

FILED
TIME 2:55 P M

SEP 23 1993

SHERRI NEWMAN
CLERK SUPERIOR COURT
BY: _____ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF LA PAZ



S1500A0199300004


IN THE MATTER OF)
LA PAZ COUNTY COURT SYSTEM)
SEXUAL HARASSMENT POLICY)
_____)

ADMINISTRATIVE ORDER
No. 93-04

Pursuant to Arizona Supreme Court Administrative Orders 93-30 and 92-33 which require the establishment and implementation of a La Paz County judicial branch sexual harassment policy,

IT IS ORDERED that the attached Sexual Harassment Policy is adopted effective this date.

DATED this 23 day of Sept., 1993, at the La Paz County Superior Court in Parker, Arizona.


MICHAEL IRWIN
Judge of the Superior Court

SUPREME COURT OF THE STATE OF ARIZONA

FILED
OCT 19 1992
NOEL K. DESSAINT
CLERK SUPREME COURT
BY *AK*

IN THE MATTER OF)
ARIZONA JUDICIARY)
SEXUAL HARASSMENT POLICY)
_____)

ADMINISTRATIVE ORDER
NO. 92 - 33

Based upon the Arizona Constitution, Art. 6, § 3, authority of the Supreme Court to provide administrative supervision over all the courts of the State and as recommended by the Arizona Judicial Council,

IT IS ORDERED that the attached Arizona Judiciary Sexual Harassment Policy is adopted effective this date.

Dated the 19th day of October, 1992, at the Arizona Supreme Court, Phoenix, Arizona.


STANLEY G. FELDMAN
Chief Justice

**LA PAZ COUNTY COURT SYSTEM
SEXUAL HARASSMENT POLICY**

All La Paz County judicial branch employees and judges have a right to work in an environment free from unwelcome advances, innuendo, and/or actions of a sexual nature which create a hostile or offensive working environment or impair a person's ability to perform their assigned duties.

Sexual harassment will not be tolerated in the La Paz County courts. Sexual harassment by judicial branch employees will be grounds for disciplinary action, which may include dismissal. Sexual harassment by judges will be grounds for complaint and action by the Commission on Judicial Conduct.

This policy shall apply to all La Paz County judges and judicial branch employees, including magistrate courts. This policy shall supplement the provisions of Supreme Court Administrative Order 92-33 which defines the Arizona Judiciary Sexual Harassment Policy.

This document establishes and defines the La Paz County Court System's sexual harassment policy and provides judicial branch employees a mechanism to seek relief from sexual harassment.

Sexual Harassment Defined

Sexual harassment is defined as any unwelcome sexual advance, request for sexual favor and/or other 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. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; and/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.

Reporting Procedure

Anyone having knowledge of sexual harassment by court employees or occurring court-related facilities is responsible for reporting the matter for either informal consultation or formal investigation. Informal consultation is not a prerequisite to formal investigation.

The report shall be submitted in a timely manner on a signed sexual harassment report form. The report shall be given to the reporting party's immediate supervisor or the La Paz County Chief Probation Officer. The report should contain information which provides understanding of the incident or action giving rise to the complaint and describe the events and include the location of the incident, the name of the individual who is alleged to have committed sexual harassment, names of witnesses and whether the reporting person seeks informal consultation or formal investigation.

Informal Consultation

The person receiving the report shall serve in an advisory capacity to the person reporting sexual harassment and may counsel with the alleged perpetrator to resolve the problem. If the alleged perpetrator is not supervised by the person who received the report, the matter shall also be referred to the alleged subject's supervisor. Consultations and resolutions shall be reported to the Chief Probation Officer.

If the matter is resolved to the satisfaction of the reporting person, no further action will be taken unless the supervisor or Chief Probation Officer determines that allegations of sexual harassment are serious enough to warrant a formal investigation and discipline. If the reporting party is not satisfied with the resolution after informal consultation, the matter shall proceed as a formal investigation.

If the alleged perpetrator is not a judge or employee of the La Paz County court system, the matter shall be referred to the Chief Probation Officer for immediate and appropriate action.

