

# Executive Office of The Trial Court

The Office of Workplace Rights &  
Compliance Complaint Procedure



# Our Commitment....

**The Trial Court is committed to providing equal access to justice in a safe and dignified environment. To do this we must deliver justice with fairness, effectiveness, efficiency, and consistency, and in a manner that strengthens and supports diversity, equity, and inclusion. We must also provide support to a professional, well-trained, engaged, collaborative, culturally competent, and diverse workforce.**

**It is our goal to provide prompt and courteous service to the public by committed and dedicated professionals in a manner that inspires public trust and confidence. We strive to be sensitive and adaptive to cultural, racial, ethnic, gender, disability, and language differences, and to create a work environment that permits us to serve the public better.**



Established 2019

**Office of  
Workplace Rights  
& Compliance**

# Promulgated Policy November 2019

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Promulgated the new Section 5.000 of the Personnel Policies and Procedures Manual: The Policy Prohibiting Discrimination, Harassment, Retaliation, and Complaint Resolution Procedures pursuant to G.L. c. 211B §8.

- Creates a single, comprehensive anti-discrimination policy for the Trial Court.
- Is based on best practices in the field of discrimination law, while taking into account the unique statutory aspects of the Trial Court.
- Covers all judges, employees, court officials, managers, service providers, and court users; and creates clear expectations and responsibilities for all those individuals.

# Promulgated Policy November 2019

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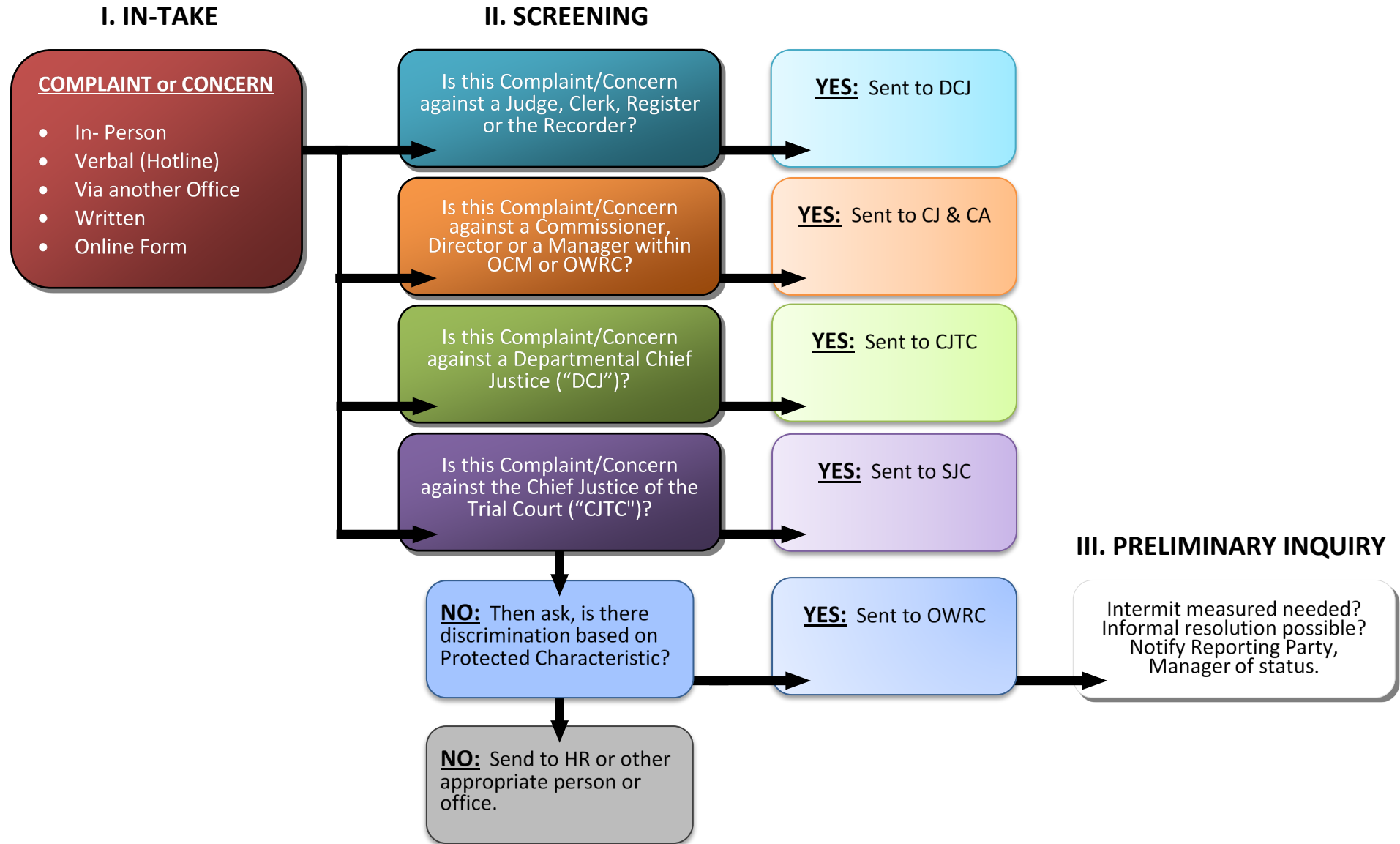
Promulgated the new Section 5.000 of the Personnel Policies and Procedures Manual: The Policy Prohibiting Discrimination, Harassment, Retaliation, and Complaint Resolution Procedures pursuant to G.L. c. 211B §8.

