



Supreme Court of Pennsylvania
Unified Judicial System of Pennsylvania

Policy on Non-Discrimination & Equal Employment Opportunity

Complaint Procedures

For Non-Employees Regarding Policy Violations by Judges or Personnel of the Commonwealth Court of Pennsylvania in a Court Facility

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 by a judge or personnel of the Commonwealth Court of Pennsylvania in a Court Facility, you should report this harassment/discrimination to the Executive Administrator of this Court by phone at 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 the Executive Administrator of this Court by phone at 717-255-1613.

If you believe that the Executive Administrator of this Court is involved in the discrimination, harassment, or retaliation, you should report your concerns to the President Judge of this Court.

If you believe that the President Judge of this Court is involved in the discrimination, harassment, or retaliation, you should contact the Administrative Office of Pennsylvania Courts, Office of Human Resources by calling 717-231-3309 or via e-mail at Human.Resources@pacourts.us.

If the Executive Administrator and the President Judge are not available or fail to take action, you should contact the Administrative Office of Pennsylvania Courts, 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 this 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

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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 or 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 judicial officer 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.

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

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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, remedial action of some kind may be taken against the individual making the false allegation.