Formal Investigation

The person receiving the report shall forward it to the La Paz County Chief Probation Officer who shall, within ten working days of receipt of the complaint, investigate the charges cited in the complaint. The Chief Probation Officer may interview such individuals as necessary to gain an understanding of the incident giving rise to the complaint and may review

personnel records and other documents. The accused person shall be given an opportunity to review the report and all witness statements and to respond to them.

The Chief Probation Officer shall, within 10 working days of receipt of the report, issue written findings as to whether the alleged conduct occurred and if so, whether it constituted sexual harassment and a recommendation for corrections and disciplinary action. The written findings shall be forwarded to the subject's supervisor. The Chief Probation Officer shall also provide copies of the written findings to the presiding superior court judge, the reporting person and the subject of the report.

Discipline

Any person found to have subjected another to sexual harassment shall be subject to disciplinary action up to and including dismissal.

Upon receipt of the report the supervisor shall adopt a course of action consistent with the report and recommendation to resolve the matter and eliminate the likelihood that the incident giving rise to the complaint will be repeated in the future. Prior to any disciplinary action, the alleged harasser shall have an opportunity to respond to the recommendations in the findings.

Review

A reporting person or accused perpetrator who disagrees with the findings or disciplinary action taken, if any, may request a review by the presiding judge of the superior court. If requested, the review shall be completed within ten working days and a written determination issued.

Confidentiality

Information concerning sexual harassment discussed pursuant to these procedures shall not be disclosed to anyone not involved with the consultation or investigation. All employees who are contacted regarding a sexual harassment complaint or report shall maintain this confidentiality.

Records and Files

All documentation relative to sexual harassment consultations and/or investigations shall be maintained by the Chief Probation Officer for two years in separate and confidential files. After two years, they shall be destroyed

unless the presiding superior court judge has been notified that a discrimination action has been filed with the EEOC or that litigation has been initiated.

Responsibility

1. Persons who believe that they have been subjected to sexual harassment as defined in this policy shall make their supervisor or any of the supervisor's superiors aware of such alleged harassment.
2. The Chief Probation Officer shall enforce provisions of this policy and in the event of a formal investigation, promptly and thoroughly investigate the complaint in a fair and confidential manner.
3. Any form of retaliation by a person against an individual for reporting sexual harassment truthfully to the best of that employee's knowledge or for cooperating in an investigation will not be tolerated and shall be grounds for disciplinary action.
4. All persons in authority in the La Paz County Courts shall be responsible to ensure compliance and enforcement of this policy within their respective court or department.

Sexual Harassment by Judges or Special Judicial Officers

Sexual harassment by judges against any person shall be grounds for the filing of a complaint to the Arizona Commission on Judicial Conduct pursuant to commission rules and procedures. The presiding superior court judge shall ensure that alleged sexual harassment charges against judges are appropriately referred to the Commission according to commission rules. Sexual harassment by special judicial officers shall be grounds for disciplinary action up to and including dismissal or termination of contractual agreements.

Sexual Harassment by Vendors

Sexual harassment by vendors shall be grounds for termination of vendor contracts.

False Accusations

Any person who knowingly or recklessly makes a false accusation of sexual harassment against any person shall be subject to disciplinary action up to and including dismissal.

Education and Training

The La Paz County COJET Training Committee shall ensure education and training for judges and judicial branch employees regarding this policy and in recognizing sexual harassment.

Each judge and department head shall ensure that all judges and judicial branch employees read this policy and the Arizona Judiciary Sexual Harassment Policy, that a copy of the policy is posted in a conspicuous place in each court or department, and ensure that report forms are available.

LA PAZ COUNTY SEXUAL HARASSMENT REPORT FORM

DIRECTIONS: Please complete this form if you believe that you have been subjected to sexual harassment or have personal knowledge of sexual harassment during the course of your employment with the La Paz County Court System. (Attach additional pages if necessary.)

YOUR NAME: _____

LOCATION OF ALLEGED INCIDENT: _____

DATE OF ALLEGED INCIDENT: _____

NAME OF ALLEGED HARASSER(S): _____

COMPLAINANT'S SUPERVISOR: _____

WITNESSES TO THE ALLEGED INCIDENT: _____

COMPLAINANT'S CHOICE OF ACTION:
 Informal Consultation Formal Investigation

NARRATIVE OF THE ALLEGED INCIDENT: _____

