

**Confidentiality.** The Judiciary recognizes the concern employees have regarding their privacy and the confidentiality of personnel information. The Judiciary also recognizes that both the Complainant and Respondent deserve a fair investigation. Therefore, confidentiality will be maintained to the extent possible and disclosed on a need-to-know basis.

**Employee Safety, Security, and other Interests.** After a concern or complaint is brought to the attention of the EEO Officer and/or Management Official, a temporary employee reassignment or other administrative actions may be taken pending the completion of the Investigation. These actions are neither disciplinary nor an indication of belief regarding the truth of the allegations or the outcome of the Investigation and will not impact the employee's benefits.

**Duty to Report and Investigate Allegations.** The Judiciary encourages employees who believe, that they may have experienced discrimination or harassment, that another employee may have experienced discrimination or harassment, or are aware that another employee has allegedly engaged in discrimination or harassment in violation of the EEO Policy, to report such information using the Complaint Review Process (under the EEO Policy and Procedure). The Judiciary is legally obligated to investigate all allegations that concern a possible violation of the Judiciary's Policy against discrimination and harassment. The failure to report possible workplace discrimination and harassment severely restricts the ability of the Judiciary to investigate such allegations and to take prompt and appropriate action in response to a complaint showing a possible violation of the Judiciary's Policy.

The Complaint Review Process sets forth the procedure to be followed in the processing of a complaint of discrimination or harassment filed by an employee. Complaints of discrimination in the receipt of services or benefits from clients, customers, program participants or consumers of the Judiciary and sub-recipients implementing programs funded by the U.S. Department of Justice Grant Programs will be addressed utilizing the Judiciary's EEO Policies and Procedures for Program Beneficiaries.

**Reporting of Complaint.** If you feel that you are being discriminated against or harassed, or if you have witnessed what you believe is discrimination or harassment, you may present a complaint to the Judiciary's EEO Officer, the Administrator of the Courts (hereinafter "AOC"), the Human Resources ("HR") Administrator, or any Supervisor.

A Supervisor is defined as any individual who is or reasonably appears to be in a position of workplace authority or control over another individual. Supervisors, which include Judicial Officers, Administrators, Division Heads, Managers, and/or Team Leaders are held to a higher liability standard. A Supervisor has an affirmative responsibility to report any EEO concerns or alleged violations of this Policy to the EEO Officer, even if the Supervisor has been asked not to report the matter or the parties involved are not under their supervision. The EEO Officer shall inform the AOC or his/her designee of the EEO concern or alleged violation. Supervisors, as applicable, may be subject to disciplinary action for failure to report.

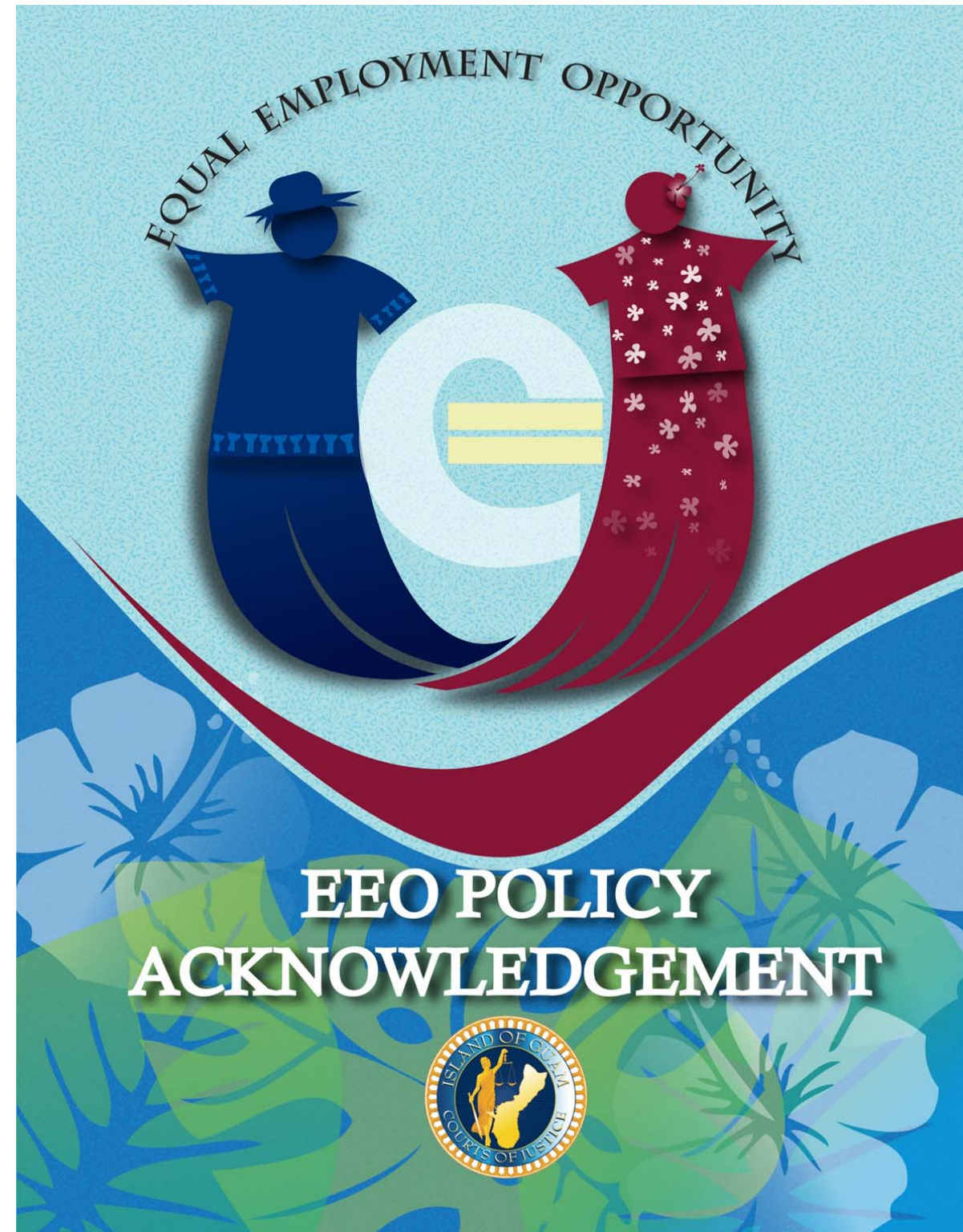
In order to ensure that the Judiciary's EEO procedures can be utilized without risk of preventing the filing of a complaint of discrimination or harassment with Guam or federal entities, an employee should report alleged discriminatory or harassing conduct within **thirty (30) calendar days** of the date of occurrence.

