

# Discrimination and Harassment Prevention Policy

The Judiciary of Guam is committed to providing a respectful and professional work environment free from discrimination and harassment. Discrimination or harassment will not be tolerated for any reason, at any time, whether you're an employee, intern, volunteer, applicant, or vendor. In addition to striving to prevent discrimination and harassment, we will act promptly and thoroughly on any violation of this policy based on age, color, disability, genetic information, national origin, pregnancy, race, religion, sex(including gender identity or expression), sexual orientation, ancestry, honorably discharged veteran or military status, or any other classification protected by law.

## WHAT IS DISCRIMINATION AND HARASSMENT?

Discrimination can be defined as making a distinction in favor of or against a person based on the group class or category to which that person belongs rather than on individual merit. Harassment based on a protected classification is unwelcome conduct that becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment can be physical, verbal, visual or sexual. It can occur in writing, by telephone, fax, e-mail, via the Internet, or through any other means of communication. Be aware that harassment or discrimination is prohibited, even if the person to whom it is directed appears to welcome the behavior or reciprocate it. Although your behavior may be acceptable to some, others who witness or become aware of the behavior may find it offensive.

### EMPLOYEE/INTERN/VOLUNTEER RESPONSIBILITY

It is the responsibility of every employee, which includes interns and volunteers, to conduct themselves in a manner that contributes to a workplace environment that is free of unlawful discrimination and harassment. The Judiciary reminds all employees to treat everyone with respect and be professional at all times.

Every employee has the right to be treated fairly and courteously in the workplace. Every employee also has the responsibility to treat coworkers in a manner that respects their individual differences. If you have doubts about whether a joke, comment or other behavior will embarrass, humiliate, degrade or offend someone, **DON'T SAY IT OR DO IT.**

### SUPERVISOR RESPONSIBILITY

Supervisors, which include Judicial Officers, Administrators, Division Heads, Managers, and/or Team Leaders, are responsible for fostering and upholding a workplace free from discrimination and harassment and are held to a higher liability standard. Due to the serious legal implications, a Supervisor has an affirmative responsibility to report any Equal Employment Opportunity (EEO) concern or alleged violations to the EEO Office and the Administrator of the Courts (AOC) even if he/she is asked not to report the matter or the parties involved are not under his/her supervision.

Supervisors must set an example for appropriate workplace behavior, as well as deal with situations of discrimination or harassment as soon as they become aware of them, regardless of whether there has been a formal complaint.

### CONSEQUENCES OF DISCRIMINATION OR HARASSMENT

The Judiciary takes complaints of discrimination and harassment extremely seriously, and will conduct a prompt and thorough investigation of any charge utilizing the EEO Policy and Procedure. Information obtained during the investigation process will be kept confidential to the extent possible under the circumstances.

If the investigation reveals that an employee engaged in, condoned, or otherwise participated in any form of discrimination or harassment in violation of this policy, he or she may be subjected to disciplinary action, including immediate termination. Any employee who retaliates against a person for reporting discrimination or harassment, or for cooperating with an investigation, may also be subjected to disciplinary action, including immediate termination. In addition, legal liability may be imposed against individual offenders who engage in discrimination, harassment or retaliation that violates federal, state or local laws.

If you feel you're being discriminated or harassed, or if you've witnessed what you believe is discrimination or harassment, you must bring the matter to our attention. Do not assume that the Judiciary is aware of it. **Report your complaint to one or more of the following:**

- EEO Office or Designated Alternate  
Phone: 475-3374/3544
- Administrator of the Courts  
Phone: 475-3544
- HR Administrator  
Phone: 475-3399/3422

### EXAMPLES OF PROHIBITED ACTIVITIES MAY INCLUDE BUT NOT LIMITED TO THE FOLLOWING:

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| <ul style="list-style-type: none"> <li>▪ Unwelcome physical contact</li> <li>▪ Physical assaults or threats</li> <li>▪ Insults or put-downs</li> <li>▪ Offensive jokes or gestures</li> <li>▪ Slurs</li> <li>▪ Epithets or name calling</li> <li>▪ Intimidation</li> <li>▪ Ridicule or mockery</li> <li>▪ Negative stereotyping</li> <li>▪ Inappropriate compliments or flirtation</li> <li>▪ Obscene letters or notes</li> <li>▪ Offensive e-mails, text messages, instant messages, or other social media outlets</li> </ul> | <ul style="list-style-type: none"> <li>▪ Possession or display of derogatory pictures or other graphic material</li> <li>▪ Unwelcome and unsolicited sexual propositions or advances</li> <li>▪ "Cat calls" or whistling</li> <li>▪ Possession or display of sexually explicit objects or pictures</li> <li>▪ Exchange of sexual "gag" gifts</li> <li>▪ Inappropriate discussion of one's sexual experiences or desires</li> <li>▪ Inappropriate comments about an individual's body or appearance</li> <li>▪ Demands or pressures for sexual favors</li> </ul> | <ul style="list-style-type: none"> <li>▪ Making promises or suggestions of preferential or adverse treatment as a result of one's acceptance or rebuttal of sexual advances</li> <li>▪ Retaliating against an employee, applicant, or witness</li> <li>▪ Any other conduct that demeans, stigmatizes, intimidates, or singles out a person because of his/her age, color, disability, genetic information, national origin, pregnancy, race, religion, sex(including gender identity or expression), sexual orientation, ancestry, honorably discharged veteran or military status, or any other classification protected by law</li> </ul> |
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By signing below, I acknowledge that **I have read and understood** the Judiciary's Discrimination and Harassment Prevention Policy, and that I agree to abide by its terms during my employment, internship, or voluntary work with the Judiciary. I also acknowledge that I have received a copy of the Discrimination and Harassment Prevention Policy to retain.

Signature: \_\_\_\_\_ Name (Print): \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_