

# 2023 Workplace Survey for the Federal Judiciary

## Condensed Report to Accompany Working Group Recommendations

March 2025

Center staff independently prepared this condensed report at the Working Group's request to provide context for the Working Group's recommendations. The report endeavors to provide a detailed summary of the survey's results. As promised to respondents, the Center's full report was provided only to the Working Group.

This Federal Judicial Center report was undertaken in furtherance of the Center's statutory mission to conduct and stimulate research and development for the improvement of judicial administration. While the Center regards the content as responsible and valuable, this report does not reflect policy or recommendations of the Board of the Federal Judicial Center.



## Contents

Introduction .....	1
Survey Organization and Questions .....	3
About the Respondents .....	9
Your Workplace (Survey Part I).....	15
Harassing Behavior and Discriminatory Harassment in the Workplace (Survey Part II) .....	30
Discriminatory Employment Actions and Employment Discrimination in the Workplace (Survey Part III).....	60
Inappropriate or Abusive Behavior and Abusive Conduct in the Workplace (Survey Part IV) .....	84
Reporting Inappropriate Behaviors and Actions (Survey Parts II, III, & IV) .....	95
Retaliation (Survey Parts II, III, IV, & V) .....	154
Policies, Procedures, and Resources (Survey Part VI) .....	163
Appendix A: Survey Instrument (available at <a href="https://www.fjc.gov/sites/default/files/Questionnaire-2023-Federal-Judiciary-Workplace-Survey.pdf">https://www.fjc.gov/sites/default/files/Questionnaire-2023-Federal-Judiciary-Workplace-Survey.pdf</a> )	
Appendix B: Summary Figures (Survey Parts II, III, and IV).....	188
Appendix C: Glossary of Terms.....	194
Appendix D: References .....	197

## Introduction

This condensed report presents a detailed summary of the results of the Workplace Survey for the Federal Judiciary conducted by the Federal Judicial Center (Center) for the Federal Judiciary Workplace Conduct Working Group (Working Group) in early 2023. Center staff independently prepared this report at the Working Group's request to provide context for the Working Group's recommendations stemming from the survey results. This report endeavors to present the survey's results in a comprehensive, readable, and accessible way. As promised to respondents, the Center provided its full report only to the Working Group.

This report includes text and tables from the full report, though it necessarily condenses some information. To maintain the promise of confidentiality to survey respondents, it omits detailed summaries of respondents' comments that were included in the full report. It also omits larger sets of tables that were included in an appendix to the full report, and instead summarizes the information by incorporating figures from presentations that Center staff gave to the Working Group during three meetings in summer 2024.<sup>1</sup> Center researchers also added additional transitional and explanatory language to aid understanding by a general audience.

The survey obtained information on the number of employees who said they had experienced wrongful conduct and input about how well the procedures for addressing wrongful conduct are working. It also obtained information about the judiciary's general working environment to inform the Working Group about the judiciary's progress toward the goal of its Strategic Plan, updated in 2020, to provide an "exemplary workplace free from discrimination, harassment, retaliation, and abusive conduct," where all employees are treated with dignity and respect.<sup>2</sup>

Before the Center administered the survey, the Working Group emailed judges and unit executives to notify them about the survey and its purpose, and the Center sent additional emails with detailed information. Then in January 2023, the Center sent a unique survey link to nearly all (then) current judiciary employees except judges.<sup>3</sup> This included employees of the courts of appeals, district courts, bankruptcy courts,

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1. The appendix tables in the full report provided results for most closed-ended survey questions broken down by demographic categories (e.g., age, race, sexual identity), type of court (district, bankruptcy, court of appeals), and occupational categories (chambers, clerk's office, probation and pretrial services office, and federal defender office). Breakdowns by type of court are generally not provided in this condensed report. Some breakdowns that would risk identification of respondents were not even included in the full report.

2. Judicial Conference of the United States (JCUS), Strategic Plan for the Federal Judiciary, [https://www.uscourts.gov/sites/default/files/federaljudiciary\\_strategicplan2020.pdf](https://www.uscourts.gov/sites/default/files/federaljudiciary_strategicplan2020.pdf).

3. Employees of the Supreme Court, the Administrative Office, United States Sentencing Commission, Judicial Panel on Multidistrict Litigation, and the Center were not included in the population.

bankruptcy administrator offices, Court of International Trade, Court of Federal Claims, and federal defender offices.

Because information requested in the survey was sensitive, steps were taken to protect respondents' anonymity and confidentiality in order to encourage employees to respond.

Specifically, respondents were assured that:

- the online survey was set up so that Center researchers were not able to link submitted responses to specific employees;
- the raw survey data would remain in the sole custody of the Center, and only a small number of researchers working on the project would have access to it;
- the Center would provide results only to the Working Group and only in aggregated form (that is, with all responses for each question added together and reported for all respondents, not any individual respondent);
- the Center would not provide the Working Group or anyone else with the verbatim comments given in response to the open-ended questions;
- the Center's report is confidential and would not be shared beyond the Working Group; and
- based on the Center's report, the Working Group would report publicly with its recommendations.

In keeping with these assurances, only four Center researchers worked on administering the survey and analyzing its results.<sup>4</sup> The raw data are maintained on a secure server and only these four researchers have access to them. No one other than these four have seen the verbatim comments provided by respondents. The Center provided its full report on the survey only to the Working Group, as promised. That report included detailed summaries of comments, rather than the verbatim comments.

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4. The survey was developed and administered, and the full report and this condensed report were prepared, by Federal Judicial Center researchers. The research team is grateful to the Working Group, the circuit Directors of Workplace Relations, the national Office of Judicial Integrity, and pre-testers who provided input for developing the survey, and to the many court employees who responded to it.

## Survey Organization and Questions

The survey had seven parts. Part I of the survey focused on the overall working environment of the courts and federal defender offices. Parts II through V focused on the four types of wrongful conduct under judiciary policy (discriminatory harassment, employment discrimination, abusive conduct, and retaliation).<sup>5</sup> Part VI assessed familiarity with, and confidence in, judiciary policies and procedures to address wrongful conduct. Part VII obtained demographic and employment information from respondents.

### Part I

Part I assessed the overall workplace environment in the courts, including satisfaction with workplace policies and working relationships, and the courts' commitment to diversity, equity, and inclusion. The questions in Part I were designed to provide context for understanding the broader workplace environment to better assess the significance of incidences of inappropriate and wrongful conduct in the courts. Part I included questions about whether respondents would recommend their court or employing office as a place to work and their job satisfaction. These questions help to provide context and to assess the gravity of the criticism received. All respondents saw all the questions in Part I.

### Parts II–V

Parts II through V focused on the four types of wrongful conduct defined in the Model Employment Dispute Resolution (EDR) Plans: discriminatory harassment, employment discrimination, abusive conduct, and retaliation.<sup>6</sup>

We note a few points about these sets of questions. First, respondents were instructed to address behaviors occurring since January 1, 2020, which was a few months after the September 2019 adoption of new workplace conduct policies.<sup>7</sup> Second, the survey asked about inappropriate behavior by contractors and users of the courts, such as attorneys

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5. Guide to Judiciary Policy, vol. 12, ch. 2, §220.10.

6. *Id.*

7. Most workplace environment surveys ask respondents to report their experiences for a set time frame (e.g., prior 12 or 24 months) because it helps respondents' recollection of their experiences and events, and it allows for comparison across time with subsequent surveys. Additionally, the further back in time the event occurred, the greater the potential for memory errors (Tourangeau, 2000). The approach used here applies a couple of practices set forward in Morral et al. (2014) to improve respondent accuracy: Researchers provided respondents with an exact date rather than referring to "the past X months," and reminded respondents throughout the survey that questions refer to events that occurred since the given date.

