

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MOHAVE

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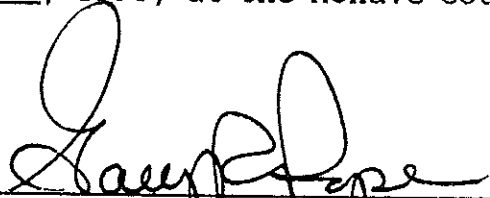
IN THE MATTER OF )  
THE MOHAVE COUNTY COURT SYSTEM )  
SEXUAL HARASSMENT POLICY )

ADMINISTRATIVE ORDER  
93-16

Pursuant to Arizona Supreme Court Administrative Order 93-30 which provides that the presiding judge of the superior court in each county shall exercise administrative supervision over all the courts in their county and Arizona Supreme Court Administrative Order 92-33 which requires the establishment and implementation of a local judicial branch sexual harassment policy,

IT IS ORDERED that the attached Mohave County Court System Sexual Harassment Policy is adopted effective this date.

Dated this 21<sup>st</sup> day of Sept, 1993, at the Mohave County Superior Court in Kingman, Arizona.

  
GARY R. POPE, PRESIDING JUDGE  
MOHAVE COUNTY SUPERIOR COURT

**MOHAVE COUNTY COURT SYSTEM  
SEXUAL HARASSMENT POLICY**

**Purpose**

The purpose of this document is to establish and define the Mohave County Court System's sexual harassment policy and to provide judges and judicial branch employees with a mechanism in which to seek relief from actions of sexual harassment. This policy includes opposition to and disapproval of any unwelcome actions or advances of a sexual nature arising out of a situation which adversely impact the ability of judges or judicial branch employees to perform their assigned duties.

**Policy Overview**

All Mohave County judges and judicial branch employees, regardless of sex, 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 otherwise impair a person's ability to perform their assigned duties.

**Coverage**

This policy shall be effective for all Mohave County judges and judicial branch employees without regard to status or affiliation and shall supersede all existing policies and procedures for courts currently in place in Mohave County. This policy shall supplement provisions in Supreme Court Administrative Order 92-33 which defines the Arizona Judiciary Sexual Harassment Policy.

**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.

### Grievance Alleging Sexual Harassment

Any perceived harassment shall be reported for either informal consultation or formal investigation. Any person may file a grievance alleging sexual harassment and may choose either informal consultation or formal investigation. Informal consultation is not a prerequisite to formal investigation.

### Grievance Procedures

Persons alleging to have been subjected to sexual harassment or who have personal knowledge of sexual harassment during the course of their employment with the Mohave County Court System shall within seven (7) working days of the alleged incident submit a signed sexual conduct complaint form to their immediate supervisor or any of the supervisor's superiors describing the events and/or actions leading up to the filing of the form. The completed form shall contain the location of the incident, the names of the individual who is alleged to have constituted sexual harassment, names of individuals who were witnesses of the alleged incident, the person's choice of action (i.e. informal consultation or formal investigation), and any other information which provides understanding of the incident or action giving rise to the complaint.

#### Informal Consultation

The person receiving the report shall serve in an advisory capacity to the person reporting the perceived sexual harassment and may counsel with the subject of the report to resolve the problem. If the alleged subject of the report is not supervised by the person who received the report, the matter shall also be referred to the alleged subject's supervisor or other appropriate designee. If not already involved, the consultation process shall be discussed with the Court Administrator if the reporting employee is a superior court, justice court or municipal court employee; or the Chief Probation Officer if the reporting employee is a probation department employee.

If upon informal consultation the matter is resolved to the satisfaction of the person who reported sexual harassment, persons are no longer obligated to report further unless it is determined that allegations of sexual harassment are serious enough to warrant a formal investigation. If a resolution cannot be reached after informal consultation, the matter shall proceed as a formal investigation.

If the alleged subject of the report is not a judge or employee of the Mohave County Court System, the matter shall be referred to the Court Administrator and/or Chief Probation Officer for immediate and appropriate action.

