



FAMILY COURT OF THE STATE OF DELAWARE

CHANDLEE JOHNSON KUHN
CHIEF JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 N. KING STREET, SUITE 9450
WILMINGTON, DELAWARE 19801-

3736

INTERNAL POLICY MEMORANDUM NO. 10-002

TO: Family Court Judges
Family Court Commissioners
Family Court Administrative Team
Family Court Administrative Support Staff

FROM: Chandlee Johnson Kuhn /s/
Chief Judge

DATE: January 12, 2010

RE: Sexual Harassment Prevention Policy

The following policy concerning Sexual Harassment Prevention for Family Court employees is hereby amended on January 12, 2010.

BACKGROUND:

Sexual harassment is a form of Sex Discrimination that violates Title VII of the Civil Rights Act of 1964, as amended. Sexual Harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct:

1. Explicitly or implicitly affects an individual's employment
2. Unreasonably interferes with an individual's work performance
3. Creates an intimidating, hostile, or offensive work environment

POLICY STATEMENT:

1. Family Court is committed to ensuring that all employees have a working environment free of intimidation, hostility and offensive behavior, including freedom from sexual harassment.
2. Sexual harassment is a form of employee misconduct that undermines the integrity of the employment relationship. Sexual harassment may be overt or subtle.
3. Some behavior that may be appropriate in a social setting may not be appropriate or permitted in the work place.
4. Regardless of the form it takes, written, spoken or physical sexual harassment can be insulting and demeaning to the recipient and will not be tolerated.

5. Family Court shall not tolerate any form of sexual harassment by any employee of either sex in compliance with this Policy Memorandum. Each employee is expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur.

Prohibited Practices:

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that debilitates morale and that, therefore, interferes with the work effectiveness of its victims and their co-workers. Therefore, the following practices are prohibited:

- a. Making an unwelcome sexual advance, a request for sexual favors, or other written, spoken or physical conduct of a sexual nature a condition of employment for any applicant or employee;
- b. Making the submission to or the rejection of such conduct the basis for an employment decision affecting an applicant or employee; or
- c. Creating an intimidating, hostile or offensive working environment by such conduct.

Any action of sexual harassment is strictly prohibited and will not be tolerated. Any employee found conducting such behavior will be subjected to disciplinary action, up to and including termination. Further, any individuals who make false allegations regarding sexual harassment may also be subjected to disciplinary action, up to and including termination.

Forms of Sexual Harassment:

Sexual harassment may also be manifested in different ways. One of these is the demand for sexual favors. Other behavior that may be offensive and grounds for a claim of sexual harassment include:

1. ***Written or spoken*** including: sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions and threats
2. ***Non-verbal*** including: sexually suggestive objects or pictures, graphic comments, suggestive or insulting sounds, leering, whistling and obscene gestures
3. ***Physical*** which includes unwanted physical contact such as touching, pinching, or brushing the body, coerced sexual intercourse, assault

Reporting:

Any employee who believes that he or she is being sexually harassed should advise the offending individual that the conduct in question is offensive and unwelcome and request that it be discontinued immediately.

If he or she does not desire to mention the offending behavior to the offending individual, or if the conduct in question is not discontinued, he or she should bring the concerns to the attention of his or her immediate supervisor. If the employee is being harassed by his or her supervisor, or does not feel comfortable speaking with their supervisor, he or she should bring their concerns to the attention of the Human Resources Director and/or the Court Administrator.

Conclusion:

Each employee is personally responsible for complying with this policy. Any corrective or disciplinary action relating to the provisions of this policy shall be in keeping with the State of Delaware Merit Rules, where applicable, the Collective Bargaining Agreement, where applicable, and the Judicial Branch Rules. All appropriate discussion, counseling and corrective action (including verbal and written

warnings) or other disciplinary action regarding compliance with this policy is the responsibility of the offender's immediate supervisor.

**SEXUAL HARASSMENT PREVENTION POLICY
(PURSUANT TO INTERNAL POLICY MEMORANDUM NO. 10-002)**

ACKNOWLEDGEMENT:

I hereby acknowledge that I have received, read and understand the Sexual Harassment Prevention Policy of Family Court. My signature also confirms that I have attended a training class regarding Sexual Harassment Prevention which was held on _____, and I agree to fully comply and adhere to the contents of the Sexual Harassment Policy.

Employee's Name (Please Print)

Employee's Signature

Date

Witness Signature

Date