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**IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER # 2005-00-01**

**RE: SEXUAL HARASSMENT AND DISCRIMINATION  
POLICY AND PROCEDURES**

**Whereas**, Rule 2.050 (b) (2), Florida Rules of Judicial Administration, establishes that the chief judge of a circuit "shall exercise administrative supervision over all courts within the judicial circuit;"

**Whereas**, the Florida State Courts System, in its *Employment Policy Statement*, provides a workplace free from any and all forms of illegal discrimination, and provides equal employment opportunity to every employee and applicant for employment based solely on his or her qualifications to perform the job, and without discrimination on account of race, ethnicity, sex, religion, national origin, disability, marital status, or age, except as provided by law, with respect to recruitment, appointment, training, promotion, retention, separation, or other employment practice;

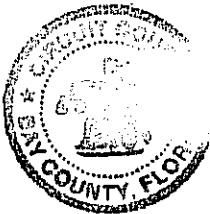
**Whereas**, the Supreme Court of Florida, in AOSC08, Sexual Harassment Policy and Procedures for Complaints Against Trial Court Judges, adopted both a policy and procedure for complaints brought against judges for sexual harassment and directed the chief judge to adopt an administrative order in compliance with the Chief Justice's order; and

**Whereas**, the Fourteenth Judicial Circuit, under the authority and supervision of the chief judge, rescinds its previous Administrative Order 00-05, and adopts this order which provides an enhanced policy and procedures for complaints of discrimination and sexual harassment by court employees and adopts a procedure for complaints against judges to ensure a circuit free from discrimination.


**Now Therefore, it is ORDERED and ADJUDGED that:**

1. The Florida State Courts *Employment Policy Statement* is hereby adopted for the Fourteenth Judicial Circuit. This policy is made part of this Order as Attachment A.
2. The Supreme Court of Florida's Administrative Order AOSC08, *Sexual Harassment Policy and Procedure for Complaints Against Trial Court Judges*, is hereby adopted for the Fourteenth Judicial Circuit. This policy and procedures is made part of this Order as Attachment B.
3. The Fourteenth Judicial Circuit's *Sexual Harassment and Discrimination Policy and Procedure* is hereby revised to delete any references to complaints against judges for sexual harassment. The revised policy and procedures is made part of this Order as Attachment C, and supersedes Administrative Order 00-05.
4. Attachment D, which is also made part of this Order, lists the names, locations, and phone numbers of court personnel, in addition to supervisors, that can be contacted by complainants.
5. The policies and procedures shall apply to all court personnel of the Fourteenth Judicial Circuit without regard to position or funding sources.
6. Court administration shall distribute these policies and procedures to all court personnel of the Fourteenth Judicial Circuit and obtain signed confirmation of receipt of same from all employees, excluding constitutional officers.
7. Failure to comply with this policy or its procedures may result in discipline up to and including dismissal, and/or referral to appropriate enforcement and disciplinary bodies. Any employee who knowingly files a false complaint may be subject to discipline up to and dismissal.

**DONE and ORDERED** in Chambers at Panama City, Bay County, Florida this 21 day of March, 2005.



VERIFIED TRUE COPY  
CLERK  
COURT  
By Nanda Masday  
Deputy Clerk

  
\_\_\_\_\_  
JUDY M. PITTMAN, CHIEF JUDGE

## Employment Policy Statement

The employees of the Florida State Courts System are exempt from the State of Florida Career Service System under Chapter 110, Florida Statutes.

In accordance with recommendations of the Auditor General, it is the intention of the Supreme Court of Florida to create a uniform Florida State Courts Personnel System which shall govern, regulate, and coordinate all personnel and employment practices and activities with respect to recruitment, examination, appointment, training, promotion, retention, separation, or any other employment practice.

All employees of the Florida State Courts System are at-will employees and serve at the pleasure of the appointing authority. For the purposes of these regulations, the Chief Justice of the Supreme Court of Florida, the Chief Judges of the District Courts of Appeal, and the Chief Judges of the judicial circuits of Florida exercise administrative supervision over court personnel in their respective jurisdictions. Judicial assistants and appellate law clerks serve as personal staff to their individual judicial officers and are subject to their individual officer's plenary authority over the employment relationship -- including all hiring, supervisory, and firing decisions. (Determination of the appointment rates for personal staff will be made according to the provisions of Section 7 of these Personnel Regulations.)

It is the policy of the State Courts System (SCS) to provide a workplace free from any and all forms of illegal discrimination, and to provide equal employment opportunity to every employee and applicant for employment based solely on his or her qualifications to perform the job, and without discrimination on account of race, ethnicity, sex, religion, national origin, disability, marital status, or age, except as provided by law, with respect to recruitment, appointment, training, promotion, retention, separation, or any other employment practice.

