U.S. DISTRICT COURT

U.S. BANKRUPTCY COURT

WESTERN DISTRICT OF WASHINGTON

SEXUAL HARASSMENT POLICY

ADOPTED FEBRUARY, 1993

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SEXUAL HARASSMENT POLICY

1.0 POLICY OF THE COURT

1.1 General Policy:

Federal employees have a grave responsibility under the Federal Code of Conduct and Ethics to maintain high standards of honesty, integrity, impartiality, and conduct to assure proper performance of the government's business and to maintain the public trust and confidence. Any employee conduct which violates this code shall not be condoned.

1.2 Policy on Sexual Harassment:

Sexual harassment undermines the integrity of the employment relationship. The employee must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment debilitates morale and interferes in the work productivity of victims and co-workers.

The Western District of Washington is committed to the creation and maintenance of a work environment free of sexual harassment, intimidation, or coercion. All employees have a right to a physically and emotionally safe work environment, safe from unsolicited affection or conversation with sexual overtones.

It is the policy of the court to address promptly a complaint alleging sexual harassment and to pursue resolution of the complaint in accordance with the procedures described below.

1.3 Scope of Policy:

Sexual harassment in any form committed by a member of the District or Bankruptcy Clerk's Offices, Probation Office, Pretrial Services Office, or judicial staff will not be tolerated and shall constitute grounds for disciplinary action, including dismissal. Harassment of staff members in the course of their duties by any non-staff person, including judges, is also not tolerated, and shall be reported and resolved immediately.

1.4 Retaliation:

Retaliation against an employee for having filed a sexual harassment complaint is prohibited, and also constitutes grounds for disciplinary action. The person investigating the claim of sexual harassment may subsequently conduct follow-up interviews with the complainant to ensure that no retaliation has taken place and the harassment has ceased. The court will take whatever action is deemed necessary to shield or protect the complainant employee from a potentially hostile or offensive work environment during and after a harassment investigation.

2.0 DEFINITIONS

2.1 Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

* Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

* Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual.

* Such behavior has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

2.2 Prohibited Conduct:

Prohibited conduct includes offensive sexual flirtation, suggestive comments, sexual innuendo, unwanted physical contact, repeated requests or pressure for dates, advances, propositions, insults or verbal abuses of a sexual nature, graphic verbal comments about an individual's body, sexually degrading words describing an individual, humor and jokes about sex or gender-specific traits, or the display of sexually suggestive objects or pictures.

Prohibited conduct also includes non-verbal, suggestive, or sexually insulting actions such as leering, whistling, suggestive sounds, and obscene gestures.

Prohibited touching includes any unwelcome touching of a sexual nature, pinching, intentional brushing of the body, sexual assault, and coerced sexual acts.

2.3 Applicability Outside the Workplace:

Although the court does not wish to interfere with employees' personal lives, conduct towards co-workers outside the workplace can affect the work environment. Accordingly, all of the above definitions of harassment apply to unwanted, unwelcome, or offensive contacts outside the workplace, even during non-working hours. Such harassment is prohibited whether it is conducted directly or through the mails or other written communication, or in person.

3.0 COMPLAINT PROCEDURES

3.1 To Whom to Report:

Any employee who believes he or she has been subjected to sexual harassment shall make a complaint to any of the following persons, as he or she feels is appropriate:

* His or her immediate supervisor
* The office's personnel specialist
* The deputy-in-charge in a divisional office
* The unit head (Clerk, Chief Probation Officer, Chief Pretrial Services officer) or chief deputy

Special situations:

* If the complaint is against the employee's unit head, the complaint should be made to the appropriate Equal Employment Opportunity Coordinator. The EEO coordinator for the Bankruptcy Court and Clerk's Office is the clerk of the U.S. Bankruptcy Court; and the EEO coordinator for all other court units is the clerk of the U.S. District Court
* If the complaint is against the Equal Employment Opportunity Coordinator, the complaint should be made to the chief judge of that court
* If the complaint is against a judicial officer, the complaint should be made to the chief judge of that court. If the complaint is against the chief judge, the complaint should be made to the active judge next in seniority to the chief judge

3.2 Form of Complaint:

The complaint should be in writing, and include:

* The complainant's name
* The name of the person complained against
* A description of the acts complained about
* The names of any persons who may have knowledge of any of the described events

Verbal complaints will be accepted and immediately documented by the person receiving the complaint, if circumstances prevent a written complaint. All complaints will be kept confidential, except as provided below.

Where an informal resolution is requested by the complainant, verbal complaints will be accepted and immediately documented by the person to whom it is reported. Should attempts to resolve the complaint informally prove unsuccessful and/or should either party reject the findings, a formal complaint may be submitted.

If the recipient of the complaint is a person other than the unit head, the unit head shall immediately be notified.

3.3 Investigation of Complaint:

An initial investigation will be completed by the unit head or designee within ten working days of the complaint, or as soon thereafter as practicable. If the unit head is the person against whom the complaint has been filed, the investigation will be conducted by the court's EEO Coordinator. If the EEO Coordinator is the person against whom the complaint has been filed, the investigation will be conducted by the chief judge or designee. If a judicial officer is the person against whom the complaint has been filed, the investigation will be conducted by the chief judge or designee.

The person against whom the complaint has been filed will be informed of the complaint, will be given a copy of it, and will be afforded an opportunity to respond. A copy of this response will be provided to the complainant.

Other witnesses also will be contacted. All involved parties are required not to discuss the complaint with anyone (exclusive of outside counsel), including each other, while the investigation is pending.

In investigating a complaint or taking any other action pursuant to this policy, a person complained against will be given the opportunity to be represented by a person of his or her choosing. Neither party will have any right to cross-examine the other party or witnesses.

Retaliation against an employee for filing a harassment complaint is prohibited. The unit head, EEO coordinator, or chief judge will take whatever action is deemed necessary to shield or protect the complainant employee from a potentially hostile or offensive work environment during and after the conduct of a harassment investigation.

A written report of the preliminary findings of the investigation, including an assessment of whether this policy has been violated, will be provided to the unit head, the complainant, and the person complained against.

3.4 Findings and Disposition:

Within ten working days of receipt of this report of preliminary findings, or as soon thereafter as practicable, the person conducting the investigation will discuss separately the complaint with both parties, may conduct further investigation, and will prepare a summary of tentative findings and a proposed disposition of the matter. Copies will be given to the unit head, the complainant, and the person complained against.

The parties will have five working days within which to comment upon the tentative findings and proposed disposition.

After reviewing these comments, if any, the person responsible for conducting the investigation will make a final report of findings and disposition. A copy of the final report will be provided to the chief judge, the unit head, the complainant, and the person complained against.

If the investigator determines that sexual harassment has occurred, appropriate disciplinary action will be taken.