



Supreme Court of Pennsylvania
Unified Judicial System of Pennsylvania

Policy on Non-Discrimination & Equal Employment Opportunity

Complaint Procedures

For Personnel of the Administrative Office of Pennsylvania Courts (AOPC)

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 AOPC Office of Human Resources at 717-231-3309 or at Human.Resources@pacourts.us.

Discrimination: If you feel you have been discriminated against, you should report this discrimination to the AOPC Office of Human Resources at 717-231-3309 or at Human.Resources@pacourts.us.

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 AOPC Office of Human Resources at 717-231-3309 or at Human.Resources@pacourts.us.

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 AOPC Office of Human Resources at 717-231-3309 or at Human.Resources@pacourts.us.

If you are 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 AOPC Office of Human Resources at 717-231-3309 or at Human.Resources@pacourts.us. 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 AOPC Office of Human Resources.

If you believe that the AOPC Office of Human Resources is involved in the discrimination, harassment, or retaliation, you should report your concerns to the Deputy Court Administrator of Pennsylvania by calling 717-231-3326.

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 AOPC Office of Human Resources for review.

Investigation and Adjudication of Complaints

Individuals filing complaints alleging harassment or discrimination are advised that the AOPC 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 the AOPC 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 any personnel of the AOPC will be investigated promptly by the Office of Human Resources. 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 Office of Human Resources will prepare a report summarizing their findings, and forward the report to the Court Administrator of Pennsylvania for review. The Court Administrator 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 time frame 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.

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 and/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 an AOPC employee against any person who files a complaint about harassment or discrimination, or who assists in the investigation of such complaints is prohibited. Employees 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.*

Employees 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.

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