Some respondents specified in their responses to open-ended questions that the behavior they experienced, and answered the previous questions in reference to, occurred prior to the timeframe specified. It is possible that additional respondents also answered questions about behaviors that occurred prior to January 1, 2020, but we are unable to determine how many respondents this might be.

and parties, as well as judges and court employees.<sup>8</sup> Third, the survey focused primarily on incidents that the respondent personally experienced, which helps to estimate the number of employees who have experienced inappropriate behavior or wrongful conduct. To get a broader picture of potential workplace issues, however, a question at the end of Parts II, III, and IV asked respondents whether they had observed or heard about incidents happening to other people in their workplace.

Fourth, Parts II, III, and IV used a two-step process to estimate the number of respondents who experienced inappropriate behaviors or actions and the number of respondents who experienced wrongful conduct under judiciary policy, that is: discriminatory harassment, employment discrimination, and abusive conduct.<sup>9</sup> In each of these parts, the first step asked respondents if they had experienced specific behaviors or actions. Then, in the second step, respondents who indicated they had experienced any of the specific behaviors or actions were asked one or more follow-up questions to help assess whether the behaviors or actions that respondents experienced could constitute wrongful conduct. If respondents answered the follow-up questions affirmatively, then this report refers to those behaviors and actions as ones that “could be wrongful conduct.”

The follow-up questions in each Part aligned with the judiciary’s definitions of what conduct is “wrongful.” They were designed to elicit respondents’ experience without directly asking them whether policy definitions of wrongful conduct had been met, because it is common for people not to label their experiences as legal or policy violations, even when their experience would fit standard definitions of those violations (Morrall et al., 2014). Although a self-report survey can provide only approximate measures of wrongful conduct, this two-step process, common in surveys like this, is generally thought to provide more accurate results than asking people to reach legal conclusions (Morrall et al., 2014). The two-step approach also identifies inappropriate behaviors, such as rudeness and disrespect, that may not constitute wrongful conduct, but that can contribute to a less-than-exemplary workplace (Cortina et al., 2001; Lim & Cortina, 2005), and that can, if left unaddressed, escalate to more serious behaviors.

Parts II, III, and IV also asked about the adequacy of the process for discussing and reporting inappropriate behaviors or actions. For behaviors or actions respondents considered the most serious, the survey asked them:

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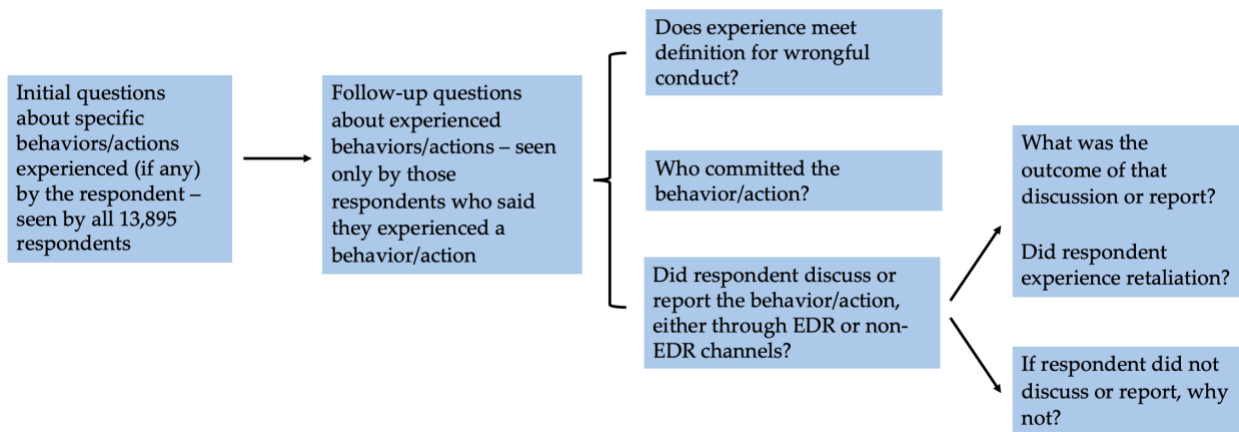
8. This scope is in keeping with other workplace conduct surveys, which recognize that inappropriate behavior is not necessarily limited to persons employed by an organization. Additionally, some positions, such as federal defender office employees or clerk’s office employees, may have substantial and regular interactions with non-judiciary employees and members of the public as a part of their job duties.

9. The fourth type of wrongful conduct under judiciary policy is retaliation, which was covered in Part V of the survey, as well as in subsections of Parts II, III, and IV.

- to identify (by type, such as coworker, unit executive) the person who committed the inappropriate action or behavior;
- whether they discussed or reported the action or behavior, either to someone in their court as part of the EDR process or to someone outside the EDR process;
- if they discussed or reported the action or behavior, the outcome, and whether they were satisfied with that outcome, and if they experienced retaliation as a result of discussing or reporting the action or behavior; and
- if they did not discuss or report the action or behavior, why they did not do so.

See Figure 1 for a description of the survey flow in these parts of the survey.

**Figure 1: Question Flow in Survey Parts II, III, and IV**



The specific focus of Parts II, III, IV, and V is described below.

Part II of the survey focused on harassing behavior and discriminatory harassment based on membership in a protected category.

*Discriminatory harassment*, defined as wrongful conduct under judiciary policy, occurs when a workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment. Discriminatory harassment includes sexual harassment.<sup>10</sup>

10. The definitions of different types of wrongful conduct come from the judiciary’s Model EDR plan. Guide to Judiciary Policy, vol. 12, ch. 2, §220.10.



If a respondent indicated experiencing a harassing behavior, they were asked questions to assess whether the behaviors they experienced could constitute wrongful conduct (discriminatory harassment).

Part III of the survey focused on discriminatory employment actions and employment discrimination based on membership in a protected category.

*Discrimination*, defined as wrongful conduct under judiciary policy, is an adverse employment action that materially affects the terms, conditions, or privileges of employment (such as hiring, firing, failing to promote, or a significant change in benefits) based on one of the following protected categories: race, color, national origin, sex, gender, gender identity, pregnancy, sexual orientation, religion, age (40 years and over), or disability. The age discrimination provision does not apply to hiring, retirement, or separation of probation and pretrial services officers under 5 U.S.C. chapters 83 and 84.<sup>11</sup>

If a respondent indicated experiencing a discriminatory employment action, they were asked a question to assess whether the actions they experienced could constitute wrongful conduct (employment discrimination).

Part IV of the survey focused on inappropriate and abusive behavior and abusive conduct.

*Abusive conduct*, defined as wrongful conduct under judiciary policy, is a pattern of demonstrably egregious and hostile conduct not based on a protected category that unreasonably interferes with an employee's work and creates an abusive working environment. Abusive conduct is threatening, oppressive, or intimidating.<sup>12</sup>

If a respondent indicated experiencing inappropriate or abusive behavior, they were asked questions to assess whether their experience could constitute wrongful conduct (abusive conduct).

Part V focused on retaliation for reporting wrongful conduct, assisting in the defense of other employees under the court's or employing office's EDR plan, or otherwise opposing wrongful conduct.