In accordance with Title I of the ADA of 1990, the SCS will not discriminate in any employment practice against qualified individuals with a disability, individuals regarded as having a disability, or individuals with an association with a person with a known disability. Furthermore, it is the policy of the SCS to provide a reasonable accommodation, if necessary, to all qualified individuals with a disability in order to assure equal opportunity in the application process, to enable a qualified individual with a disability to perform the essential functions of a job, and to enable an employee with a disability to enjoy equal benefits and privileges of employment. A reasonable accommodation will be made, on a case by case basis, if it does not impose an undue hardship on court operations.

It is the policy of the SCS to make the workplace free of sexual harassment. Sexual harassment occurs if there are unwelcome sexual advances; unwelcome requests for sexual favors; or unwelcome verbal or physical conduct of a sexual nature from or involving an employee's supervisors, peers, subordinates or other persons in contact with an employee during the course of the conduct of the employee's business when:

## ATTACHMENT A

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

It is the policy of the SCS that all complaints of discrimination shall be treated seriously and acted upon promptly. The Chief Justice will approve procedures adopted by the Court for all Supreme Court officers and employees. Each chief judge will approve procedures adopted for all court officers and employees under his or her jurisdiction.

Failure to comply with this policy may result in discipline up to and including dismissal. Allegations of judicial misconduct in violation of this policy will be referred to the appropriate enforcement and disciplinary body. No individual shall be discriminated against, harassed, threatened, or intimidated for filing a complaint under these policies. Any employee who knowingly files a false complaint may be subject to discipline up to and including dismissal.

The purpose of this personnel manual is to assist in providing fair and equitable treatment of all personnel in the Florida State Courts System. The manual is intended to be an integral part of a uniform and comprehensive system of personnel administration. The regulations in this manual set forth reasonable standards for uniform personnel practices and a system to assist interchange between the employees and the employers.

State Courts System employees are at-will employees. This personnel manual does not, nor is intended to confer upon employees any protectable property interest or contract of employment.

**FOURTEENTH JUDICIAL CIRCUIT  
SEXUAL HARASSMENT POLICY AND  
COMPLAINT PROCEDURE AGAINST JUDGES**

1. Policy

It is the policy of the Fourteenth Judicial Circuit to make the workplace free of sexual harassment. Sexual harassment occurs if there are unwelcome sexual advances; unwelcome requests for sexual favors; or unwelcome verbal or physical conduct of a sexual nature from or involving an employee's supervisor, peers, subordinates or other persons in contact with an employee during the course of the conduct of the employee's business when:

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

It is the policy of the Fourteenth Judicial Circuit that complaints of sexual harassment will be treated seriously and acted upon promptly. **The following procedures apply to complaints against judges made by employees or applicants for employment.** Compliance with these procedures satisfies a chief judge's disciplinary responsibilities under Canon 3D(1) of the Code of Judicial Conduct.

2. Notification

The chief judge may designate any person, including a non-judge, to be responsible for receiving and documenting complaints of sexual harassment against judges of this circuit.

Any employee or applicant for employment with the court who believes that he or she is the subject of sexual harassment by a county judge or circuit judge, or a senior judge should report his or her complaint in writing to the chief judge or to the chief judge's designee. If any person has difficulty in writing out the complaint, the chief judge shall designate a person, who will not be involved in the adjudication thereof, to aid the complainant in reducing the complaint to writing.

## ATTACHMENT B

If the chief judge is the subject of a complaint, the employee or applicant for employment should report the complaint to the court administrator who will refer such complaint to the chief judge of the judicial circuit within the territory of the First District Court of Appeal having the longest continuous service as chief judge. The chief judge to whom the complaint is referred will assume all complaint investigation and resolution duties as provided for in these procedures. The chief judge to whom such complaint is referred will also be responsible for maintaining any records pertaining to the complaint.

If an employee or applicant chooses not to file a formal complaint, but the chief judge has actual knowledge or receives information that a substantial likelihood exists that another judge has engaged in sexual harassment, the chief judge will inquire into the matter and take appropriate action.

### 3. Time for Filing Complaints

In order to ensure that the Fourteenth Judicial Circuit complaint procedures can be utilized without risk of precluding the filing of a charge of discrimination with state or federal entities, an employee or applicant should report an incident of sexual harassment within 90 days of the date of occurrence.

### 4. Investigation

A complaint of sexual harassment against a judge will be investigated promptly and thoroughly. If a complaint has been made to the chief judge, he or she may designate another person to make an initial inquiry into the complaint.

