

2004 Circuit Administrative Orders

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CIRCUIT COURT OF ILLINOIS
SIXTH JUDICIAL CIRCUIT

CIRCUIT ADMINISTRATIVE ORDER 04-1

**SUBJECT: SEXUAL HARASSMENT POLICY AND PROCEDURES
COUNTY-PAID EMPLOYEES OF THE JUDICIAL BRANCH**

I.

Statement of Policy on Sexual Harassment

It is the policy of the Sixth Judicial Circuit of Illinois to provide to all county-paid Judicial Department employees of the Circuit Court, Sixth Judicial Circuit, a work environment free of sexual harassment of and by its employees. Sexual harassment is inappropriate, offensive and illegal and will not be tolerated by the Circuit Court, Sixth Judicial Circuit.

Sexual harassment is defined as any unwelcome sexual advances, or requests for sexual favors, or any conduct of a sexual nature when:

(a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or,

(b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(c) such conduct has the purpose or effect of substantially interfering with an individual's work performance; or,

(d) such conduct creates an intimidating, hostile or offensive working environment as measured from the point of view of a reasonable person of the aggrieved party's gender.

The Sixth Judicial Circuit directs all county-paid judicial and non-judicial supervisory personnel within the Circuit Court to ensure their workplaces are free of sexual harassment. Supervisory personnel shall be responsible for supporting training on sexual harassment prevention along with this sexual harassment policy, and shall post and distribute this policy, encourage county-paid Judicial Department employees to report sexual harassment incidents and assure employees they do not have to endure a sexually harassing work environment. Supervisors are to ensure each county-paid employee has been provided with a copy of this policy and has signed an acknowledgment in a form substantially as set forth in Appendix A of this Administrative Order. The acknowledgment shall

be placed in the employee's personnel file.

A. Sexual Harassment Behavior - Examples

Sexual harassment, as defined above, most frequently involves a man harassing a woman. However, sexual harassment also can involve a woman harassing a man or harassment between members of the same gender. Sexually harassing behavior can include, but is not limited to, the following:

Verbal behavior: negative or offensive comments, jokes, or suggestions about another employee's gender or sexuality, threats related to sexual conduct, repeated unwelcome requests for dates, statements about other employees of a sexual nature, obscene or lewd sexual comments; using slang names or labels that can be considered derogatory or too familiar, such as "honey," "sweetie," "dear," "darling," "boy," "girl," or other terms people may find offensive; or talking about or calling attention to an employee's body or characteristics in a sexually negative or embarrassing way.

Nonverbal behavior: sexually suggestive looks, sexually suggestive or insulting sounds (whistling, catcalls, smacking or kissing noises), or obscene or sexually suggestive bodily gestures.

Physical behavior: unwelcome pats, squeezes, hugs, kissing, pinching, repeatedly brushing against someone's body or actual sexual assault or abuse.

Visual behavior, displaying pictures, cartoons, posters, pinups, calendars, signs, etc., of a nude or sexual nature.

Other behavior that can constitute sexual harassment includes laughing at, ignoring or not taking seriously an employee who experiences sexual harassment; blaming the victim of sexual harassment for causing the problems, continuing the offensive behavior after a co-worker has expressed objection to the behavior; retaliating against an employee who rejects sexual advances by denying promotions or other job-related benefits; or, gossiping about or ridiculing a victim or alleged harasser with respect to the alleged harassment.

B. Notification

County-paid Judicial Department employees are encouraged to report incidents of sexual harassment and/or ask questions about conduct that may be considered sexual harassment in confidence and without fear of retaliation. Employees should immediately report incidents of sexual harassment in the manner set forth below. This

includes employees who think they have witnessed another county-paid Judicial Department employee being sexually harassed. Any county-paid Judicial Department employee bringing a good faith sexual harassment complaint or assisting in the investigation of a complaint will not be adversely affecting in terms and conditions of employment, nor discriminated against or discharged because of the complaint or assistance.

C. Confidentiality

The disclosure of allegations of sexual harassment shall be restricted to those individuals who have a "need to know." The complaint shall not be discussed with anyone other than those directly involved in the incident or the investigation process in order to protect the confidentiality rights of the alleged harasser as well as the complainant.

D. Harassment by Non-Employees

With respect to incidents of sexual harassment where the offending individual is not a county-paid Judicial Department employee of the Sixth Judicial Circuit, the appropriate judicial or supervisory personnel shall communicate the alleged conduct to the offending person and/or his employer. They shall be informed that the offensive conduct will not be tolerated and that steps must be taken to assure such actions do not reoccur.