*Retaliation* is a materially adverse action taken against an employee for reporting wrongful conduct; for assisting in the defense of rights protected by the EDR plan; or for opposing wrongful conduct. Retaliation against a person who reveals or reports wrongful conduct is itself wrongful conduct.<sup>13</sup>

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11. *Id.*

12. *Id.*

13. *Id.*

Part V also asked respondents to provide any additional comments they might have about incidents of harassment, discriminatory employment actions, abusive conduct, and retaliation. All respondents saw all questions in Part V.

### **Part VI**

Part VI asked for the respondents' views about workplace conduct policies, procedures, and resources in their court or employing office, including familiarity with, and confidence in, those policies and procedures. All respondents saw all questions in Part VI with the exception of three questions about EDR plan training that were only shown if the respondent indicated having participated in such a training since January 1, 2022.

### **Part VII**

Part VII collected demographic and employment information about particular demographic groups or types of court or employing office. All respondents saw all questions in Part VII. To help minimize the effect of such questions on response rate and respondent candor, these questions, like all questions in the survey, included the option to select *prefer not to say*, and the survey introduction explained how the information would be compiled and reported to protect anonymity.<sup>14</sup>

### **Open-Ended Questions**

At several points throughout the survey, respondents were asked open-ended questions about their experiences in the workplace. To summarize the variety of comments to these open-ended questions, the research team used coding practices widely employed and accepted in the behavioral and social sciences. Generally, all comments were read and coded independently by two members of the research team. A third member of the research team reviewed the assigned codes and reconciled any disagreements.

A few important points regarding the open-ended questions should be kept in mind.

- Not all respondents saw all open-ended questions. Respondents saw different questions depending on their answers to prior questions.
- Only a subset of respondents, and sometimes a very small subset, chose to provide comments to open-ended questions. While the comments provide important contextual information, they do not reflect the views of all those who responded to the closed-ended questions.
- The same respondent could make the same comment in multiple places throughout the survey. Therefore, issues expressed in response to one question

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14. As with all other questions in the survey, respondents could also skip the demographic questions.

may be expressed by the same respondent in response to other questions within and between parts of the survey.

- Many comments covered multiple issues and were often given more than one code in the coding system.
- This report highlights the main themes of comments, and not all comments are represented.
- For each question, main themes of comments are presented in descending order of prevalence; information about the number of respondents contributing to the most prevalent theme is provided for additional context.

## About the Respondents

Of the 27,904 employees who received the survey, 13,895 responded, for an overall response rate of 50%. The response rate varied by court unit. Bankruptcy administrator offices (which have only 42 employees) had the highest response rate (74%), followed by bankruptcy courts (56%), district courts (47%), courts of appeals (44%), and federal defender offices (41%) (Table 1).<sup>15</sup>

**Table 1: Response Rate by Court Unit**

	<i>Sent to</i>	<i>Responded</i>	<i>Response Rate</i>
Court of Appeals	2,931	1,290	44%
District Court	18,321	8,584	47%
Bankruptcy Court	3,099	1,722	56%
Bankruptcy Administrator Office	42	31	74%
Federal Defender Office	3,285	1,338	41%
Court of International Trade	71	---- <sup>a</sup>	N/A
Court of Federal Claims	155	---- <sup>a</sup>	N/A
Prefer not to say		871	N/A
Did not answer		59	N/A
<b>Total</b>	<b>27,904</b>	<b>13,895</b>	

<sup>a</sup> Respondents who worked for the Court of Federal Claims and the Court of International Trade did not have a way to provide their affiliation, and therefore may be included in the *prefer not to say* group or may not have answered the question.

Tables 2, 3, and 4 show the office within each court type in which the respondents work.

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15. Due to the information researchers had access to through InfoWeb when creating the survey email distribution list, they were not able to determine a more detailed response rate (e.g., the response rate for district court judge's chambers, the response rate for district court clerk's office).

**Table 2: Office Within the Court of Appeals in Which Respondents Primarily Work**

	<i>n</i>	<i>% of respondents who indicated they work in the Court of Appeals</i>
Circuit judges' chambers	338	26%
Clerk's office	271	21%
Circuit executive's office	186	14%
Circuit library	85	7%
Staff attorneys office	255	20%
Mediation office	29	2%
Bankruptcy Appellate Panel	0	0%
Other	16	1%
Prefer not to say	109	8%
Total Responses	1,289	

**Table 3: Office Within the District Court in Which Respondents Primarily Work**

	<i>n</i>	<i>% of respondents who indicated they work in the district courts</i>
District judges' chambers	1,134	13%
Magistrate judges' chambers	538	6%
Clerk's office	2,512	29%
Pretrial Services/Probation Office	3,625	42%
Other	305	4%
Prefer not to say	463	5%
Total Responses	8,577	

**Table 4: Office Within the Bankruptcy Court in Which Respondents Primarily Work**

	<i>n</i>	<i>% of respondents who indicated they work in the bankruptcy courts</i>
Bankruptcy judges' chambers	315	18%
Clerk's office	1,287	75%
Other	56	3%
Prefer not to say	62	4%
Total Responses	1,720	

Based on the information available to produce the survey mailing list, separate response rates could not be directly calculated for clerk’s offices, judges’ chambers, and probation and pretrial services offices. Response rates for these groups, as well as for federal defender offices, were estimated relying on the Judiciary Workforce numbers as of September 30, 2023, which likely differ somewhat from when the survey was administered in January 2023. (See Table 5.)

**Table 5: Estimated Response Rate for Chambers, Clerk’s Office, PPSO, and FDO Employees**

	<i>Size of Employee Group (Workforce Data, 9/30/23)</i>	<i>Survey Respondents (January 2023)</i>	<i>Estimated Response Rate</i>
Judges’ chambers	5,931	2,325	39%
Clerk’s office employees and other non-chambers court staff <sup>a</sup>	11,075	5,033	45%
Pretrial Services/Probation Office	7,706	3,625	47%
Federal Defender Office <sup>b</sup>	3,297	1,338	41%

<sup>a</sup> In addition to the 4,070 circuit, district, and bankruptcy clerk’s office employees who responded to the survey, this group includes respondents who indicated they worked in the following offices: circuit executive’s office, circuit library, staff attorneys office, mediation office, other court of appeals office, other district court office, bankruptcy administrator office, bankruptcy appellate panel, and other bankruptcy court office.

<sup>b</sup> The survey was sent to 3,285 FDO employees, of which 41% responded (Table 1). Based on the September 30, 2023, workforce data, the number of FDO employees and their estimated response rate are essentially the same.

Respondents were asked questions about the length of time they have worked in the federal judiciary, including all positions they may have held (Table 6), as well as about their race and ethnicity (Tables 7 and 8), gender identity (Table 9), sexual orientation (Table 10), religion (Table 11), age (Table 12), disability (Table 13), and other factors that might make them especially vulnerable to harassment, discrimination, and abusive behavior (Table 14).<sup>16</sup>

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16. For questions about race, gender identity, sexual orientation, and religion, respondents could select more than one option. In the tables, those who selected more than one category are included in the category “Multiple Selected” and are not included in the separate categories.

