



# ADMINISTRATIVE OFFICE OF THE COURTS

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## MEMORANDUM

**TO:** Jeanne D. Hitchcock, Chair  
Workplace Harassment Commission  
Department of Legislative Services

**FROM:** Pamela Harris  
State Court Administrator 

**DATE:** March 22, 2018

**SUBJECT:** Judicial Branch Policies and Practices to Prevent Workplace Harassment

- ***The Judicial Branch recently updated its workplace harassment policy:*** Effective July 1, 2017, and pursuant to recent revisions to the Maryland Rules, the State Court Administrator (“SCA”) issued revised policies relating to equal employment opportunity, including the following:
  - *Policy Prohibiting Discrimination, Harassment, and Retaliation;*
  - *Policy on Accommodation of Disabilities;* and
  - *Policy on Religious Accommodation.*

The *Policy Prohibiting Discrimination, Harassment, and Retaliation* covers all forms of harassment, including sexual harassment. The policy includes a specific definition and examples of possible sexual harassment. The policies were distributed through and are available on the Judiciary intranet and are publicly available at:  
<http://mdcourts.gov/employeehandbook/indexbranch.html>.

- ***The Judicial Branch maintains a complaint process for internal complaints of harassment:*** The complaint process recognizes that employees in the Judicial Branch are employed by distinct entities. For example, employees in Circuit Courts are under the supervision of Circuit Court administrative judges but paid by their respective counties or the City of Baltimore. These employees are not covered by other personnel policies issued by the SCA. Under the *Policy Prohibiting Discrimination, Harassment, and Retaliation*, they can complain to their supervisor, manager, their designated EEO Coordinator, or their county administrative judge. The 2017 policy revision created the role of the EEO Coordinator for the Circuit Courts.



Employees of the Administrative Office of the Courts (“AOC”), the District Court of Maryland, Clerks of Circuit Courts, the appellate courts, or other Judicial Branch units can complain to their manager, supervisor, or administrative head. In addition, the policy specifically allows these employees to report directly to the Fair Practices Department in the AOC. Once a complaint is received, the Fair Practices Officer and the Administrative Head confer to determine:

- Whether the complaint alleges conduct in violation of the policy (*e.g.*, discrimination or harassment based on a protected class or retaliation);
- Whether immediate action is warranted; and
- The identity of the person(s) who shall conduct the investigation.

A similar determination is made in the Circuit Courts by the county administrative judge and the EEO Coordinator.

If an employee has a complaint against a judge, they are directed to report that complaint to the respective administrative judge. Under the policy, the administrative head, in consultation with the Fair Practices Officer where appropriate, takes prompt remedial action to correct, remedy, and prevent prohibited discrimination, harassment, and retaliation. Complaints investigated by the Fair Practices Department are tracked for completion and follow-up.

- ***The Judicial Branch conducts a variety of training to prevent harassment:*** Training to prevent harassment includes the following:
  - Training for Judges and Magistrates: In March 2017, Chief Judge Barbera gave judges and magistrates 90 days to complete an online course, ***Workplace Laws, Regulations, and Policies Affecting Judges and Courts***. The interactive course on equal opportunity in employment and preventing discrimination was developed by the Judicial College of Maryland and the Fair Practices Department and covers, among other topics, preventing discrimination and harassment. After the launch, approximately 593 judges and magistrates completed the course. This includes judges, senior judges, and magistrates in Circuit Courts, the District Court, appellate courts, and Orphan’s Courts. The course is three hours long and online, and is required of newly appointed judges. Every two years the judges and magistrates are expected to complete this course or a refresher course.
  - Ongoing Training for Supervisors and Staff: The Fair Practices Department regularly conducts training for supervisors and staff in the Judicial Branch on preventing discrimination, harassment, and retaliation in the workplace. In CY 2017, 649 employees and 46 supervisors attended these trainings, which were conducted in the District Court, in Clerks of Court for Circuit Courts, and in Circuit Courts. The FPD is working together with the Judicial College of Maryland to make a standard, interactive online course available for all employees. New employees also receive similar training in New Employee Orientation.
  - Training for EEO Coordinators: All 24 Circuit Courts have designated EEO Coordinators to serve as a point-of-contact for employees under the supervision

of the administrative judge of a Circuit Court. The EEO Coordinators have all received training from the AOC's Fair Practices Department.

- ***Regarding overlap with policies and procedures of other branches of government:*** The Judicial Branch policies and procedures do not overlap with those of other branches of government. To prevent confusion, employees who submit complaints are informed that the EEOC and Maryland Commission on Civil Rights are separate bodies with their own filing deadlines. Maryland Judges are subject to the Code of Judicial Conduct which proscribes bias, prejudice, or harassment in the performance of judicial duties. Md. Rule 18-102.3. This is enforced by the Judicial Disabilities Commission, an independent entity in the Judicial Branch. Md. Constitution, Art. 4, § 4B.