**EEO Office Contact Information:**

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By signing below, I acknowledge that **I have read and understood** the Judiciary's EEO Policy Acknowledgement 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 EEO Policy Acknowledgement to retain.

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



## Equal Employment Opportunity Policy Acknowledgement

**Equal Employment Opportunity (EEO).** The Judiciary of Guam (“Judiciary”) is an equal employment opportunity employer. It is the policy of the Judiciary to afford equal employment opportunities to employees, applicants, volunteers and interns (hereinafter “employee” or “employees”) without regard to **race, color, national origin, age, religion, disability, genetic information<sup>1</sup>, pregnancy, sex (including gender identity or expression<sup>2</sup>), sexual orientation, ancestry, honorably discharged veteran or military status, or any other protected classification under federal or Guam law.** This Equal Employment Opportunity Policy and Procedure (“EEO Policy” or “Policy”) applies to all aspects of employment including, but not limited to, recruitment, hiring, placement, training, promotion, compensation, benefits, transfers, detail appointments, leaves of absence, discipline and termination. The Judiciary shall comply with all federal and Guam equal employment opportunity laws and regulations in the workplace.

### **No Discrimination, Harassment, or Retaliation.**

The Judiciary strives to create and maintain a work environment in which employees are treated with dignity, fairness, and respect. All employees should be able to work and learn in a safe environment. Every employee has the right to be treated courteously and also has the responsibility to treat coworkers in a manner that respects their individual differences. Therefore, **it is the responsibility of all employees to conduct themselves in a manner that contributes to a workplace environment that is free of unlawful discrimination and harassment. All employees must treat each other with respect and be professional at all times.** Through the enforcement of this Policy and by education of employees, the Judiciary will seek to prevent, correct, and discipline behavior that violates this Policy.

All employees, with the exception of judicial officers who are covered by the Judiciary’s Equal Employment Opportunity Policy and Procedure for Judicial Officers, are expected to comply with this Policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this Policy. Based on the seriousness of the offense, disciplinary action may include, but is not limited to, counseling, reprimand, suspension, or termination of employment.

**A. No Discrimination<sup>3</sup>.** The Judiciary is firmly committed to non-discrimination in all employment decisions and practices and in the application of its personnel policies and procedures. Except where a *bona fide* occupational qualification (“BFOQ”) exists, employment decisions will be made irrespective of the employee’s **race, color, national origin, age, religion, disability, genetic information, pregnancy, sex (including gender identity or expression), sexual orientation, ancestry, honorably discharged veteran or military status, or any other protected classification under federal or Guam law.** A BFOQ is a selective factor, such as sex or age, that is required for a job that would otherwise be considered discrimination if it were not necessary to perform the job in question.

The Judiciary will reasonably accommodate qualified employees with disabilities, if the employee is otherwise qualified to safely perform all essential functions of the job position and if it will not pose an undue hardship to the Judiciary. The Judiciary will also reasonably accommodate requests for religious accommodation if such accommodation will not pose an undue hardship on the Judiciary.