**Table 6: Length of Time Respondents Have Worked in Federal Judiciary, Including All Positions Held**

	<i>n</i>	%
Less than one year	1,060	8%
1 to 5 years	2,928	21%
6 to 10 years	2,063	15%
More than 10 years	7,034	51%
Prefer not to say	769	6%
Total Responses	13,854	

**Table 7: Race of Respondents**

	<i>n</i>	%
American Indian or Alaska Native	53	0.4%
Asian	333	2.4%
Black or African American	1,284	9.4%
Native Hawaiian or Pacific Islander	45	0.3%
White or Caucasian	9,331	68%
Multiple Races Selected	278	2%
I self-identify as	229	1.7%
I do not identify a race for myself	185	1.4%
Prefer not to say	1,941	14%
Total Responses	13,679	

**Table 8: Respondents Who Identify as Hispanic or Latino/Latina/Latinx**

	<i>n</i>	%
Yes	1,912	14%
No	10,357	75%
I self-identify as:	62	0.5%
Prefer not to say	1,435	10%
Total Responses	13,766	

**Table 9: Gender Identity of Respondents**

	<i>n</i>	%
Female	8,510	62%
Male	3,652	27%
Nonbinary	17	0.12%
Transgender	4	0.03%
Multiple Genders Selected	19	0.14%
I self-identify as	13	0.09%
I do not identify a gender for myself	30	0.22%
Prefer not to say	1,476	11%
Total Responses	13,721	

**Table 10: Sexual Orientation of Respondents**

	<i>n</i>	%
Asexual	147	1.1%
Bisexual	227	1.7%
Heterosexual	10,606	77.9%
Homosexual	350	2.6%
Pansexual	22	0.2%
Queer	60	0.4%
Questioning or not sure	19	0.1%
Multiple Sexual Orientations Selected	63	0.5%
I self-identify as	42	0.3%
I do not identify a sexual orientation for myself	130	1.0%
Prefer not to say	1,957	14.4%
Total Responses	13,623	



**Table 11: Religion of Respondents**

	<i>n</i>	%
Agnosticism/Atheism	1,102	8.1%
Buddhism	47	0.3%
Christianity	7,356	53.8%
Hinduism	13	0.1%
Islam	28	0.2%
Judaism	268	2.0%
Multiple Religions Selected	199	1.5%
Other, please specify	389	2.8%
I do not identify with a religion	1,757	12.9%
Prefer not to say	2,508	18.4%
Total Responses	13,667	

**Table 12: Age of Respondents**

	<i>n</i>	%
Under 30	923	7%
30-39	2,675	19%
40-49	3,362	25%
50-59	3,518	26%
60 or over	1,365	10%
Prefer not to say	1,879	14%
Total Responses	13,722	

**Table 13: Respondents Who Identify as Having a Disability**

	<i>n</i>	%
Yes, identify as having a disability	729	5%
No, do not identify as having a disability	11,641	85%
Prefer not to say	1,254	9%
Total Responses	13,624	

**Table 14: Respondents Who Have Other Factors That Might Make Them Especially Vulnerable to Wrongful Conduct**

	<i>n</i>	%
Yes	506	4%
No	11,823	87%
Prefer not to say	1,286	9%
Total Responses	13,615	

## Your Workplace (Survey Part I)

Part I of the survey asked respondents to rate different aspects of the overall workplace environment of their court or employing office and its commitment to diversity, equity, and inclusion. In short, the survey told respondents that this part of the survey would address “whether you find your court or employing office to be a good place to work.” All respondents saw all questions in Part I.

Respondents were first asked to rate specific aspects of their workplace experience on a five-point scale. The majority of respondents (between 57% and 90%) chose one of the two most positive ratings (*good* or *excellent*) for every item presented (Table 15). In particular:

- 90% of respondents rated their working relationship with their coworkers as either *good* (33%) or *excellent* (57%);
- 87% of respondents rated the use of their skills and abilities in their job duties as either *good* (35%) or *excellent* (52%); and
- 84% of respondents rated their working relationships with their supervisors as *good* (24%) or *excellent* (60%).

Even with the majority of respondents choosing one of the two most positive ratings for all the items in Table 15, some items received relatively lower ratings. In particular:

- 66% of respondents said that telework policies and their implementation were *good* (26%) or *excellent* (40%);
- 66% of respondents said that the quality of their work-life balance was *good* (33%) or *excellent* (33%);
- 62% of respondents said that the availability of opportunities for job training and development were *good* (34%) or *excellent* (28%);
- 62% of respondents said that the volume of their average workload was *good* (41%) or *excellent* (21%); and
- 57% of respondents said that the distribution of workload among employees was *good* (35%) or *excellent* (22%).

**Table 15: All Respondents’ Ratings of Their Workplace Experience**

*Q1. How would you rate each of the following aspects of your workplace experience?*

	Very Poor	Poor	Satisfactory	Good	Excellent	Prefer not to say	Not applicable	<i>n</i>
1. Working relationship and interactions with your direct supervisor(s)	209 2%	573 4%	1267 9%	3343 24%	8285 60%	86 1%	77 1%	13840
2. Working relationships and interactions with colleagues	36 0.3%	204 1%	1162 8%	4561 33%	7825 57%	32 0.2%	12 0.1%	13832
3. Working relationships with judges	111 1%	323 2%	1562 11%	4291 31%	5757 42%	55 0.4%	1728 12%	13827
4. Working relationships with high-level management, other than a judge	299 2%	700 5%	1878 14%	4354 32%	5403 39%	81 1%	1107 8%	13822
5. Communications from management	466 3%	1232 9%	2582 19%	4594 33%	4634 34%	73 1%	234 2%	13815
6. Feedback from your supervisor and managers	348 3%	1056 8%	2267 16%	4265 31%	5676 41%	72 1%	139 1%	13823
7. Recognition of your work by your supervisor and managers	583 4%	1243 9%	2379 17%	3891 28%	5513 40%	97 1%	114 1%	13820
8. Use of your skills and/or abilities in your job duties	122 1%	418 3%	1309 9%	4784 35%	7136 52%	45 0.3%	9 0.1%	13823
9. Inclusion, when appropriate, in important decisions and/or discussions	524 4%	1494 11%	2349 17%	4358 32%	4813 35%	77 1%	176 1%	13791
10. Volume of your average workload	591 4%	1352 10%	2995 22%	5711 41%	2937 21%	127 1%	75 1%	13788

	Very Poor	Poor	Satisfactory	Good	Excellent	Prefer not to say	Not applicable	<i>n</i>
11. Distribution of workload among employees	564 4%	1611 12%	3205 23%	4887 35%	3039 22%	138 1%	374 3%	13818
12. Manageability of your job duties and responsibilities	302 2%	975 7%	2526 18%	5537 40%	4389 32%	62 0.4%	22 0.2%	13813
13. Clarity of your roles and responsibilities	230 2%	739 5%	2300 17%	5159 37%	5304 38%	60 0.4%	18 0.1%	13810
14. Quality of your work/life balance	606 4%	1357 10%	2627 19%	4577 33%	4545 33%	77 1%	14 0.1%	13803
15. Opportunities your job provides to help you learn and grow	474 3%	1294 9%	2951 21%	4564 33%	4362 32%	77 1%	106 1%	13828
16. Availability of resources to perform your job	206 1%	684 5%	2645 19%	4984 36%	5231 38%	38 0.3%	38 0.3%	13826
17. Availability of opportunities for job development and training	496 4%	1510 11%	3015 22%	4634 34%	3902 28%	66 0.5%	190 1%	13813
18. Telework policies and their implementation	680 5%	1197 9%	2404 17%	3624 26%	5487 40%	83 1%	348 3%	13823
19. Time, attendance, and leave policies (not related to telework) and their implementation	297 2%	574 4%	2090 15%	4496 33%	6186 45%	64 0.5%	119 1%	13826

Next, respondents were shown seven statements about their work with their court or employing office and were asked to indicate their level of agreement with each statement on a five-point scale. As shown in Table 16, the majority of respondents (between 64% and 94%) chose one of the two most positive ratings (*agree* or *strongly agree*) for every item presented. In particular:

- 94% of respondents *agreed* (42%) or *strongly agreed* (52%) that they contribute to their court or employing office's mission;
- 93% of respondents *agreed* (31%) or *strongly agreed* (62%) that they took pride in working for their court or employing office;

- 87% of respondents *agreed* (41%) or *strongly agreed* (46%) that coworkers cooperate to get the job done;
- 87% of respondents *agreed* (47%) or *strongly agreed* (40%) that their court or employing office was successful at accomplishing its mission; and
- 84% of respondents *agreed* (39%) or *strongly agreed* (45%) that their work gives them a sense of personal accomplishment.

