

**(COURT NAME) MUNICIPAL COURT
UNLAWFUL HARASSMENT POLICY**

1. Purpose: To provide the employees of the Municipal Court (Hereinafter, "Court") with an environment free from unlawful discrimination and harassment and to provide for disciplinary action in the event the policy is not followed. Although this policy references "sexual harassment", it applies equally to all forms of unlawful harassment. Unlawful discrimination and harassment is discrimination or harassment based upon an employee's race, color, national origin, religion, disability, pregnancy, age, military status, or sex. Unlawful harassment violates law and will not be tolerated.

2. Definition: Sexual harassment is defined as unwelcome sexual advances, comments or requests. Sexual harassment exists when employment decisions are based on sexual conduct or when the workplace is so permeated with conduct of a sexual nature that it alters the terms and conditions of employment and creates a hostile work environment. Harassment based on race, national origin, religion, disability, pregnancy, age, or military status is defined as unwelcome comments and actions pertaining to the particular characteristic at issue. Harassment based on race, national origin, religion, disability, pregnancy, age or military status exists when employment decisions are based on those characteristics or when the workplace is so permeated with conduct relating to that characteristic that it alters the terms and conditions of employment and creates a hostile work environment.

3. Behavior that can Constitute Harassment: Harassment does not generally encompass conduct of a socially acceptable nature, however, some conduct that is appropriate in a social setting may be inappropriate in the workplace. Sexual harassment occurs when behavior of a sexual nature is directed toward an employee who finds that behavior unwelcome and offensive. Harassment also occurs when behavior fails to respect the rights of others, is demeaning or lowers morale. The victim's acquiescence in the behavior will not negate the existence of harassment.

Harassment may also extend beyond the confines of the workplace. Conduct that occurs off duty and off premises against an employee of the Court will be subject to this policy.

Prohibited conduct includes, but is not limited to sexual comments, suggestions, jokes, leering, pats, squeezes or other similar contact, and posting of sexual pictures, cartoons, photos or other graphics. In addition, comments, suggestions, jokes, and other similar activities relating to race, national origin, religion, disability, pregnancy, age and military status are prohibited.

4. Complaint Procedure: The Clerk of Court and the City Law Director are assigned the task of receiving harassment complaints from employees and investigating allegations of harassment. Both the Clerk and the Law Director are vested with the authority to receive

employee reports of unlawful discrimination and/or harassment and is charged with the duty of investigating any employee complaints of unlawful discrimination and/or harassment.

Employees who feel that they have been subjected to discrimination or harassment by a fellow employee, a supervisor, or an individual otherwise affiliated with the Court, shall immediately contact either the Clerk or the Law Director. Similarly, employees who feel that they have witnessed discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, shall immediately contact the Clerk or the Law Director. Employee complaints of unlawful discrimination and/or harassment must be submitted, in writing, to the Clerk or the Law Director in a timely manner. All complaints will be taken seriously and will be fully investigated. Although late reporting will not, in and of itself, prevent the investigation of complaints, timely reporting is required and will aid the Court in its investigation of complaints.

Information obtained during the investigation will be kept as confidential as practicable, although confidentiality cannot be guaranteed. If the investigation reveals the complaint is valid, prompt attention and disciplinary action designed to stop the harassment and prevent its reoccurrence will be taken.

5. False Complaints: Although legitimate complaints made in good faith are strongly encouraged, false complaints made in bad faith will be not tolerated. Failure to prove harassment will not constitute a false complaint without further evidence of bad faith. False complaints are considered a violation of this policy and an employee who makes a false complaint may be subject to discipline.

6. Retaliation: The Court, its supervisors and/or employees, shall not in any way retaliate against an individual for filing a complaint, reporting harassment, in participating in an investigation. Retaliation is a serious violation of the harassment policy. Any employee who feels that he or she is subjected to retaliatory conduct as a result of actions taken under this policy shall report such conduct to their supervisor, The Clerk of Court or the City Law Director immediately. Any person found to have retaliated against an individual for reporting harassment will be subject to the same disciplinary action provided for offenders of the harassment policy.

7. Corrective Action: Unlawful discrimination and sexual harassment will not be tolerated. Disciplinary action will result and will be reflective of the seriousness of the violation. If the investigation establishes that the accused employee engaged in harassment, discipline, up to any including termination will be administered. Offenders will be disciplined without regard to their position or job performance.

All employees of the Court have the responsibility to become familiar with this policy, to assist in its enforcement and to abide by its terms. Any employee who has knowledge of harassing conduct, and who allows that conduct to go unaddressed, may be subject to discipline.