## Formal Investigation

The person receiving the report shall document the report and forward the documentation to the Court Administrator if the reporting employee is a superior court, justice court, or municipal court employee; or the Chief Probation Officer if the reporting employee is a probation department employee. The Court Administrator or Chief Probation Officer shall within seven (7) working days of receipt of the complaint investigate as appropriate the charges cited in the complaint and interview such individuals as necessary to gain an understanding of the incident giving rise to the complaint.

If upon review a basis is found for the complaint, the Court Administrator or Chief Probation Officer shall issue a written determination in this regard including a finding as to whether the alleged conduct occurred and if so, whether it constituted sexual harassment. The written determination shall be forwarded to the subject's supervisor with a recommendation as to how the problem should be resolved. The Court Administrator or Chief Probation Officer shall also provide copies of the written determination to the presiding superior court judge, the person who filed the complaint, the subject of the report, and any other persons involved in the formal investigation as deemed appropriate.

Upon receipt of the determination, the supervisor shall adopt a course of action consistent with this recommendation which seeks to resolve the matter in an effort to eliminate the likelihood that the incident giving rise to the complaint will be repeated in the future. The complainant and the harasser may respond within seven (7) working days to the report and recommendation with copies to all persons who receive copies of the documentation.

If no basis is found for a complaint of sexual harassment, the person alleging to have been subjected to sexual harassment shall be so notified in writing by the Court Administrator or Chief Probation Officer. A person filing a grievance who receives notice that no basis has been determined for the complaint may disagree with the finding of no cause and request review of the matter by the presiding superior court judge.

## Discipline

Any person found to have subjected an individual to any form of sexual harassment shall be subject to disciplinary action up to and including dismissal in accordance with this policy. Prior to any disciplinary action for sexual harassment, the harasser shall be advised of the grounds for discipline and have an opportunity to respond to the charges within forty-eight (48) hours.

### Confidentiality

Information concerning sexual harassment discussed pursuant to these grievance 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 Court Administrator or Chief Probation Officer for two years in separate and confidential files. After this period, these documents 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 Court Administrator or Chief Probation Officer shall enforce provisions of this policy and in the event of a complaint, promptly and thoroughly investigate it in a fair and confidential manner.
3. Any form of retaliation by person(s) against any complaining person, participating witness, and/or person cooperating in an investigation will not be tolerated and shall be grounds for disciplinary action.
4. All designated persons in authority in the Mohave County Court System shall be responsible for ensuring 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 filing 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.

### Nature of Policy

The Court Administrator and/or Chief Probation Officer shall ensure that all judges and judicial branch employees in the Mohave County Court System are informed of and receive a copy of this policy. The presiding judge or designee in each Mohave County court location shall post this policy in a common area to ensure proper notice and distribution.

### Education and Training

The Court Administrator and/or Chief Probation Officer shall as necessary coordinate and ensure education and training for judges and judicial branch employees in the Mohave County Court System regarding this policy. Judges, administrators, supervisors, and chief court clerks shall receive training to assist them in recognizing sexual harassment and taking appropriate action pursuant to this policy.

MOHAVE COUNTY ALLEGED SEXUAL CONDUCT COMPLAINT 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 Mohave County Court System. (Attach additional pages as necessary.) This form should be returned to your immediate supervisor or any of your supervisor's superiors.

**COURT AND/OR LOCATION OF ALLEGED INCIDENT:** \_\_\_\_\_

**DATE OF ALLEGED INCIDENT:** \_\_\_\_\_

**ALLEGED HARASSER(S):** \_\_\_\_\_

**COMPLAINANT:** \_\_\_\_\_

**COMPLAINANT'S SUPERVISOR:** \_\_\_\_\_

**WITNESSES TO THE ALLEGED INCIDENT:**

\_\_\_\_\_  
\_\_\_\_\_

**COMPLAINANT'S CHOICE OF ACTION:** (Please circle one).

Informal Consultation

Formal Investigation

**NARRATIVE OF THE ALLEGED INCIDENT:** \_\_\_\_\_

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OTHER COMMENTS: \_\_\_\_\_  
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By my signature, I acknowledge that the foregoing is true, and that, if called to testify, to the best of my knowledge I would affirm the same. I understand that a false accusation against any person shall be subject to disciplinary action up to and including dismissal.

\_\_\_\_\_  
REPORTING PERSON/COMPLAINANT

\_\_\_\_\_  
DATE