Although the majority of respondents gave one of the two highest ratings for every item in Table 16, some items received relatively less-positive ratings. In particular:

- 67% of respondents *agreed* (33%) or *strongly agreed* (34%) that management encourages staff to speak up; and
- 64% of respondents *agreed* (34%) or *strongly agreed* (30%) that employees feel comfortable asking questions and taking suggestions to managers.

**Table 16: All Respondents' Ratings of Aspects About Their Office**

Q2. Please indicate the extent to which you disagree or agree with the following statements about your court or employing office.

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree	No opinion	<i>n</i>
1. My court/employing office is successful at accomplishing its mission.	96 1%	325 2%	1148 8%	6468 47%	5548 40%	276 2%	13861
2. I contribute to my court's or employing office's mission.	47 0.3%	54 0.4%	508 4%	5762 42%	7260 52%	225 2%	13856
3. My work gives me a feeling of personal accomplishment.	188 1%	552 4%	1310 9%	5462 39%	6251 45%	93 1%	13856
4. I take pride in working for my court or employing office.	84 1%	187 1%	733 5%	4264 31%	8521 62%	66 0.5%	13855
5. The people I work with cooperate to get the job done.	139 1%	491 4%	1086 8%	5681 41%	6383 46%	73 1%	13853
6. Management encourages staff to speak up about questions or concerns.	881 6%	1350 10%	2070 15%	4580 33%	4699 34%	273 2%	13853
7. Employees feel comfortable asking questions, seeking assistance, and taking suggestions to managers.	1048 8%	1597 12%	2109 15%	4729 34%	4108 30%	272 2%	13863

Respondents were asked to assess the diversity, equity, and inclusion efforts in their court or employing office across 12 separate aspects on a five-point scale. As shown in Table 17, between 70% and 83% of respondents rated their court or employing office positively, choosing either *agree* or *strongly agree* for every item. Respondents were most positive about items related to the treatment of fellow employees, regardless of demographic factors:<sup>17</sup>

- 83% of respondents said that people of all backgrounds and demographic groups get along well (41% *agreed* and 42% *strongly agreed*);
- 82% of respondents said that people are treated fairly regardless of age (33% *agreed* and 49% *strongly agreed*);
- 82% of respondents said that people are treated fairly regardless of religion (33% *agreed* and 49% *strongly agreed*);
- 81% of respondents said that people are treated fairly regardless of sexual orientation (32% *agreed* and 49% *strongly agreed*);
- 80% of respondents said that people are treated fairly regardless of sex, gender, or gender identity (32% *agreed* and 48% *strongly agreed*);
- 80% of respondents said that people are treated fairly regardless of race, national origin, or color (31% *agreed* and 49% *strongly agreed*); and
- 78% of respondents said that people are treated fairly regardless of disability (32% *agreed* and 46% *strongly agreed*).

Areas that received slightly less-positive ratings for Question 3 were related to hiring practices and the court or employing office's overall commitment to diversity, equity, and inclusion practices:

- 71% of respondents *agreed* (31%) or *strongly agreed* (40%) that their court or employing office demonstrates through their actions that they want to hire and retain a diverse workforce; and
- 70% of respondents *agreed* (29%) or *strongly agreed* (41%) that high-level management is committed to promoting diversity, equity, and inclusion.

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17. Though still rated positively by the majority of respondents, a slightly lower percentage (72%) of respondents *agreed* (28%) or *strongly agreed* (44%) that pregnant people were treated fairly in their court or employing unit. However, for this item, 15% of respondents chose *no opinion* (Table 17, item 4) compared to between 4% and 10% for other items, suggesting that the lower rating was because fewer respondents had worked with a pregnant person.

**Table 17: All Respondents' Ratings for Court and Employing Office Diversity, Equity, and Inclusion Efforts**

Q3. Please indicate the extent to which you disagree or agree with the following statements about your court or employing office.

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	No Opinion	Prefer Not to Say	<i>n</i>
1. All people who work in my court/employing office are treated fairly regardless of their race, national origin, or color.	327 2%	602 4%	1148 8%	4328 31%	6744 49%	583 4%	128 1%	13860
2. All people who work in my court/employing office are treated fairly regardless of their sex, gender, or gender identity.	294 2%	608 4%	1202 9%	4442 32%	6637 48%	553 4%	116 1%	13852
3. All people who work in my court/employing office are treated fairly regardless of their sexual orientation.	131 1%	199 1%	1231 9%	4443 32%	6780 49%	977 7%	88 1%	13849
4. All people who work in my court/employing office and are pregnant are treated fairly.	153 1%	256 2%	1266 9%	3939 28%	6092 44%	2036 15%	95 1%	13837
5. All people who work in my court/employing office are treated fairly regardless of their religion.	102 1%	181 1%	1142 8%	4606 33%	6728 49%	1035 7%	55 0.4%	13849
6. All people who work in my court/employing office and are age 40 and over are treated fairly.	165 1%	372 3%	1062 8%	4630 33%	6825 49%	715 5%	77 1%	13846
7. All people who work in my court/employing office are treated fairly regardless of any disability they may have.	121 1%	236 2%	1294 9%	4405 32%	6344 46%	1376 10%	68 0.5%	13844

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Neither Agree nor Disagree</b>	<b>Agree</b>	<b>Strongly Agree</b>	<b>No Opinion</b>	<b>Prefer Not to Say</b>	<i>n</i>
8. My court/employing office has a climate that values diversity of backgrounds and perspectives.	294 2%	624 5%	1575 11%	4440 32%	6164 45%	646 5%	92 1%	13835
9. In my court/employing office, people of all backgrounds and demographic groups get along well with each other.	120 1%	346 2%	1240 9%	5714 41%	5874 42%	492 4%	66 0.5%	13852
10. In my court/employing office, opportunities are equally available to people of all backgrounds and demographic groups.	298 2%	650 5%	1376 10%	4738 34%	6022 43%	677 5%	89 1%	13850
11. In my court/employing office, managers demonstrate through their actions that they want to hire and retain a diverse workforce.	338 2%	691 5%	1921 14%	4344 31%	5498 40%	960 7%	87 1%	13839
12. High-level management is committed to promoting diversity, equity, and inclusion.	371 3%	585 4%	1993 14%	4005 29%	5659 41%	1119 8%	110 1%	13842



The next two questions provide important context for considering other survey results. First, respondents were asked whether they would recommend their court or employing office as a place to work. More than three-quarters (80%) of respondents *agreed* (32%) or *strongly agreed* (48%) that they would recommend their court or employing office as a place to work. Nine percent of respondents chose *neither agree nor disagree*, and 10% of respondents chose either *strongly disagree* (4%) or *disagree* (6%). Only 1% of respondents chose *no opinion* or *prefer not to say* (Table 18).

