

AMENDMENTS TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on January 17, 2020, effective January 17, 2020

1 Rule 10.351. Judicial branch policies on workplace conduct..... 2
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1 **Rule 10.351. Judicial branch policies on workplace conduct**

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3 The judicial branch is committed to providing a workplace free of harassment,
4 discrimination, retaliation, and inappropriate workplace conduct based on a protected
5 classification. Consistent with this commitment, each court must take reasonable steps to
6 prevent and address such conduct, including adopting policies prohibiting harassment,
7 discrimination, retaliation, and inappropriate workplace conduct based on a protected
8 classification and establishing for such conduct complaint reporting and response
9 procedures that satisfy the minimum requirements stated in this rule.

10 **(a) Prohibition policies**

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12 Each court must ensure that its policies prohibiting harassment, discrimination,
13 retaliation, and inappropriate workplace conduct based on a protected classification
14 conform with the minimum requirements stated in this rule. These policies must
15 contain:

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17 (1) A prohibition against harassment, discrimination, retaliation, and
18 inappropriate workplace conduct based on a protected classification by
19 judicial officers, managers, supervisors, employees, other personnel, and
20 other individuals with whom employees come into contact;
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22 (2) A list of all protected classifications under applicable state and federal laws,
23 including all protected classifications listed in Government Code section
24 12940(a);
25
26 (3) Definitions and a nonexhaustive list of examples of harassment,
27 discrimination, retaliation, and inappropriate workplace conduct based on a
28 protected classification;
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30 (4) A clear prohibition of retaliation against anyone making a complaint or
31 participating in an investigation of harassment, discrimination, retaliation, or
32 inappropriate workplace conduct based on a protected classification; and
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34 (5) Comprehensive complaint reporting, intake, investigatory, and follow-up
35 processes.
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37 **(b) Complaint reporting process**

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39 Each court must adopt a process for employees to report complaints of harassment,
40 discrimination, retaliation, and inappropriate workplace conduct based on a
41 protected classification. These reporting processes must:
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- 1 (1) Establish effective open-door policies and procedures for reporting
2 complaints;
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- 4 (2) Offer multiple avenues for raising complaints, either orally or in writing, and
5 not require that the employee bring concerns to an immediate supervisor;
- 6
- 7 (3) Clearly identify individuals to whom complaints may be made regarding the
8 conduct of administrative presiding justices, appellate court clerk/executive
9 officers, presiding judges, court executive officers, judicial officers, and court
10 management;
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- 12 (4) Identify the Commission on Judicial Performance, California Department of
13 Fair Employment and Housing, and U.S. Equal Employment Opportunity
14 Commission as additional avenues for employees to lodge complaints, and
15 provide contact information for those entities; and
- 16
- 17 (5) Instruct supervisors, managers, and directors with knowledge of harassment,
18 discrimination, retaliation, or inappropriate workplace conduct based on a
19 protected classification to report this information to the administrative
20 presiding justice or an appellate court clerk/executive officer, a presiding
21 judge, a court executive officer, human resources, or another appropriate
22 judicial officer who is not involved with the conduct or named in the
23 complaint.
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25 **(c) Court responsibility on receipt of complaint or knowledge of potential**
26 **misconduct**

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28 Each court must develop processes to intake, investigate, and respond to complaints
29 or known instances of harassment, discrimination, retaliation, or inappropriate
30 workplace conduct based on a protected classification. These processes must
31 provide for:

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- 33 (1) Appropriate reassurances to complainants that their confidentiality in making
34 a complaint will be preserved to the extent possible, including an explanation
35 that disclosure of information will be limited to the extent consistent with
36 conducting a fair, effective, and thorough investigation;
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- 38 (2) Fair, timely, and thorough investigations of complaints that provide all
39 parties with appropriate consideration and an opportunity to be heard. These
40 investigations should be conducted by impartial, qualified investigators;
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- 1 (3) Communication with complainants throughout the investigation process,
2 including initial acknowledgment of complaints, follow-up communication as
3 appropriate, and communication at the end of the process;
4
5 (4) Consideration of appropriate options for remedial action and resolution based
6 on the evidence collected in the investigation; and
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8 (5) Timely case closures.

9 *Rule 10.351 adopted effective January 17, 2020.*