- Creates multiple channels for receiving complaints of violations of the Policy, including anonymous complaints.
- Addresses requests for accommodation in accordance with state and federal law.
- Is clear in its prohibition against retaliation based on a complaint filed under this Policy.
- Established a case management tracking system.
  - Type of Discrimination
  - Department and Location
  - Parties, Appointing Authorities
  - Disposition
  - Follow up for discipline, if any; retaliation; training needs

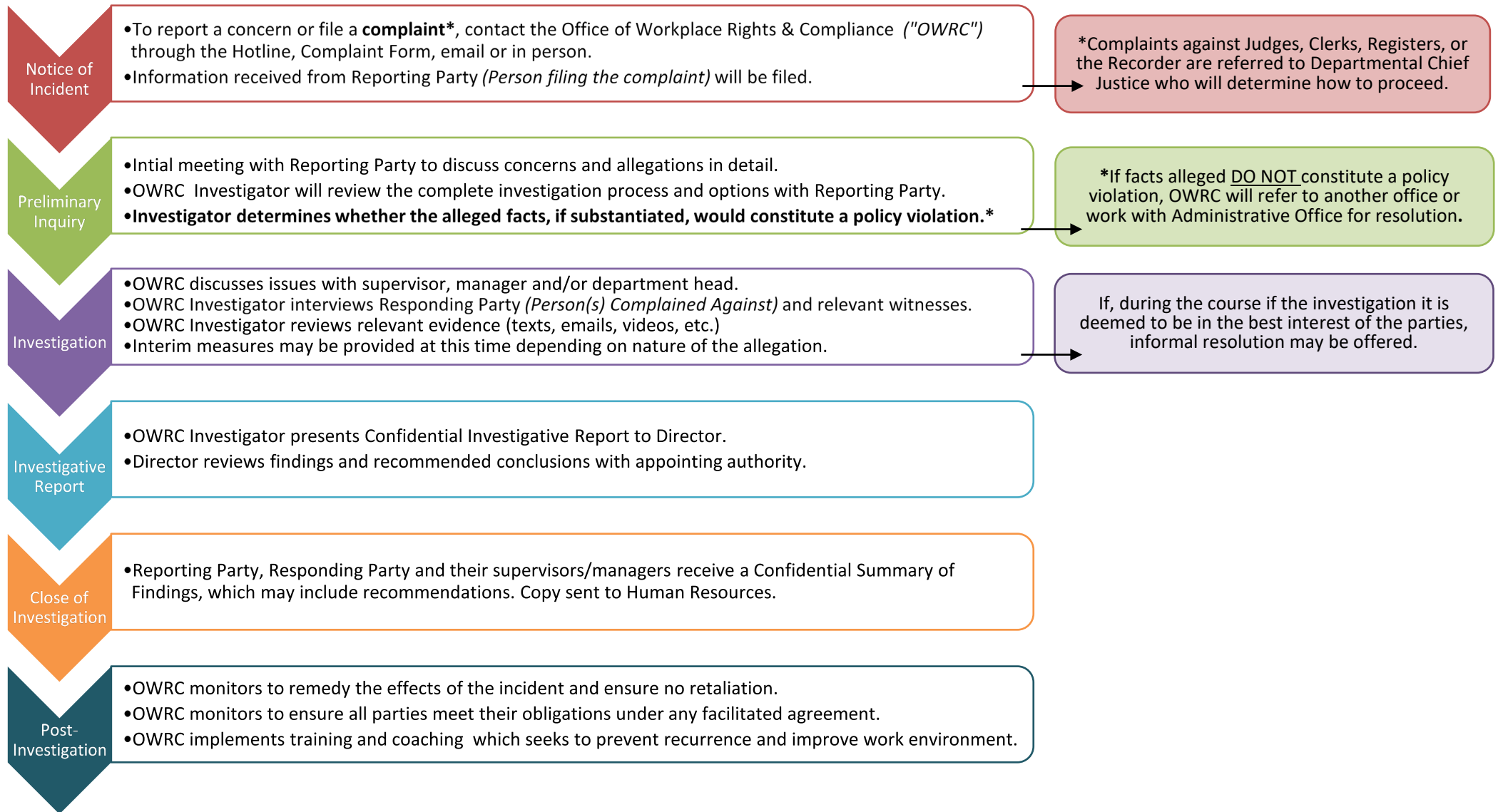
# NEED TO REPORT

- As leaders of the Trial Court, Judges, Clerk-Magistrates and Senior Management bear heightened responsibilities to refrain from violation of the policy.
- And to report conduct inconsistent with this policy.
- Reporting does not necessarily lead to an investigation.





# INCIDENT REPORTING PROCESS



# STAGES OF AN INVESTIGATION



# 1 INQUIRY INTERVIEW

- Discuss complaint with relevant manager to learn background and context of involved parties.
- Send Notice of Inquiry to Reporting Party, copying appropriate administrative office and manager.
- Interview Reporting Party and collect additional necessary information (*relevant original emails, text messages, photos, video, etc.*) and ask for names of witnesses /persons with relevant information.
- Review personnel files of Reporting and Responding Parties and any other records.
- May interview relevant witnesses to seek clarity on allegations.
- **Will determine whether a full investigation is required** and so notify the Reporting Party and the relevant manager.
- Or whether this complaint should be referred to another department such as Human Resources.

# 2 INTERIM MEASURES, REFERRAL OR INFORMAL RESOLUTION

- OWRC will determine whether any safety concerns are raised by complaint, and if yes, contact HR Department to discuss options.
- OWRC will discuss with HR if paid administrative leave or temporary transfer is appropriate.
- If complaint is to be referred, discuss with Reporting Party, make referral, and notify the appropriate administrative office or department, and relevant manager.
- If complaint is to be informally resolved, complete resolution and notify Reporting Party, the appropriate administrative office or department, and relevant manager.