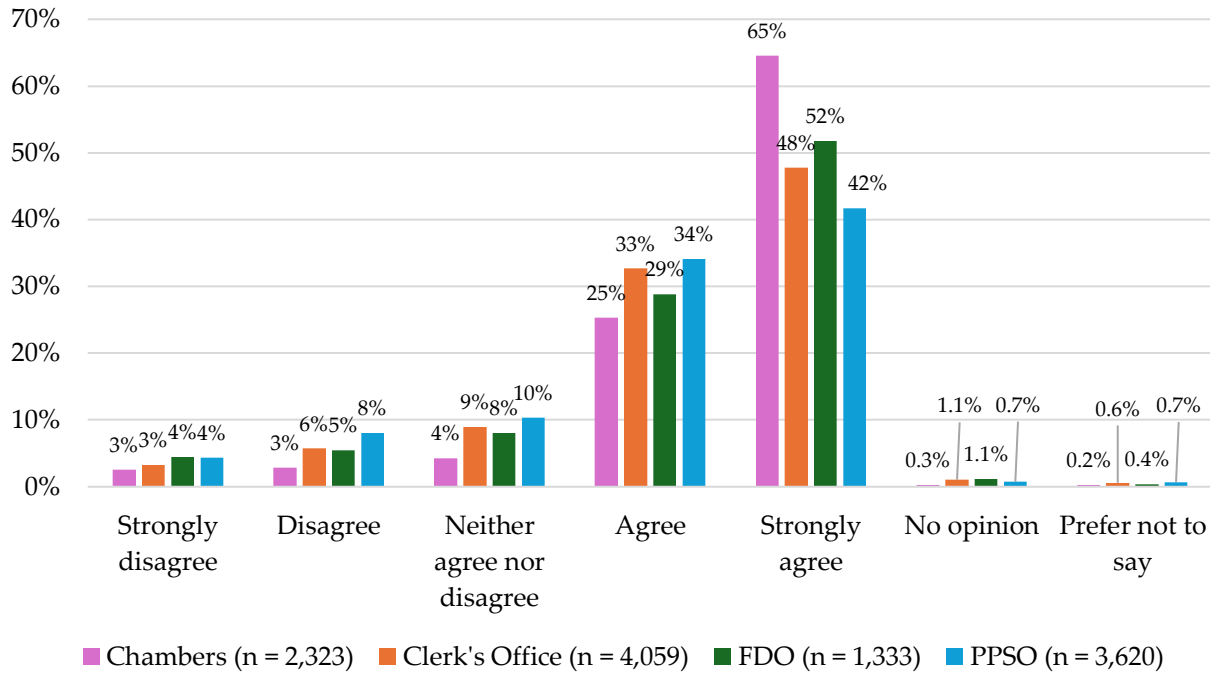
**Table 18: All Respondents’ Ratings of Whether They Would Recommend Their Court or Employing Office as a Place to Work**

Q5. Please indicate whether you disagree or agree with the following statement: I would recommend my court or employing office as a place to work.

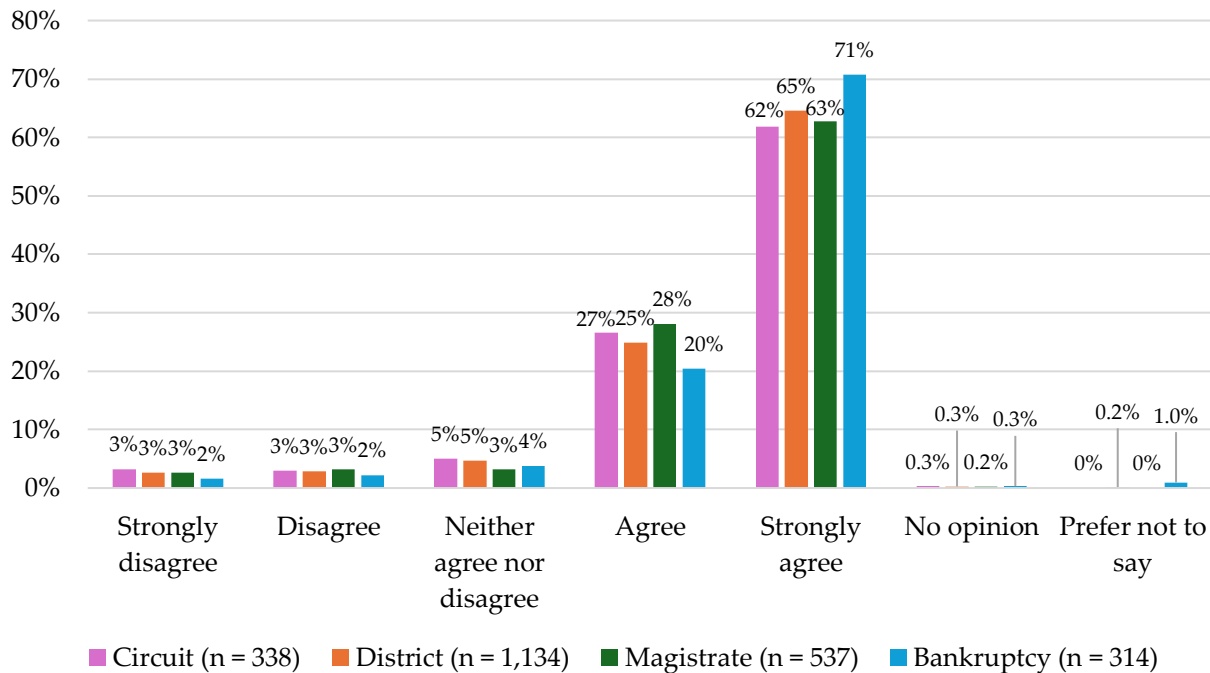
	<i>n</i>	%
Strongly disagree	509	4%
Disagree	846	6%
Neither agree nor disagree	1237	9%
Agree	4368	32%
Strongly agree	6659	48%
No opinion	132	1%
Prefer not to say	108	1%
Total Responses	13859	

Figures 2, 3, and 4 show responses to this question according to where the respondents work. Figure 2 shows the information by type of office (i.e., chambers, clerk’s office, probation and pretrial office, and federal defender office). Figure 3 shows the same information for respondents working in different types of chambers (district, magistrate, court of appeals, bankruptcy). Figure 4 shows the information for respondents working in different types of clerk’s offices (district, bankruptcy, court of appeals). Percentages are used for comparison between groups due to the considerable difference in the size of respondent groups, as noted in the legend of each figure.