E. Discipline

Complaints and cases of sexual harassment will be dealt with promptly. County-paid Judicial Department employees who sexually harass others and/or supervisors who knowingly allow such activities to continue, subject themselves to the full range of disciplinary procedure, including reprimand, suspension or discharge, depending on the seriousness and/or frequency of the violations. In the most severe cases, employees are subject to immediate discharge.

F. False and Frivolous Complaints

False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

G. Application of Policy

This policy and the procedures set forth herein shall be applicable to all officials and county-paid Judicial Department employees of the Sixth Judicial Circuit, whether full-time, part-time, temporary or contractual.

H. Further Information

Any county-paid Judicial Department employee who has questions about this policy should contact: The Office of Chief Judge, Sixth Judicial Circuit. All inquiries shall be handled in strictest confidence.

I. Review of Policy and Procedures

The Chief Judge of the Sixth Judicial Circuit of Illinois (hereinafter Chief Judge) is responsible for implementing this sexual harassment policy for the Circuit Court. The Chief Judge shall review the policy and procedures from time to time, the developments in legislation relating to sexual harassment and shall modify this policy in accordance with such changes, as applicable.

II. Procedures

A. Initial Step

Any county-paid Judicial Department employee who believes she or he is being sexually harassed may first communicate offensive behavior to the offending party as directly and firmly as possible and request that it cease forthwith. Employees are particularly urged to take this step if they believe that the offensive conduct may be unintentional. However, if the employee does not feel comfortable confronting the offending party, or feels threatened or intimidated by the situation, or if the behavior does not cease after a confrontation with the offending party, the matter should be reported as set forth below.

B. Reporting

An employee's complaint of sexual harassment may be reported to his or her immediate supervisor, a higher supervisory authority, or Presiding Judge of the county in which the employee is assigned, or Chief Judge, Sixth Judicial Circuit; however, if the alleged harasser is the employee's supervisor or other higher administrative authority, the complaint shall be made directly to

the Chief Judge, Sixth Judicial Circuit. If a complaint is filed with the Chief Judge, he or she shall initiate an investigation of the complaint or forward the complaint to a proper party for investigation.

Notwithstanding the foregoing, a complaint alleging that a member of the judicial has committed an act of sexual harassment may be filed with the Judicial Inquiry Board.

The complaint shall be in writing, describing the alleged incident(s) of sexual harassment, the date(s) and time(s) of the incident(s) and any witnesses to the incident(s).

Any complaint of alleged sexual harassment which are received by judicial or supervisory personnel shall be reported in writing to the Chief Judge within seven days, unless the alleged harasser is the Chief Judge, in which event, the complaint shall be reported to the Acting Chief Judge.

C. Investigation

When an appropriate authority has received a complaint alleging sexual harassment, the investigating authority shall promptly initiate an investigation of the complaint. The investigation may be conducted by the judicial or supervisory authority receiving the complaint or by an individual designated to conduct the investigation.

The investigation shall include the following steps:

1. The investigating party shall conduct an interview with the employee registering the complaint. The intent of the interview is to determine a true and complete account of the complaint. The following information should be sought in the interview: severity of conduct; the number and frequency of acts of alleged harassment; the apparent intent of the alleged harasser; the relationship of the parties; the response of the complainant at the time of the incident(s); and the relevant work environment.

2. To the extent practicable, the investigating party shall interview all other individuals who witnessed or may have witnessed the incident or who may have knowledge of the incident.

3. The investigating party shall interview the alleged harasser and inform the individual that a complaint has been made against him or her. The individual shall be informed that the incident is not to be dis-

cussed with co-workers and that retaliatory action against the complaint will not be tolerated.

4. To the extent practicable, the investigating party shall review any other relevant information or evidence and/or interview any other relevant witnesses.

5. The investigating party shall make a written record of the interviews and any other aspects of the investigation.

6. The investigating party shall prepare a written summary of the findings of the investigation and, in appropriate cases, any recommendations for discipline.

7. The findings of the investigation shall be reported to a supervisor of the alleged harasser for appropriate action.

D. Disciplinary Action

The supervisor receiving the report of the investigation shall review the report and make a determination as to whether the individual charged has committed sexual harassment, and, if so, determine and impose the appropriate discipline. When required by a collective bargaining agreement, and when not inconsistent with the supervisory and administrative authority of the Chief Judge, the discipline will be imposed pursuant to the relevant provisions of the collective bargaining agreement.

The discipline imposed shall reflect the severity of the improper conduct, taking into consideration the nature of the conduct, the frequency of the conduct, the relationship of the parties involved, the intent of the offending party, and any other relevant matters.