**B. No Harassment<sup>4</sup>.** Harassment based on **race, color, national origin, age, religion, disability, genetic information, pregnancy, sex (including gender identity or expression), sexual orientation, ancestry, honorably discharged veteran or military status, or any other protected classification under federal or Guam law,** is prohibited by the Judiciary. Harassment based on a protected classification in any form, including verbal and physical conduct, visual displays, written communications, threats, demands and retaliation is a violation of this Policy and will not be tolerated. Prohibited acts that constitute harassment take a variety of forms. Examples<sup>5</sup> of the kinds of conduct that may constitute harassment include, but are not limited to:

- verbal conduct such as derogatory comments, insults, slurs, or unwanted sexual advances or invitations;
- physical conduct such as unwanted touching, blocking normal movement, or interfering with work;
- visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;
- written communications based on a protected classification distributed in hard copy or via computer network, email, text message or other social media;
- threats and demands to submit to sexual requests in order to keep your job or avoid some other loss, and/or offers of job benefits or conditions in return for sexual favors; or
- retaliation because one has opposed, reported or stated the intent to report harassment or because one is participating in a related investigation, proceeding or hearing.

**1. Sexual Harassment.** Sexual harassment is a specific form of prohibited harassment which occurs when an individual’s behavior constitutes (1) unwelcome sexual advances, (2) unwelcome requests for sexual favors, or (3) other unwelcome verbal or physical behavior of a sexual nature where:

- submission to such conduct is made explicitly or implicitly a term or condition of an individual’s employment;
- submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting the individual’s welfare; or
- such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance, or creates an intimidating, hostile, or offensive working environment at the Judiciary.

Sexual harassment can occur between employees of the opposite sex or of the same sex. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females.

**C. No Retaliation<sup>6</sup>.** Retaliation or attempted retaliation against an employee for filing or responding to a good faith complaint of discrimination or harassment; participating as a witness in the investigation of a complaint; serving as an investigator of a complaint; reasonably opposing prohibited behavior; or otherwise participating in the complaint process or in a related investigation, proceeding, or hearing, is a violation of this Policy.

**Conduct In and Outside the Workplace.** This Policy applies to conduct in and outside the workplace, which includes conduct in any work-related setting such as business meetings, business trips, and business-related social events. Discrimination and harassment outside of the workplace may also be unlawful if there is a link with the workplace.

<sup>1</sup>Genetic Information is information about an individual’s genetic tests and the genetic tests of an individual’s family members as well as information about any disease, disorder, or condition of an individual’s family members (i.e., an individual’s family medical history). Family medical history is included in the definition of “genetic information” because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future.

<sup>2</sup>Gender Identity or Gender Expression includes a person’s actual or perceived gender, as well as a person’s gender identity (including transgender), gender-related self-image, gender-related appearance, or gender-related expression, regardless of whether it is different from that which is traditionally associated with the person’s sex assigned at birth. Transgender refers to a person whose sex assigned at birth is different from their self-identified gender (e.g., a person whose sex assigned at birth is male who identifies as female or a person whose sex assigned at birth is female who identifies as male). A transgender person does not have to have undergone medical treatment or surgical procedures to be protected under this Policy. An individual’s self-declaration of gender is sufficient to be provided protection under this Policy.

<sup>3</sup>Discrimination is making a distinction against or in favor of a person based on the group class, category, or protected classification to which that person belongs rather than on individual merit.

<sup>4</sup>Harassment based on a protected classification is a form of employment discrimination. Harassment is unwelcome conduct that becomes unlawful when enduring the offensive conduct becomes a condition of continued employment or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Be aware that although your behavior may be acceptable to some, others who witness or become aware of the behavior may find it offensive.

<sup>5</sup>Examples of prohibited conduct may include but not limited to the following: Unwelcome physical contact; physical assaults or threats; offensive jokes or gestures; racial slurs or name calling; negative stereotyping; inappropriate compliments or flirtation; obscene letters or notes; possession or display of derogatory pictures or other graphic material; unwelcome and unsolicited sexual propositions or advances; “cat calls” or whistling; possession or display of sexually explicit objects or pictures; exchange of sexual “gag gifts”; inappropriate discussion of one’s sexual experiences or desires; inappropriate comments about an individual’s body or appearance; demands or pressures for sexual favors; making promises or suggestions of preferential or adverse treatment as a result of one’s acceptance or rebuttal of sexual advances; retaliating against an employee, applicant, investigator, or witness; offensive emails, text messages, instant messages or other social media outlets.

<sup>6</sup>Retaliation under EEO is punishing employees for asserting their rights to be free from employment discrimination or harassment.