

SUPERIOR COURT
OF THE
STATE OF DELAWARE

HENRY DUPONT RIDGELY
PRESIDENT JUDGE

COURT HOUSE
DOVER, DE 19901

**ADMINISTRATIVE DIRECTIVE
OF THE
PRESIDENT JUDGE OF THE SUPERIOR COURT
OF THE STATE OF DELAWARE**

NO. 98-1

**POLICY AND COMPLAINT PROCEDURE FOR
HARASSMENT BASED ON RACE, COLOR, GENDER,
NATIONAL ORIGIN, AGE, SEXUAL ORIENTATION,
RELIGION OR DISABILITY**

This 20th day of January, 1998, with the concurrence of the Judges of the Superior Court,

IT IS THE SUPERIOR COURT'S POLICY that all employees will enjoy a working environment free of harassment, including harassment based on an employee's race, color, gender, national origin, age, sexual orientation, religion or disability. Harassment is unacceptable and will not be tolerated in the workplace. The policy and detailed complaint procedures prohibiting sexual harassment are set forth in a separate document entitled "Superior Court of the State of Delaware Sexual Harassment Policy and Complaint Procedure."

Harassment based on race, color, gender, national origin, age, sexual orientation, religion or disability includes, but is not limited to:

- (1) epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, gender, national origin, age, sexual orientation, religion or disability, occurring at the workplace;

**ADMINISTRATIVE DIRECTIVE NO. 98-1
POLICY AND COMPLAINT PROCEDURE
FOR HARASSMENT**

January 20, 1998

(2) jokes or pranks that are hostile or demeaning with regard to race, color, gender, national origin, age, sexual orientation, religion or disability, occurring at the workplace;

(3) written or graphic material that denigrates or shows hostility toward an individual's race, color, gender, national origin, age, sexual orientation, religion or disability, and is placed on walls, bulletin boards, or elsewhere at the workplace premises or is circulated in the workplace.

Any employee who is harassed based on race, color, gender, national origin, age, sexual orientation, religion or disability, or is aware of an incident of harassment, should advise the offending individual that the conduct in question is offensive, and request that it be discontinued immediately.

If the employee does not desire to mention the offending behavior to the offending individual, or if the conduct is not discontinued, the employee should notify an appropriate supervisor, the Court Administrator, a Deputy Court Administrator or the Resident Judge.

Upon such notification, an investigation of the complaint and all relevant facts of the matter will be commenced immediately. Confidentiality of the complainant and/or witnesses to the alleged harassment will be maintained to the extent possible. Every effort will be made to limit both the number of people involved and extent of discussion. If appropriate, the complainant and/or the alleged harasser may be placed on administrative leave pending completion of the investigation.

**ADMINISTRATIVE DIRECTIVE NO. 98-1
POLICY AND COMPLAINT PROCEDURE
FOR HARASSMENT**

January 20, 1998

An employee who commits harassment will be subject to disciplinary action. The disciplinary action will depend upon the offense's seriousness and may include a warning, reprimand, suspension, or termination. Other appropriate remedial action may be taken. No one will in any way use threats, coercion, or intimidation to deter any employee from reporting harassment.

It is the responsibility of each employee to respect the rights of fellow employees. All employees of this court are provided with assurances that employees who bring harassment to the management's attention shall be protected from retaliatory action. Any employee who files a false complaint of harassment, where malice or abuse of the complaint-resolution system for personal revenge is established, shall be disciplined accordingly which may include termination.

Appropriate follow-up inquiries may be made to ensure that harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.



President Judge

cmh

oc: Prothonotaries
xc: Superior Court Judges
Superior Court Commissioners
Court Administrator
Deputy Court Administrators
Law Libraries
File

SUPERIOR COURT OF THE STATE OF DELAWARE SEXUAL HARASSMENT POLICY AND COMPLAINT PROCEDURE

It is the policy of the Superior Court of the State of Delaware that all employees will enjoy a working environment free from all forms of discrimination, including sexual harassment.

Sexual harassment is a form of sex discrimination and is prohibited by Title VII of the Civil Rights Act of 1964 and grounds for disciplining an employee pursuant to Merit Rule 15.0225. It is the policy of the Superior Court that sexual harassment is unacceptable conduct and will not be tolerated in the workplace. The policy and complaint procedures prohibiting other types of harassment are set forth in a separate document entitled "Policy and Complaint Procedure for Harassment Based on Race, Color, Gender, National Origin, Age, Sexual Orientation, Religion or Disability."

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature, when:

1. Submission to that conduct or communication is made a term or condition of employment, either explicitly or implicitly; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
3. That conduct or communication has the purpose or effect of substantially interfering with an individual's employment or work performance, or creates an intimidating, hostile or offensive working environment.

Sexual harassment may take many forms. The most obvious and easily identified is where submission to unwanted sexual advances is made a condition of obtaining tangible benefits at work (e.g., promotion, salary increases, etc.) or avoiding the loss of job-related benefits. Other forms include questionable physical contact of a sexual nature, suggestions of sexual favors, vulgar language of a sexual nature, sexually degrading words, unwelcome sexual flirtations, and displaying sexually explicit pictures or posters.

Any employee who is being sexually harassed, or is aware of an incident of sexual harassment, should advise the offending individual that the conduct in question is offensive, and request that it be discontinued immediately.

If the employee does not desire to mention the offending behavior to the offending individual, or if the conduct is not discontinued, the employee should notify an appropriate supervisor, the Court Administrator, a Deputy Court Administrator or the Resident Judge.

Upon such notification, an investigation of the complaint and all relevant facts of the matter will be commenced immediately. Confidentiality of the complainant and/or witnesses to the alleged harassment will be maintained to the extent possible. Every effort will be made to limit both the number of people involved and extent of discussion. If appropriate, the complainant and/or the alleged harasser may be placed on administrative leave pending completion of the investigation.

An employee who commits sexual harassment will be subject to disciplinary action. The disciplinary action will depend upon the offense's seriousness and may include a warning, reprimand, suspension, or termination. Other appropriate remedial action may be taken. No one will in any way use threats, coercion, or intimidation to deter any employee from reporting sexual harassment.

It is the responsibility of each employee to respect the rights of fellow employees. All employees of this court are provided with assurances that employees who bring sexual harassment to the management's attention shall be protected from retaliatory action. Any employee who files a false complaint of sexual harassment, where malice or abuse of the complaint-resolution system for personal revenge is established, shall be disciplined accordingly which may include termination.

Appropriate follow-up inquiries may be made to ensure that sexual harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.