Available discipline for sexual harassment includes, but is not limited to, verbal reprimand, written reprimand, transfer, reassignment of duties, demotion, suspension or discharge. In the most severe and blatant cases of sexual harassment, the offending employee may be immediately discharged.

In all cases, the complainant shall be notified of the results of the investigation and the discipline imposed, if any.

E. Appeals

1. Any party seeking review of a sexual harassment investigation and/or discipline imposed pursuant to this Administrative Order shall transmit a written Notice of Review to the supervisor ruling on the complaint within seven days of the

ruling, with a copy of the Notice to all interested parties. The Notice shall state, with specificity, the part or parts of the ruling to be reviewed.

2. The supervisor ruling on the complaint shall, within ten days of receiving the Notice, transmit a copy of the Notice to the Presiding Judge of the county in which the complainant is employed within the Sixth Judicial Circuit, with copies to all interested parties, and shall include:

- (a) The written record of interviews, if any, and any other aspects of the investigation;
- (b) The written summary and recommendations of the investigating party; and
- (c) The findings of the supervisor's ruling on the complaint together with the disciplinary action imposed, if any, and the reasons therefor.

3. Within seven days of the date of the supervisor's transmittal letter, all interested parties may submit written comments, together with case law, if appropriate, to the Presiding Judge of the county in which the complainant is employed within the Sixth Judicial Circuit, with copies to all interested parties, and the supervisor's ruling on the complaint.

4. The findings of fact and conclusions of the supervisor ruling on the complaint shall be held to be prima facie true and correct.

5. Within thirty-nine days of receiving the supervisor's transmittal letter, the Presiding Judge shall, after review of all reports, summaries, comments and findings, enter a written order:

- (a) Affirming or reversing the supervisor's ruling on the complaint in whole or in part; or
- (b) Remanding the matter back to the person ruling on the complaint for further investigation and/or hearing; or
- (c) Affirming the findings of fact and conclusions, but increasing or decreasing the discipline imposed, if any.

6. The Presiding Judge shall transmit the written order to all interested parties and to the Chief Judge, Sixth Judicial Circuit.

7. Any party seeking review of the Presiding Judge's ruling may seek review of such ruling by filing a written Notice of Review

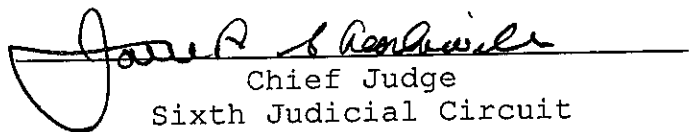
CIRCUIT COURT OF ILLINOIS
SIXTH JUDICIAL CIRCUIT

CIRCUIT ADMINISTRATIVE ORDER 04-2

SUBJECT: APPOINTMENT OF PRESIDING JUDGE, CHAMPAIGN COUNTY

Pursuant to Rule 1.3(a) of the Rules of Practice of the Circuit Court, Sixth Judicial Circuit, Circuit Administrative Order 96-2 appointing John G. Townsend as Presiding Judge of Champaign County is vacated as of 12:00 p.m., January 29, 2004. Thomas J. Difanis is hereby appointed Presiding Judge of Champaign County, effective 12:01 a.m., January 30, 2004.

ENTER: January 29, 2004


Chief Judge
Sixth Judicial Circuit

CIRCUIT COURT OF ILLINOIS
SIXTH JUDICIAL CIRCUIT

CIRCUIT ADMINISTRATIVE ORDER 04-3

**SUBJECT: ELECTRONIC ACCESS TO RECORDS OF THE CIRCUIT COURT,
SIXTH JUDICIAL CIRCUIT**

Pursuant to Section 1.00(c) of the Electronic Access Policy of the Supreme Court of Illinois effective April 1, 2004, the public shall have electronic access to electronic court records when requested by the Circuit Clerk and with approval and oversight by the Presiding Judge as provided herein. Any presiding judge of the Sixth Judicial Circuit adopting Circuit Administrative Order 04-3 shall promulgate a county administrative order authorizing electronic access of records within that county and shall file the administrative order with the Clerk of the Circuit Court and Office of the Chief Judge, Sixth Judicial Circuit.

I. Definitions:

A. "Public" includes any person and any business or non-profit entity, organization or association; any governmental agency for which there is no existing court rule, order, or law defining the agency's access to court records; media organizations; and entities that gather and disseminate information for whatever reason, and regardless of whether it is done with the intent of making a profit, without distinction as to nature or extent of access.

(1) "Public" does not include court or clerk of court employees; people or entities, private or governmental, who assist the court in providing court services; public agencies whose access to court records is defined by another court rule, order of law; and attorneys presently of record, who may be allowed greater electronic access to their specific cases by administrative order of a county of the Sixth Judicial Circuit, dependent upon the capabilities of the case management system on which those records are stored.

