

COURT REPORTING SERVICES

NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

I. POLICY STATEMENT

It is the policy of Court Reporting Services to provide a work environment free from unlawful discrimination and harassment. Discrimination and harassment based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, genetic information, unfavorable discharge from military service, or any other basis provided by law is prohibited. Discrimination and harassment is inappropriate, offensive, and in some cases, illegal. Discrimination and harassment will not be tolerated by Court Reporting Services or the Office of the Chief Judge.

II. DEFINITIONS

- A. **Employee** means all full-time, part-time, temporary, or contractual Court Reporting Services' employee.
- B. **Manager** means Court Reporting Services' employees responsible for the supervision of others.
- C. **Retaliation** is an adverse action, performed directly or through others, that would deter a reasonable person from reporting or participating in the investigation of conduct prohibited by this policy. Adverse actions may include, but are not limited to, termination, negative performance evaluations, discipline, demotion, reassignment, or reduction in pay.
- D. A **third party** is any individual who is not a Court Reporting Services' employee but who has business with Court Reporting Services'/Office of the Chief Judge employees, including, but not limited to, contractors, vendors and suppliers.

III. APPLICABILITY

This policy shall be applicable to all Court Reporting Services' employees whether full-time, part-time, temporary, or contractual.

IV. PROHIBITED CONDUCT

A. **Discrimination**

Discrimination is differing treatment of an individual, involving any term or condition of employment, based on that individual's race, color, religion, sex, national origin, ancestry,

age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, genetic information, unfavorable discharge from military service, or any other basis provided by law. Discrimination is prohibited based on an employee's real or perceived membership in any of the aforementioned protected categories.

B. Harassment

Harassment is verbal or physical conduct that is directed at an individual because of his or her membership in a protected group or on any other prohibited basis such as race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, genetic information, unfavorable discharge from military service, or any other basis provided by law and is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile environment. Harassment based on an employee's real or perceived membership in any of the aforementioned protected categories is prohibited by this policy.

C. Sexual Harassment

Sexual harassment is prohibited by this policy. Sexual harassment may be subtle or direct and may involve individuals of the opposite sex or members of the same sex. Sexual harassment includes any unwelcomed sexual advance, request for sexual favor, or verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. An individual's submission to or rejection of such conduct is the basis for employment decisions affecting such individual;
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance; or
4. Such conduct creates an intimidating, hostile, or offensive working environment, such that a reasonable person would find the environment to be hostile or abusive.

D. Third-Party Harassment

Third-party harassment occurs when the harassment is committed by a person or group of people not employed by or under the control of Court Reporting Services or the Office of the Chief Judge. Harassment by third parties is expressly prohibited by this policy.

E. Retaliation

Retaliation against any individual who reports discrimination or harassment or participates in an investigation is prohibited. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to corrective action, up to

and including termination. Allegations of retaliation should be reported pursuant to the complaint procedure in this policy.

F. Examples of Prohibited Conduct

a. Physical

1. Unwelcome, sexually-motivated, or inappropriate physical contact such as touching, patting, squeezing, hugging, kissing, pinching, brushing of or by the body, or other sexual contact.
2. Touching oneself sexually in view of another or exposing oneself.
3. Mocking or imitating the speech, hearing, walk, or movement of a person with a disability; mocking identifiable characteristics of an individual or group of a protected status.
4. Physical assaults or threats.

b. Verbal

1. Comments or discussions of a sexual nature.
2. Unwelcome requests for dates or for sexual activity.
3. Demands for sexual favors or promises of preferential treatment with regard to an individual's employment status accompanied by implied or overt threats concerning an individual's employment status.
4. Sexual innuendoes, flirtation, suggestive comments, jokes of a sexual nature, sexual propositions, or sexual remarks.
5. Negative treatment or threats of negative treatment for refusing to submit to sexual conduct or participate in any prohibited conduct or activity.
6. Verbal abuse, innuendo, jokes, remarks, epithets, or slurs based upon race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, genetic information, unfavorable discharge from military service, or any other basis provided by law.
7. Imitating a person's speech or accent.
8. Obscene or lewd sexual comments.
9. Using slang names or labels that may be considered derogatory or too familiar, such as, honey, sweetie, dear, darling, boy, girl, or other terms people may find offensive.
10. Talking about or calling attention to an individual's body or characteristics in a sexual or embarrassing way.

11. Written or graphic material that shows hostility or aversion toward an individual or group.

c. Nonverbal

1. Including, but not limited to, staring, leering, ogling, or whistling.
2. Obscene or suggestive gestures.
3. Display of objects or pictures, such as content displayed on a computer screen, cell phone, magazines, posters, calendars, cartoons, or jokes, that are sexually suggestive or explicit or disparage people based upon race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, genetic information, unfavorable discharge from military service, or any other basis provided by law.
4. Transmitting e-mails, instant messages, texts, or other correspondence that include content that is sexually suggestive or explicit or disparage people based upon race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, genetic information, unfavorable discharge from military service, or any other basis provided by law.
5. Sexually suggestive looks, sexually suggestive or insulting sounds (whistling, catcalls, smacking or kissing noises), or obscene or sexually suggestive bodily gestures.

V. DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES

Discrimination and harassment will not be tolerated. Persons subject to this policy are encouraged to report all incidents of discrimination and harassment as soon as possible after the incident occurs, even where the discrimination or harassment was not directed at the complainant.

In all matters, Court Reporting Services/Office of the Chief Judge and its designees are authorized to secure additional information and follow-up on any complaint of discrimination and harassment.

All reports of discrimination and harassment will be taken seriously and are subject to investigation. The scope of the investigation will vary based on the nature of the complaint and other factors. Individuals who file complaints will be notified about the status of their complaint, the results of the investigation and any corrective and preventative action taken. Any person subject to this policy who believes he or she has been or is being subjected to discrimination or harassment or has witnessed an individual being subjected to discrimination or harassment should follow the complaint procedure outlined below.

A. Procedure

1. Initial Steps

Any individual subject to this policy who feels that he or she has been or is being subjected to discrimination or harassment or who has witnessed discrimination or harassment may choose to direct the offending party to stop. If the individual does not feel comfortable confronting the offending party or if the conduct continues after directing the offending party to stop, the individual may report the conduct to his/her immediate supervisor, a higher supervisory authority, or the Office of the Chief Judge. All complaints shall be immediately forwarded to the Office of the Chief Judge for investigation or other appropriate action. The Office of the Chief Judge is authorized to secure additional and or follow-up information on any complaint of alleged discrimination or sexual harassment. Managers with knowledge of conduct that may be in violation of this policy are required to report such conduct, even in the absence of a complaint.

Whenever practicable, complaints should be in writing, describing the alleged incident(s) of discrimination or harassment, the date(s) and time(s) of the incident(s) and witnesses, if any, to the incident(s).

2. Whenever practicable, complaints should be in writing, and include, but are not limited to: the name of the alleged offending party; the name of the complainant (and the name of the individual being harassed or subject to discrimination, if different than the complainant); a description of the incident(s), including the date(s), time(s), and location(s); a list of witnesses to the incident(s); the steps taken to stop the discrimination or harassment, if any; and any other information the complainant believes to be relevant.

B. Investigation

The interests of all parties are best served by the prompt investigation and resolution of discrimination and harassment complaints. The complaint shall be promptly investigated and every attempt shall be made to promptly resolve the complaint where evidence of discrimination or harassment is found.

The complainant is assured of confidentiality in the investigation to the greatest extent possible, but in order to fully investigate the complaint, it may be necessary to disclose his/her name. Disclosure of the allegation of discrimination or harassment shall be restricted to individuals who have a "need to know" in order to conduct a proper investigation. Prior to initiating investigations involving employees subject to a collective bargaining agreement, the investigator must consult the relevant agreement to determine appropriate union participation in the process.

The investigation shall include the following steps:

1. The investigating party shall conduct an interview with the complainant registering the complaint. The intent of the interview is to obtain a complete account of the incident(s) that led to the complaint. The following information should be sought in the interview: severity of conduct; the number and frequency of acts of alleged discrimination or harassment; the apparent intent of the alleged offender; 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. The investigating party shall interview the alleged offender 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.
4. To the extent practicable, the investigating party shall review any other relevant information or evidence and/or interview any other relevant witnesses.
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 findings of the investigation and, in appropriate cases, any recommendation for discipline.
7. The appropriate action shall be taken based on the above steps.

C. False Statements

False statements and allegations during the complaint or investigation process are strictly prohibited. Individuals who knowingly file a false complaint of discrimination or harassment may be subject to corrective action, up to and including termination.

D. Confidentiality

The disclosure of allegations of discrimination or 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. This policy of limited disclosure should serve to protect the confidentiality rights of the alleged offender and the complainant.

E. Corrective Action

Complaints and cases of discrimination or harassment will be dealt with promptly. Employees who discriminate against or harass others and/or supervisors who knowingly allow such activities to go on subject themselves to the full range of corrective action up to and including referral to counseling, transfer, reassignment of duties, demotion, suspension and termination.

F. Further Information

Any employee who has questions about this policy should contact their Chief Judge's Office or Court Reporting Services. All inquiries will be handled in the strictest confidence.

G. Appeals

If either party is dissatisfied (the complainant or the alleged offender) with the outcome of the investigation and/or the discipline imposed, that party must within 7 days of being informed of the results of the investigation provide written notification to his/her immediate supervisor, a higher supervisory authority, or the Office of the Chief Judge. The final supervisory authority from whom review of discrimination or harassment proceedings may be sought is the Chief Judge/designee.

For employees disciplined under a collective bargaining agreement, the discipline may be appealed pursuant to the relevant contractual provisions of the collective bargaining agreement.

H. Disclaimer

This policy does not limit or restrict individuals subject to this policy from reporting discrimination or harassment to any other party, including but not limited to law enforcement, attorneys, or administrative agencies.

Date: July 1, 2023