The chief judge or the chief judge's designee will interview the complainant within five days of the submission of the complaint to ascertain relevant facts and circumstances. If the complainant does not divulge names or details of the incident(s), the chief judge or the chief judge's designee will rely upon information that is available, to the extent possible. If another person has been designated to make an initial inquiry into the complaint, such designee will report details of the complaint to the chief judge within ten days of the submission of the complaint.

The chief judge may dismiss the complaint as unfounded or insufficient to constitute sexual harassment. If the complaint is sufficient to constitute sexual harassment, the chief judge may appoint an investigating officer or officers to formally investigate the complaint.

The chief judge or investigating officer(s) will interview the complainant, the judge involved, and witnesses, if any, and will review relevant materials. If any investigating officers have been appointed, such persons will submit a written report to the chief judge within thirty days of the submission of the complaint.

5. Resolution

The chief judge will determine the course of action for resolution of the complaint, and may appoint another person to resolve the complaint.

The chief judge may attempt to resolve the complaint informally through mutual conciliation by meeting with the complainant and the judge to discuss a method of resolution, including alternative dispute resolution. In attempting to resolve the complaint, the chief judge may counsel or take other appropriate direct action with the judge involved.

If the complaint and investigation raise a substantial question as to a judge's fitness for office, the chief judge will refer the complaint to the Judicial Qualifications Commission.

6. Documentation and Confidentiality

All information pertaining to a complaint of sexual harassment must be documented and maintained by the chief judge or the chief judge's designee.

All records made or received by the chief judge or the chief judge's designee through use of these complaint procedures are exempt from public disclosure under rule 2.051(c)(3)(A), Florida Rules of Judicial Administration. Such records are exempt for the duration of an initial inquiry, formal investigation and resolution of the complaint, and at all times thereafter, unless the records are forwarded to the Judicial Qualifications Commission.

If the records pertaining to a complaint are forwarded to the Judicial Qualifications Commission, such records will be confidential under Rule of Judicial Administration 2.051(c)(3)(A), and rule 23(a), Rules of Judicial Qualifications Commission, until any formal charges against the judge are filed by the Investigative Panel of the Commission with the clerk of the Florida Supreme Court.

Records within the possession of the chief judge or the chief judge's designee pertaining to a complaint that have been forwarded to the Judicial Qualifications Commission will only become public upon formal charges being filed with the clerk of the Florida Supreme Court.

7. Referral to the Judicial Qualifications Commission

These procedures do not preclude the referral of a complaint against a judge at any time by any person to the Judicial Qualifications Commission. If a complaint against a judge has been referred to the Judicial Qualifications Commission, no further action by a chief judge is required.

The Commission is responsible for investigation all reported instances of judicial misconduct. The Commission is located at: 1110 Thomasville Road, Tallahassee, Florida,

## ATTACHMENT B

32303-6226. The Commission's Executive Director, Brooke S. Kennerly, can be contacted at (850) 488-1581.

8. Referral to the Florida Commission on Human Relations or the United States Equal Employment Opportunity Commission

These procedures do not preclude the filing of a charge of employment discrimination with the Florida Commission on Human Relations or the Equal Employment Opportunity Commission.

The Florida Commission on Human Relations is located at: 2009 Apalachee Parkway, Suite 100, Oakland Building, Tallahassee, FL 32301-4857. The telephone number for the Commission is (850) 488-7082.

The United States Equal Opportunity Commission office with jurisdiction over complaints arising in the Fourteenth Judicial Circuit is located at: 501 East Polk Street, Suite 1000, Tampa, Florida 33602. The telephone number for the Tampa office is (813) 228-2310 or 1-800-669-4000.



**FOURTEENTH JUDICIAL CIRCUIT  
SEXUAL HARASSMENT AND DISCRIMINATORY POLICY AND  
PROCEDURES**

**I. OBJECTIVE**

The Fourteenth Judicial Circuit is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive, including sexual harassment.

**II. SCOPE OF POLICY**

All full-time and part-time, active employees are covered under this policy. The Supreme Court of Florida's *Sexual Harassment Policy and Procedures for Complaints against Trial Court Judges* is hereby adopted for judges in the Fourteenth Judicial Circuit. This policy can be found in Attachment B.

**III. PROCEDURES**

Actions, words, jokes or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation or any other legally protected characteristic shall not be tolerated. The Fourteenth Judicial Circuit provides ongoing sexual harassment training to ensure that all employees work in an environment free of sexual and other unlawful harassment.

Sexual harassment is **defined** as unwanted sexual advances or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser.

Unwelcome sexual advances whether verbal or physical, requests for sexual favors or other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- (2) submission or rejection of the conduct is used as a basis for making employment decisions; and/or
- (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile or offensive work environment.