B. "Electronic Court Record" includes information related to indices, calendars, record sheets, pleadings, complaints, orders, dispositions, and other case information which are maintained by the Clerk of the Circuit Court in electronic form and not excluded under the provisions of this order.

II. Electronic Court Records Excluded from Public Access:

A. Information that is impounded, sealed or expunged pursuant to law or by court rule or order, or pursuant to the Manual on Recordkeeping shall be excluded from public access in electronic form.

B. The following information is excluded from public access in electronic form, unless access is provided at the office of the clerk of the court through a computer terminal which does not allow information to be downloaded or exported except, however, nothing in the administrative order requires the Clerk of the Circuit Court to provide such terminal:

1. financial information that provides identifying account numbers on specific assets, liabilities, accounts, credit cards, or P.I.N. numbers of individuals or business entities;

2. proprietary business information such as trade secrets, customer lists, financial information, or business tax returns;

3. information constituting trade secrets, copyrighted or patented material or which is otherwise owned by the state or local government and whose release would infringe on the government's proprietary interests;

4. notes, drafts and work products prepared by a judge or for a judge by court staff or individuals working for the judge related to cases before the court;

5. names, addresses, or telephone numbers of potential or sworn jurors in a criminal case;

6. juror questionnaires and transcripts of voir dire of prospective jurors;

7. wills deposited with the court pursuant to the Manual on Recordkeeping;

8. arrest warrants (prior to the arrest of the person named);

9. criminal summonses prior to summons being served;

10. Social Security and driver's license numbers of all parties;

11. complaints for search warrants, and search warrants, (prior to being executed); and

12. any documents filed or imaged, i.e. complaints, pleadings and orders.

C. Information not covered in Section II.B of this administrative order may be excluded from public access in electronic form by county administrative order as promulgated by the presiding judge in a county of the Sixth Judicial Circuit adopting Circuit Administrative Order 04-3.

D. "Public Access" means that the public can inspect and copy the court record using electronic access, except as provided for in this administrative order.

E. "Electronic access" means that inspection of electronic court records can be made through the use of technology, including the internet, direct dial, KIOSK, etc., as provided by local rule.

III. General: Electronic access may be provided to the public under the provisions of this administrative order as follows:

A. Indices for all cases as provided in the Manual on Recordkeeping: The indices shall include the case number and the names of all parties except those parties which may be omitted pursuant to the Manual on Recordkeeping. A party to a suit named as an individual and under a firm name shall be indexed under both names. A public official who is a party to a suit shall be indexed by the name of his or her public office.

1. Small Claims: The index to each Small Claims case shall include date of disposition; party(s) finding or verdict is for; party(s) finding or verdict is against; amount of judgment; amount of costs; type of dismissal (e.g. motion of plaintiff); and date of release.

2. Traffic, Ordinance and Conservation: The index to each traffic, ordinance and conservation case shall contain the offense charged (the name of the offense); date of filing; initial plea; finding; if a judgment is entered under Supreme Court Rule 556(b), record "ex parte"; and offense convicted of, if different from offense charged (the name of the offense), and sentence, which shall include fine amount; total of all additional penalties, fees, costs, etc.; or breakdown of the individual amounts; or both; jail term; probation term; court supervision term; driving school requirement; forfeiture; restitution amount; any other portion of

III. Fees and Costs:

1. No fee shall be charged for providing electronic court records accessible to the public pursuant to the Supreme Court's Policy and this Administrative Order; however, the Clerk of the Circuit Court may charge a fee for copies regardless of form, format, or media of exchange of documents filed with the clerk.

2. This section does not apply to contractual relationships for the provisions of any service allowed by court rule or law.

IV. Contractual Relationships:

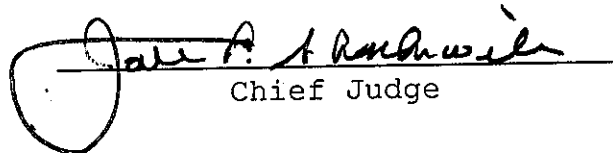
The right to access and disseminate any court record pursuant to the Clerks of Courts Act (705 ILCS 105/13) may not be subject to an exclusive contract with another person or entity.

V. Protection from Unauthorized Access:

The Clerk of the Circuit Court shall employ any and all reasonable security measures, procedures, devices and software necessary to protect the court's records and prevent unauthorized access to court records.

Date signed: September 1, 2004

Date effective: October 1, 2004


Chief Judge