  - About half of all complaints received are able to be informally resolved.
  - This only means that no investigation is needed - discipline and other appropriate corrective measures can be implemented.

# 3 INVESTIGATION

- **Notify appropriate administrative office or department and relevant Manager of Investigation:**
  - Discuss complaint, background information, and scope of investigation.
  - Discuss the order, timing, and place of interviews of parties and witnesses.
- **Prepare an investigation plan:**
  - Confirm the initial scope of the investigation and identify relevant policy section of potential violations.
  - Review evidence collected to date and determine what else might be needed.
  - Determine open ended questions to be asked of each party.

# 4 INVESTIGATION

*Continues*

- **Responding Party:**
  - Will be contacted at least 24 hours before an interview to provide NOI, contact information of the Investigator, and a copy of the complaint, unless there are grounds under the Policy for an exception.
- **Conduct interviews:**
  - Take notes to reflect the relevant facts, including any facts bearing on party/witness credibility.
  - Revise the investigation plan as necessary following witness interviews or document review.
  - Conduct follow-up interviews, especially when new information was not addressed in original interview.
  - Enter interview notes to the investigation file. Document what other resources were consulted (*personnel files, records, etc.*)

# 5 CONFIDENTIAL INVESTIGATIVE REPORT

- Investigator prepares draft of report, including summarizing the relevant information from each party, witnesses, and from documents or other materials reviewed, consistent with the policy. Sends to director of OWRC for review.
- Director of OWRC will notify appropriate manager of recommended findings and conclusions of the investigative report.
  - **About half of the complaints will have the allegations substantiated.**
- Director will notify parties that the investigation has concluded and will provide these parties with a written summary of the report and whether it is more likely than not that the Policy was violated.
- Provide a copy of the summary report to the relevant manager for follow-up.