All allegations of sexual harassment shall be quickly and discreetly investigated. To the extent possible, confidentiality of the complainant and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. Written materials developed through the use of this procedure are confidential pursuant to Rule 2.051, Public Access to Judicial Records, Florida Rules of Judicial Administration. When the investigation is completed, the complainant will be informed of the outcome of the investigation.

## ATTACHMENT C

If you experience or witness sexual or other unlawful harassment in the workplace, including harassment on the basis of national origin, race, color, religion, age, or otherwise, report it immediately to your supervisor. If your supervisor is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact any of the following individuals:

- ▶ Personnel Administrative Judge for the Circuit, or Chief Judge's designee;
  - ▶ The Trial Court Administrator;
  - ▶ The Administrative Services Manager
  - ▶ The Court Operations Consultant, or
  - ▶ The Court Operations Manager.
- (See Appendix D for the current names, location and phone numbers of personnel in these designated positions.)

On receipt of a complaint, the supervisor or the designated individual taking the complaint shall immediately notify the Trial Court Administrator, if appropriate. The Court Administrator and the Circuit Personnel Administrative Judge or Chief Judge's Designee will immediately notify the Chief Judge. If it is not appropriate to contact the Trial Court Administrator or the Personnel Administrative Judge or Chief Judge's Designee because one or both may be named as part of the complaint, then the individual taking the complaint should forward the report directly to the Chief Judge. The complainant should feel safe to raise concerns and make reports without the fear of reprisals or retaliation. However, false reports will not be tolerated.

In order to ensure that the Fourteenth Judicial Circuit complaint procedures can be utilized without risk of precluding the filing of a charge of discrimination with state or federal entities, an employee should report an incident of sexual harassment within 90 days of the date of occurrence.

Any judge, manager, supervisor or employee of the Court who becomes aware of possible sexual or other unlawful harassment under the scope of this policy must immediately advise the Trial Court Administrator so that it can be investigated in a timely and confidential manner. The Chief Judge will appoint an investigative officer who will conduct a thorough investigation to determine the facts. As a minimum, this investigation will include a report from the person who believes he or she was a victim, the alleged violator, and any witnesses. This investigation will be completed within 10 working days of appointment, and a report describing the nature and facts of the complaint submitted to the Chief Judge.

The Chief Judge shall make a determination of the validity of the complaint. The Chief Judge or the Chief Judge designee may also meet with all individuals concerned and attempt to resolve the complaint informally through mutual conciliation, including alternative dispute resolution. The Chief Judge will determine the appropriate disposition of the case. Any employee engaging in sexual or other unlawful harassment will be subject to disciplinary action which can include dismissal.

IV. EXTERNAL MEASURES

Irrespective of these internal procedures, the complainant retains the right before, during, or after the proceedings to seek remedy outside the court's internal procedures as provided by law. The complainant may file a charge with the Equal Employment Opportunity Commission (EEOC) or with the Florida Commission of Human Relations.

The EEOC office with jurisdiction over complaints arising in the Fourteenth Judicial Circuit is located at:

501 East Polk Street, Suite 1000  
Tampa, Florida 33602  
(813) 228-2310 or 1-800-669-4000.

The Florida Commission of Human Relations is located at:

2009 Apalachee Parkway, Suite 100, Oakland Building  
Tallahassee, Florida 32301-4857  
(850) 488-7082.

The Judicial Qualifications Commission (JQC) has jurisdiction to investigate all reported instances of judicial misconduct. This is covered in Appendix B of the Administrative Order. The JQC is located at:

1110 Thomasville Road  
Tallahassee, Florida 32303-6224  
(850) 488-1581.

The Florida Bar has jurisdiction to investigate all reported instances of misconduct by members of The Florida Bar. The Florida Bar is located at:

650 Apalachee Parkway  
Tallahassee, Florida 32399-2300.

**DESIGNATED PERSONNEL  
NAMES, LOCATION AND PHONE NUMBER**

Personnel within the Fourteenth Judicial Circuit who in addition to supervisors are designated to take complaints.

Judge Don T. Sirmons  
Personnel Administrative Judge

301 McKenzie Ave  
Panama City, Florida 32401  
(850) 747-5322

Jennifer Dyer Wells  
Court Administrator

301 McKenzie Ave  
Panama City, Florida 32401  
(850) 747-5327

Robyn R. Hatcher  
Court Operations Consultant

4445 Lafayette St  
Marianna, Florida 32446  
(850) 718-0026

Larry A. Lyons  
Court Administrative Services Manager

301 McKenzie Ave  
Panama City, Florida 32401  
(850) 747-5338

Joel Booth  
Court Operations Manager

301 McKenzie Ave  
Panama City, Florida 32401  
(850) 747-5300