



OFFICE OF LEGAL AFFAIRS AND FAIR PRACTICES
MARYLAND JUDICIAL CENTER
187 Harry S. Truman Parkway – 5th Floor
Annapolis, MD 21401

EEO – Frequently Asked Questions

1) What is the Judiciary's [Policy Prohibiting Discrimination, Harassment, and Retaliation](#)?

The Judicial Branch recognizes and honors the value and dignity of each employee and the importance of providing employees with an opportunity to pursue a career in an environment free of discrimination, harassment, and retaliation. This policy establishes the process for filing a complaint of discrimination, harassment, and retaliation and assigns responsibilities for reporting, investigating, and resolving such complaints. The Judicial Branch has zero tolerance for discrimination, harassment, and retaliation, and shall take prompt remedial action, including appropriate disciplinary or remedial action, up to and including termination, to correct, remedy, and prevent unlawful discrimination, harassment, and retaliation.

2) What is a **Protected Class or Characteristic?**

A protected class or characteristic is a group or trait protected from employment discrimination by law. The Judiciary's Policy recognizes the following protected classes or characteristics:

- Race
- Color
- National Origin
- Religion
- Sex
- Age
- Physical or Mental Disability
- Sexual Orientation
- Gender Identity or Expression
- Political Affiliation
- Marital or Family Status
- Genetic Information
- Any other characteristic protected by State or federal law

3) What is **Employment Discrimination?**

Prohibited acts include discrimination in recruitment, hiring, promotion, training, compensation, benefits, transfer, discipline, discharge, and other terms and conditions of employment based on a person's protected class or characteristic.

4) What is **Harassment?**

Harassment is unwelcome conduct that is based on an individual's protected class or characteristic. Harassment prohibited by the policy is threatening, intimidating, or demeaning conduct directed toward an individual because of that individual's protected class or characteristic, which is severe or pervasive enough to create an objectively hostile work environment. The Judiciary also prohibits harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or

lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of a violation of the policy. To be a violation, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the target of the harassment, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

5) What is **Retaliation**?

Retaliation is a prohibited adverse action taken against an employee because he or she complained about harassment or discrimination or participated in an investigation or claim involving discrimination or harassment, for example as a witness. Retaliation is also a prohibited adverse action taken against an employee because he or she requested an accommodation for a disability or religious reasons.

6) Who do I **contact** to discuss what I feel is an EEO violation?

Employees who feel they have been subjected to or witnessed discriminatory, harassing, or retaliatory behavior are encouraged to address their questions and concerns with their supervisor or Administrative Head.

If that does not resolve the issue, or if you are uncomfortable discussing the matter with the supervisor or Administrative Head, you should complete a [Complaint Form](#).

If you work for a Clerk's Office, court (other than a Circuit Court), judicial unit, or other judicial entity (other than a Circuit Court), you can send the complaint form to the Office of Legal Affairs and Fair Practices.

If you work for a Circuit Court (not in a Clerks' Office), you can send the complaint form to a manager, supervisor, EEO coordinator, or the County Administrative Judge).

7) Who is an **Administrative Head**?

- A. For the Appellate Courts, the Clerk of the Court for all employees under the Clerk's supervision and the Chief Judge of the Appellate Court where the employee works for all other Appellate Court employees;
- B. The Clerk of the Circuit Court for all employees under the Clerk's supervision (Clerk's office employees);

- C. The County Administrative Judge for all employees under the supervision of the Administrative Judge;
- D. For the District Court, the Chief Judge of the District Court, the Chief Clerk, the Administrative Clerk, or Administrative Commissioner for all employees under his or her supervision;
- E. For the Administrative Office of the Courts, the State Court Administrator;
- F. For units organized within the Judicial Branch, the head of the unit where the employee works; and,
- G. Any person who, by express written designation, serves as the authorized designee of an administrative head.

8) What **form do I need to complete to submit an internal complaint?**

The Office of Legal Affairs and Fair Practices encourages employees to use its [Complaint Form](#). The complaint must be based on discrimination, harassment, or retaliation as defined by the Judiciary's Policy. The complaint should be filed as soon as possible. The Fair Practices Officer or, when applicable, County Administrative Judge may at their discretion determine that complaints are untimely.

All submitted Complaint Forms should contain the following:

- The full name and address of the complainant;
- The full name and address of the department or person against whom the complaint is made;
- A clear and detailed statement of facts describing the alleged act(s) of discrimination, harassment, or retaliation, including when the alleged act(s) took place;
- A statement of how the alleged acts are believed to have been a basis for discrimination, harassment, or retaliation; and
- The signature of the complainant and the date the complaint was filed.

9) What happens if I submit a complaint to the **Office of Legal Affairs and Fair Practices?**

Generally, you should be contacted by a representative of the Office of Legal Affairs and Fair Practices to confirm your complaint and, if needed, to gather additional intake information. The Office of Legal Affairs and Fair Practices will investigate complaints involving allegations of prohibited discrimination, harassment, and retaliation. If appropriate, the Office of Legal Affairs and Fair Practices will contact other offices regarding the handling of your complaint.

10) Will my complaint be handled **confidentially?**

The administrative head, FPO, or any other person designated, including the EEO coordinator, who conduct the investigation, shall maintain the confidentiality of all actions taken to investigate and resolve complaints under this policy to the maximum extent allowed by law. It is the policy of the Judicial Branch to divulge confidential investigative materials only when required to do so by law.

11) What **accommodations does the Judiciary provide?**

It is the policy of the Judiciary to provide reasonable accommodations to qualified individuals with a disability. In addition, the Judiciary has a policy to provide reasonable accommodations for religion. Please see the Judiciary's [Policy on Accommodation of Disabilities](#) and [Policy on Religious Accommodation](#) for additional information.

12) Can I make an external complaint?

You have the right to file a Charge of Discrimination with the [Maryland Commission on Civil Rights \(MCCR\)](#) and/or the [Equal Employment Opportunity Commission \(EEOC\)](#). The Maryland Judiciary does not control these agencies. In addition, these agencies have their own time requirements for filing a timely complaint of employment discrimination.

13) Does the Judiciary offer training on this topic?

Yes. The Office of Legal Affairs and Fair Practices can provide training on various EEO topics. For additional information on training, please contact the Fair Practices Officer (fairpractices@mdcourts.gov; 410-260-3679).