

Judiciary of Guam



Sexual Harassment Policy and Procedures

I. BACKGROUND

Harassment on the basis of sex in the workplace is an unlawful practice which is in violation of Title VII of the Civil Rights Act of 1964 as amended in 1991. It is the intent of the Judicial Council to comply with the employment guidelines of the Federal Equal Employment Opportunity Commission 29 C.F.R. §1604.11.

Executive Order 78-24 established the Equal Employment Opportunity (EEO) Program for the Government of Guam to recognize Sexual Harassment as a form of sex discrimination. Sexual Harassment Complaints may be addressed through the EEO Discrimination Complaint Process.

II. STATEMENT OF POLICY

Sexual Harassment is a form of employee misconduct which undermines the integrity of the employment relationship. All employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual Harassment debilitates morale and interferes in the productivity of employees.

It is the Superior Court of Guam's policy to provide its employees with equal employment opportunities and maintain a work environment that is free of all discrimination, including Sexual Harassment. Any employee conduct that violates this policy will not be condoned or tolerated.

III. DEFINITION

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes Sexual Harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; and
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

IV. TYPES OF SEXUAL HARASSMENT

1. *QUID PRO QUO*- A Latin term often used in law meaning “This for that,” or “You do something for me and I’ll do something for you.” It can relate to an offer or promotion or an increase in salary in return for sexual favors. It can also be in the form of a threat or retaliation. Quid Pro Quo usually occurs with a person in authority.
2. *HOSTILE WORK ENVIRONMENT*- Any sexually oriented conduct or atmosphere that is intimidating or offensive to a “reasonable person.” This is the most prevalent form of Sexual Harassment. It is also the most misunderstood. An important aspect of the hostile work environment is that Sexual Harassment can occur even when the victim has not suffered any loss of economic or tangible job benefits.
 - a. *DISPLAYS IN THE WORKPLACE*- Any display of sexually suggestive objects or pictures in the workplace are prohibited.

V. STEPS A COMPLAINANT MAY TAKE

1. Communicate to the offender that such conduct is unwelcome and offensive. Ideally, this communication should be made in writing or in the presence of a witness. If this is not possible, then a record reflecting the date and time of this communication should be made.
2. Report any Sexual Harassment incidents to your immediate Supervisor and the Equal Employment Opportunity Officer as soon as possible but no later than 20 days after the incident occurred. However, if the complaint is against your Supervisor, you may report the incident directly to the Equal Employment Opportunity Officer.
3. Complainant may utilize the Equal Employment Opportunity Discrimination Complaint Process to resolve the complaint.

There will be no retaliation against employees for reporting Sexual Harassment or assisting the responsible official in the investigation of a complaint. All complaints will be handled in a professional and confidential manner in accordance with the Equal Employment Opportunity Discrimination Complaint Process. However, if after investigating any complaint of harassment or unlawful discrimination, it is concluded that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who provided the false information.

This Sexual Harassment Policy will apply to and be enforced in all work environments and conditions from the office setting to the field, and will encompass, both on and off duty activities which are determined to be work related functions of this agency.