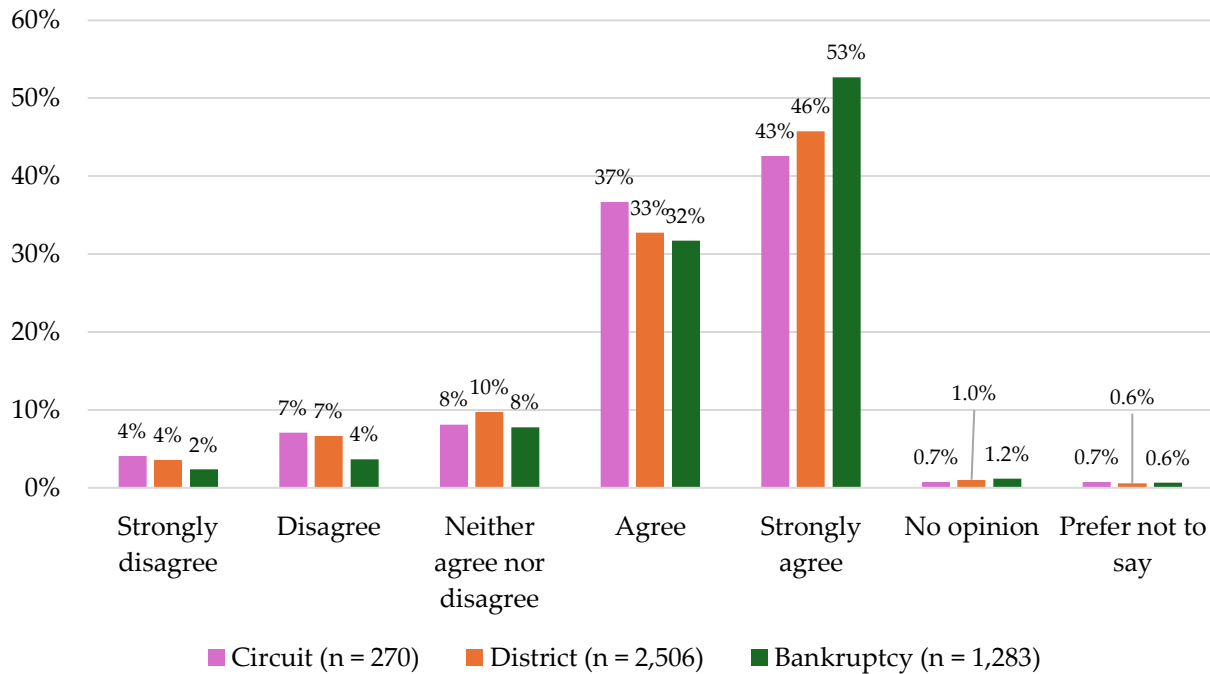
**Figure 2: Respondents' Agreement That They Would Recommend Their Court or Employing Office as a Place to Work by Office Type**



**Figure 3: Respondents' Agreement That They Would Recommend Their Court or Employing Office as a Place to Work – Chambers Respondents**



**Figure 4: Respondents’ Agreement That They Would Recommend Their Court or Employing Office as a Place to Work – Clerk’s Office Respondents**



Respondents were also asked how satisfied they were, overall, with their job. More than three-quarters (84%) of respondents said they were *satisfied* (37%) or *very satisfied* (47%) with their jobs. Seven percent of respondents expressed some level of dissatisfaction (2% *very dissatisfied*, 5% *dissatisfied*), and 8% of respondents chose *neither dissatisfied nor satisfied* (Table 19).

**Table 19: All Respondents’ Ratings of Job Satisfaction**

Q6. Overall, how satisfied are you with your job?

	<i>n</i>	%
Very dissatisfied	224	2%
Dissatisfied	725	5%
Neither dissatisfied nor satisfied	1117	8%
Satisfied	5142	37%
Very satisfied	6462	47%
No opinion	46	0.3%
Prefer not to say	112	1%
Total Responses	13828	

Figures 5, 6, and 7 show respondents' satisfaction with their job by where they work — that is, by type of office, type of chambers, and type of clerk's office. Percentages are used for comparison between groups due to the considerable difference in the size of respondent groups, as noted in the legend of each figure.

Figure 5 shows the ratings separately for employees working in chambers, clerk's offices, probation and pretrial services offices, and federal defender offices. Ninety-two percent of chambers respondents were either *satisfied* or *very satisfied*. The percentage of respondents in clerk's offices, probation and pretrial services offices, and federal defender offices that were either *satisfied* or *very satisfied* ranges from 80% to 86%.

**Figure 5: Respondents' Overall Satisfaction with Their Job by Office Type**

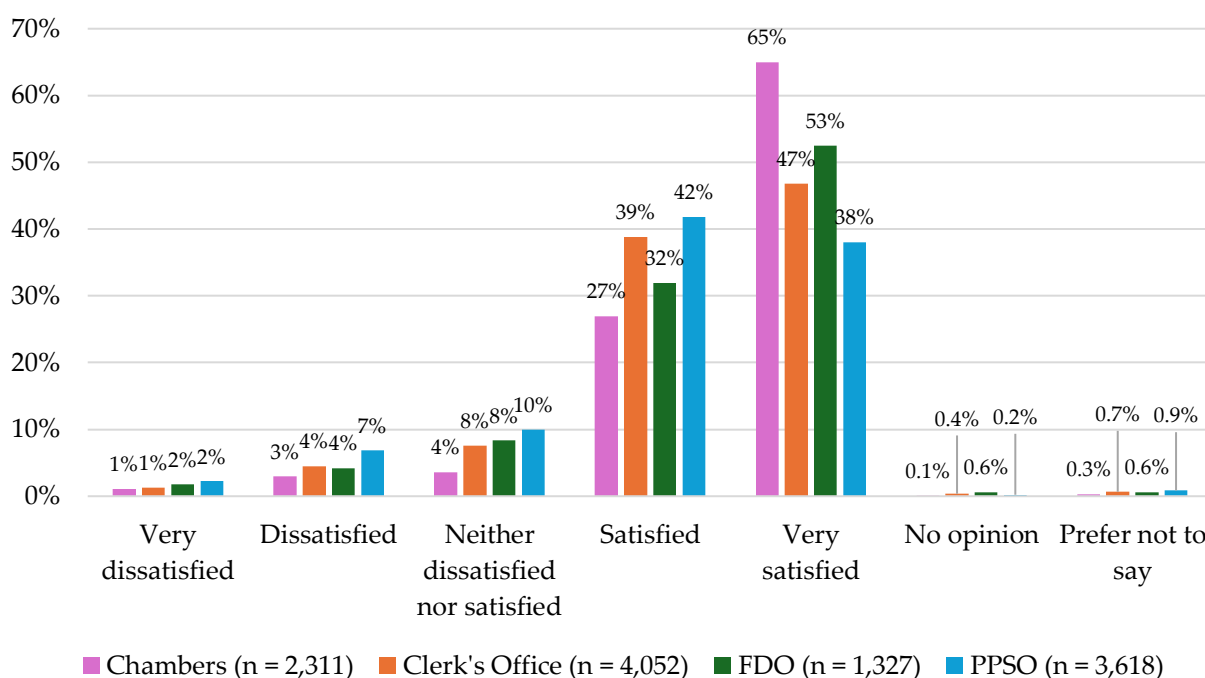


Figure 6 shows satisfaction ratings by type of chambers (district, magistrate, court of appeals, bankruptcy). Between 89% and 94% of employees were either *satisfied* or *very satisfied*, with slightly more employees in bankruptcy chambers being *very satisfied* compared to the other groups.

