiring, promotion, termination or any other condition of employment to a request or demand for sexual favors.~~

~~7.3~~ 7.1 ~~"Retaliation" refers to any action that is done to punish someone for reporting harassment or discrimination, participating or providing assistance in an investigation of harassment or discrimination, or any action that might discourage an employee from bringing a complaint. For example, it would be improper to refuse to promote an employee or reduce pay because the employee reported harassment.~~

Effective May/November 1, 20____