# FOLLOW-UP

- A follow-up made to the Reporting Party within 45-60 days of the completion of the investigation, or as appropriate.
- Follow-up with manager and document whether appropriate remedial and corrective measures were implemented; and whether training, facilitated dialogue, etc. were completed as per recommendations.
- **Follow-up regarding any possible retaliation concerns with the manager as well as both parties.**





# Trainings Offered by OWRC

- Facilitated Dialogues;
- Supervisor Coaching;
- Professionalism and Respect In the Workplace;
- Pro-Active Upstander Intervention;
- Communication and Team-Building;
- Post-Investigation Custom-Made Training.

# Mandatory Training on the Policy

## December 2020

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95% of Trial Court employees, including Judges, Clerks, Registers, the Recorder, Office of Jury Commissioner, MPS, and Security completed mandatory on-line training on policy & procedure prohibiting discrimination, harassment, and retaliation.

- The curriculum consists of three eLearnings: Law and Policy, Leading Together, and the Office of Workplace Rights & Compliance.
- Training was approximately two and a half hours.
- Will do RFP for trial courtwide training in 2023.

# Promulgate New EEO Monitoring Policy January 2021

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Promulgated new policy (Section 22) appointing OWRC to:

- Identify and implement projects, programs, outreach and training to achieve equal opportunity, diversity, and non-discrimination goals; and
- Monitor progress through workforce analysis, utilization analysis, and internal audits;
- Serve as resource for impactful positive diversity and inclusion results throughout employment life cycle (hiring, promotion, transfers, professional development, discipline, termination).

# Best Practices in Hiring Process

## February 2021

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Collaborated with HR to implement best practices in hiring process:

- Approve interview panels and interview questions;
- Approve minimum qualification standards;
- Approve interview pool of candidates;
- Approve appointment packets;
- Ongoing discussions regarding improvement of outreach and recruitment.



# ADA Taskforce on ADA Title II:

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- Co-chairing Title II Taskforce to enhance training and services provided by ADA Coordinators;
- Review the current policy, procedure and training of ADA Coordinators;
- Propose best practices;
- Establish relationships with outside resources to assist litigants.



# ADA Issues

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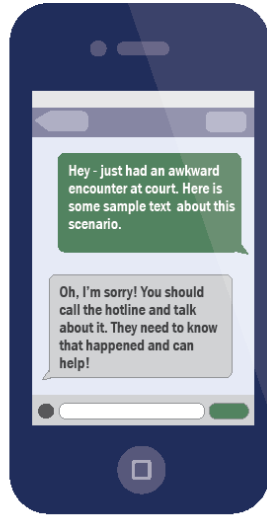


- Participated in creation of new ADA Coordinator training.
- Provides support and guidance to ADA Coordinators in resolving court user requests for accommodations.
- Created new ADA Manager position to handle public accommodations issues.
- Assists HR with ADA accommodation complaint resolution.





**YOU DESERVE TO BE TREATED  
WITH DIGNITY AND RESPECT**



**SPEAK UP.  
REACH OUT.  
IT MATTERS.**

**If you were not treated  
with dignity and respect,  
let's talk about it.**

**CALL OR EMAIL THE TRIAL COURT'S  
OFFICE OF WORKPLACE RIGHTS & COMPLIANCE**

 **617-878-0411**

 **FairandEquitableJusticeForAll@jud.state.ma.us**



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**<https://www.mass.gov/info-details/about-the-trial-court-office-of-workplace-rights-compliance>**



# TOGETHER

We can create an environment that is respectful of all identities, allowing every person to bring their full and best self to court each day.

If you see or experience something, say something.



# CONTACT US

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