



Subject Text

Meeting materials
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Title

Judicial Branch Administration | Prevention of Discrimination, Harassment, Retaliation, and Inappropriate Workplace Conduct Based on a Protected Classification (Action Required)

Summary

The Work Group for the Prevention of Discrimination and Harassment recommends several actions to the Judicial Council to improve how judicial branch entities prevent and address harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification. These recommendations include that the Judicial Council direct that the Rules and Projects Committee oversee the rulemaking process for the development of a California Rule of Court setting forth minimum requirements for court policies and procedures; direct that the Center for Judicial Education and Research Advisory Committee revise its 2020-2022 Education Implementation Plan to increase education offerings and modify existing education, and engage in the rulemaking process regarding education for judicial officers on the prevention of harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification; recommend that courts take several actions designed to improve existing court protocols; and direct that Judicial Council staff support courts in these efforts.

Recommendation

To effectuate the charge of Chief Justice Tani Cantil-Sakauye (Chief Justice), and recognizing the organizational structure of the judicial branch, the Work Group for the Prevention of Discrimination and Harassment (Work Group) recommends that the Judicial Council:

1. Direct the Rules and Projects Committee to oversee the rulemaking process to propose a California Rule of Court clarifying the responsibility of courts to adopt updated policies that: (a) prohibit harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification; (b) contain definitions and examples of prohibited harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification; and (c) address and clarify complaint reporting and response procedures.
2. Direct the Center for Judicial Education and Research Advisory Committee to:
 - A. Under the oversight of the Rules and Projects Committee, engage in the rulemaking process, in consultation with the administrative presiding justices, appellate court clerk/executive officers, trial court presiding judges, and trial court executive officers, regarding education for judicial officers on the prevention of harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification.
 - B. Incorporate the revisions enumerated below on improving and expanding training into the 2020-2022 Education Implementation Plan, and implement further enumerated revisions in a timely fashion.
 1. In the area of judicial education, add explicit references to the proposed California Rule of Court

outlined in Recommendation 1 and to the Code of Judicial Ethics, and expand judicial education demeanor trainings in several areas, including antibullying and bystander intervention, and judicial education to prevent harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification for judicial officers.

2. In the area of staff education, create civility training that emphasizes building skills and understanding on many aspects of civil behavior, including etiquette, implicit bias, respect, and acceptable workplace conduct. This curriculum would be consistent statewide and provided by trained court staff.
 3. Include content on the prevention of harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification at all in-person educational venues.
 4. Develop new tools for court staff and judicial officers to help extend their learning beyond the initial training on prevention of harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification.
3. Recommend that courts take action to:
- A. Revise and modernize policies on the prevention of harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification to comply with the proposed California Rule of Court.
 - B. Create workplace investigation protocols to ensure fairness, consistency, and transparency for all parties to an investigation.
 - C. Improve communication and transparency on policies for the prevention of harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification and related complaint resolution processes.
 - D. Gather feedback from current and departing employees to determine areas of needed improvement.
 - E. Develop and adopt informal complaint resolution processes.
4. Direct Judicial Council staff to develop resources to aid courts in the above objectives, such as model policies, processes, procedures, and toolkits.
 5. Direct Judicial Council staff to follow up with court leadership by July 2021 to assess the effectiveness of these recommendations and determine further areas for improvement; and report back to the Judicial Council at this time.

Speakers

Hon. Brad R. Hill, Cochair, Work Group for the Prevention of Discrimination and Harassment

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