



Supreme Court of Pennsylvania
Unified Judicial System of Pennsylvania

Policy on Non-Discrimination & Equal Employment Opportunity

Complaint Procedures

For Judges and Personnel of the Commonwealth Court of Pennsylvania

The Unified Judicial System of Pennsylvania (UJS) Policy on Non-Discrimination and Equal Employment Opportunity prohibits discrimination or harassment on the basis of race, color, sex, sexual orientation, national origin, age, disability, or religion. Any such discrimination or harassment by any Personnel of the System or Related Staff (as defined in the UJS Policy on Non-Discrimination and Equal Employment Opportunity) will not be tolerated.

How to File a Complaint

If you believe you have been harassed or discriminated against in a Court Facility, you should take the actions outlined below.

Harassment: If you feel you are being harassed, you should tell the harasser politely but firmly that his/her conduct is not welcome and must stop. If the conduct persists, or if you are not comfortable confronting the harasser, you should report this harassment to your immediate supervisor. If he/she is involved, is not available, or fails to take action, you should report this harassing behavior to the Executive Administrator of your court, by calling 717-255-1613.

Discrimination: If you feel you have been discriminated against, you should report this discrimination to the Executive Administrator of your court, by calling 717-255-1613.

If you observe behavior that you believe is harassment or discrimination, you should notify your immediate supervisor. If he/she is involved, is not available, or fails to take action, you should report your observations to the Executive Administrator of your court, by calling 717-255-1613.

If you feel you have been retaliated against because you asked a harasser to stop their offending behavior, or because you filed a complaint alleging harassment or discrimination, you should report this retaliation to your immediate supervisor. If he/she is involved, is not available, or fails to take action, you should report this retaliation to the Executive Administrator of your court, by calling 717-255-1613.

If you are a judge or a supervisor who has observed, or has been made aware of, harassment or discrimination in a Court Facility, you must (1) take immediate action to terminate any ongoing harassment/discrimination if you are reasonably able to do so; and (2) immediately inform the Executive Administrator of your court. Please note that all allegations should be treated as confidential personnel matters and you should never undertake independent action to investigate allegations of harassment or discrimination without first coordinating such actions with the Executive Administrator of your court.

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If the Executive Administrator of your court is not available, fails to take action, or is involved in the discrimination, harassment, or retaliation, you should report your concerns to the President Judge of your court.

If the Executive Administrator and the President Judge are not available, fail to take action, or are involved in the discrimination, harassment, or retaliation, you should contact the AOPC Office of Human Resources by calling 717-231-3309 or via e-mail at Human.Resources@pacourts.us.

As an alternative to reporting alleged discrimination via telephone or email in any of the situations described above, you may download a Non-Discrimination Plan Complaint Form from the UJS website at www.pacourts.us. The completed Complaint Form should then be submitted to the Executive Administrator of your court for review.

Investigation and Adjudication of Complaints

Individuals filing complaints alleging harassment or discrimination are advised that court authorities will take action to end any ongoing harassment/discrimination, will investigate all such complaints promptly, and will undertake remedial and/or disciplinary action as required. All individuals filing complaints are advised that legal considerations do not allow court authorities the discretion to delay, defer, or decline action on such complaints even if the complainant requests that no investigative or disciplinary action be taken.

Allegations of sexual harassment, other harassment, or any other type of discrimination involving a judge of personnel of the Commonwealth Court of Pennsylvania will be investigated promptly by the Executive Administrator; or, if appropriate, by an alternate authority appointed by the President Judge. Allegations involving the President Judge will be investigated by an authority to be appointed by the Court Administrator of Pennsylvania.

Interviews will be conducted with the complainant and any witnesses identified. The individual accused of harassment or discrimination will be given an opportunity to respond to the allegations, but ordered not to retaliate against or confront the complainant.

Following the investigation, the Executive Administrator (or other designated authority) will prepare a report summarizing his/her findings, and forward the report to the President Judge for review. The President Judge will make the final determination as to whether a violation of the UJS Non-Discrimination Policy occurred or did not occur, or if there is inconclusive evidence to make a determination. The complainant and the accused will both be informed in writing as to the results of the investigation and as to any appropriate disciplinary and/or remedial action that may be taken as the result of the investigation. Matters involving complaints against an attorney or a judge may be referred to the Disciplinary Board of the Supreme Court of Pennsylvania or the Judicial Conduct Board, respectively, for further investigation.

In cases involving the President Judge, the findings of the investigation will be submitted to the Court Administrator of Pennsylvania who will make the final determination as to whether a violation of the UJS Non-Discrimination Policy occurred or did not occur, or if there is inconclusive evidence to make a determination. The complainant and the accused will both be informed in writing as to the results of the investigation and as to any appropriate disciplinary and/or remedial action that may be taken as the result of the investigation. The matter may also be referred to the Judicial Conduct Board for further investigation.

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The timeframe for completing the investigation and final adjudication will vary based on the circumstances and complexity of the case. However, complainants may be assured that every effort will be made to resolve allegations of harassment or discrimination as expeditiously as possible.

Exclusion of Judicial Proceedings and the Judicial Decision-Making Process

This Policy does not apply to a judicial officer's or attorney's consideration of, or reference to, a protected class as referenced above, when such consideration or reference is appropriate under the law and is relevant to an issue in a judicial proceeding, to the judicial decision-making process or to the proper administration of justice.

Confidentiality

All complaints will be investigated in as confidential a manner as possible, and all related files will be kept confidential to the extent possible. Individuals involved in the investigative process, including but not limited to, the complainant, the accused, and witnesses or other persons interviewed during the process will be directed to refrain from sharing information, including the identity of the complainant, with anyone other than the investigators. Anyone contacted or interviewed during the course of an investigation will be advised that all parties involved are entitled to respect and confidentiality and that they may not share information related to the case.

Prohibition Against Retaliation

Retaliation in any form by a judge or personnel of the Commonwealth Court of Pennsylvania against any person who files a complaint about harassment or discrimination, or who assists in the investigation of such complaints is prohibited. Individuals filing complaints of sexual/other harassment or any other form of discrimination will be protected from retribution or retaliation - *even if the investigation results in a finding that no discrimination has occurred.*

Individuals who are found to have retaliated against a complainant or any individual who assists in the investigation of a complaint may be subject to appropriate disciplinary action. However, if there is clear and compelling evidence that a claim of harassment or discrimination had no basis in fact, was purely malicious in nature, and was filed with the sole intent to harm the accused party, appropriate disciplinary action may be taken against the individual making the false allegation.