**Figure 6: Respondents’ Overall Satisfaction with Their Job – Chambers Respondents**

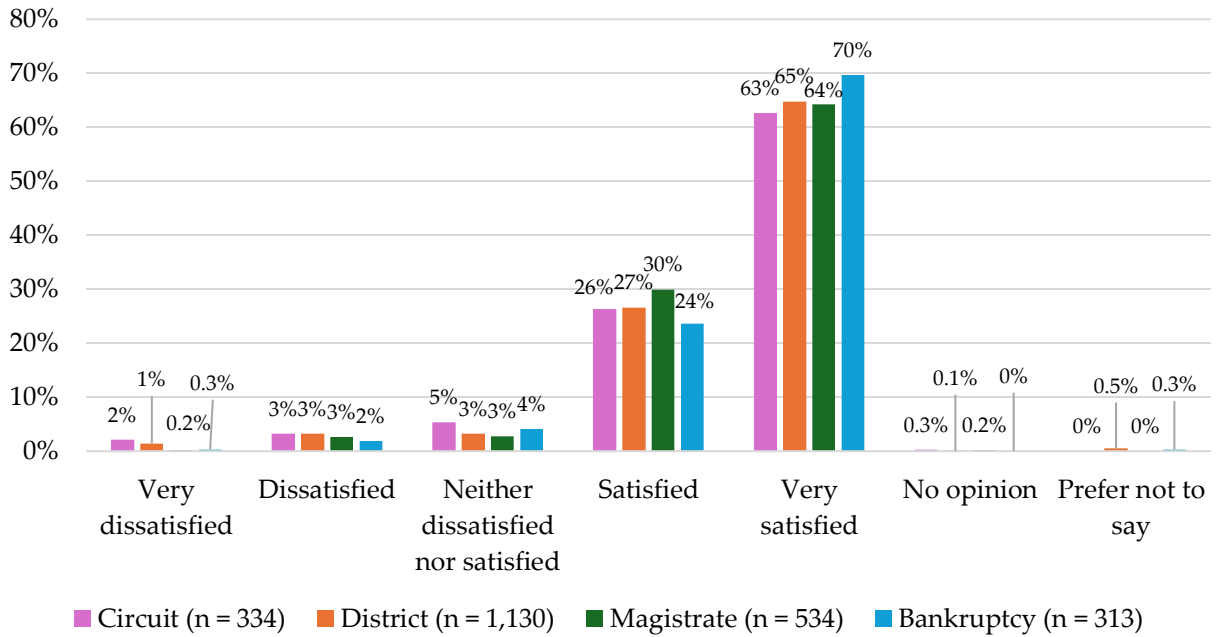
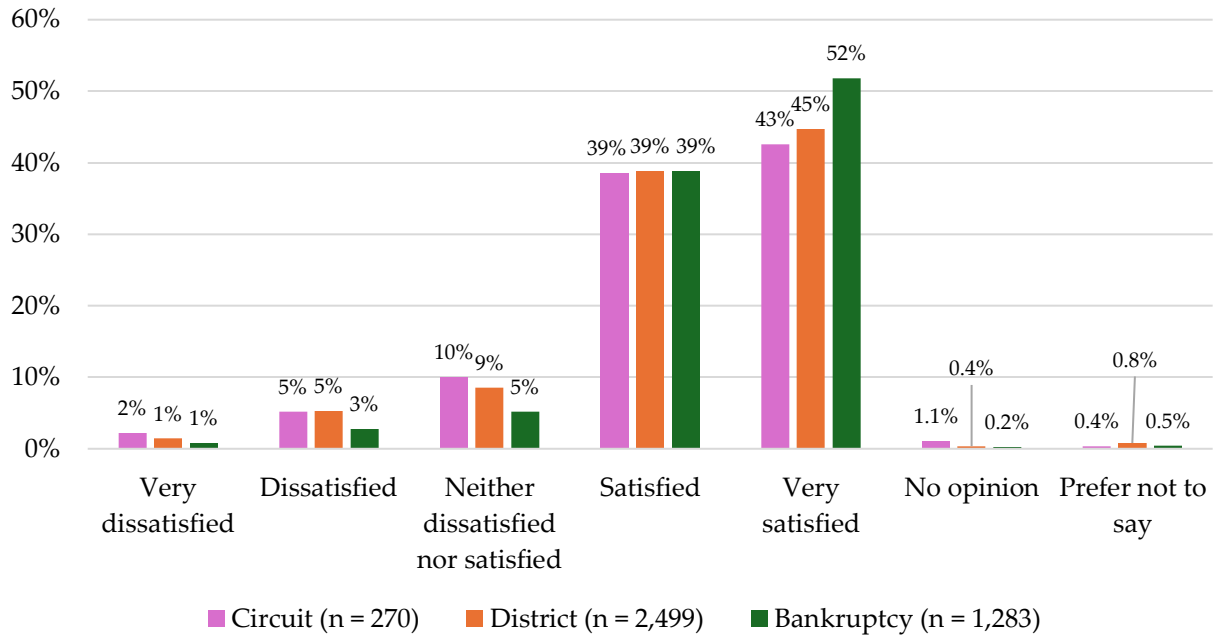


Figure 7 shows satisfaction ratings for employees working in different types of clerk’s offices (district, bankruptcy, court of appeals). Bankruptcy clerk’s office employees were somewhat more satisfied than other clerk’s office respondents. Ninety-one percent said they were either *satisfied* or *very satisfied* compared to 82% in the circuit clerk’s office and 84% in the district clerk’s office.

**Figure 7: Respondents' Overall Satisfaction with Their Job – Clerk's Office Respondents**



## Comments

In Part I, respondents were also asked four open-ended (comment) questions. For each question, the main themes are presented in descending order of their prevalence.

The first open-ended question asked respondents to explain the ratings they provided of their overall workplace experience, and 2,621 respondents provided comments (19% of all respondents). No more than 675 respondents contributed to any one theme. The main themes were:

- a desire for increased, and fairly applied, telework;
- heavy workloads;
- the need for leave policies that were clear, fair, and fairly applied;
- inadequate staffing levels;
- management lacking substantive knowledge or skill;
- positive working relationships;
- unequal distribution of work;
- lack of effective communication from management;
- poor job development, training, and benefits; and
- lack of support from management.

The next open-ended question asked if the respondents would like to comment on diversity, equity, and inclusion in their court or employing office, and 1,564 respondents provided comments (11% of all respondents). No more than 451 respondents contributed to any one theme. The main themes were:

- areas in which respondents felt diversity, equity, and inclusion efforts could be improved or better implemented;
- concerns about bias against or favoritism towards certain groups,
- positive impressions of diversity, equity, and inclusion efforts;
- concerns about potential overreach of diversity, equity, and inclusion efforts; and
- general management issues.

The third open-ended question asked respondents why they would or would not recommend their court or employing office as a place to work, and 3,443 respondents provided comments (25% of all respondents). No more than 1,080 respondents contributed to any one theme. The main themes were:

- positive relationships with coworkers and managers;
- both positive and negative characterizations of the workplace environment;
- positive aspects of benefits as well as how benefits could be improved;
- the meaningful or rewarding nature of the work;
- heavy workloads;
- managers who were uninformed, uncaring, or incompetent; and

- inadequate staffing levels.

The last open-ended question asked respondents if they would like to comment on their overall workplace experience, and 1,886 respondents provided comments (14% of all respondents). No more than 449 respondents contributed to any one theme. The main themes were:

- expressions of appreciation for their jobs and the meaningful nature of their work;
- concerns about heavy workloads and inadequate staffing;
- praise for positive relationships with coworkers and managers;
- issues with management, including lack of support, lack of expertise in substantive areas, and lack of communication; and
- issues with benefits, including a desire for better pay or salary growth, and increased telework, and flexibility in schedules.



## Harassing Behavior and Discriminatory Harassment in the Workplace (Survey Part II)

Discriminatory harassment is one of four types of wrongful conduct defined and prohibited by the Model Employment Dispute Resolution Plans. It includes harassment based on legally protected categories and “occurs when a workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the employment and create an abusive working environment.”<sup>18</sup>

Part II of the survey asked respondents about harassing behavior(s) they experienced since January 1, 2020, based on the legally protected categories of:

- sex,
- race, color, or national origin,
- gender or gender identity,
- pregnancy,
- sexual orientation,
- religion,
- age 40 years and over, and
- disability.

With one exception, if respondents said they experienced such behavior(s), the survey asked a follow-up question to help assess whether the behaviors respondents experienced could constitute wrongful conduct (discriminatory harassment) (see next section).

We first present summary information about the prevalence of harassing behaviors and discriminatory harassment across all protected categories, and then present more detailed information separately for each protected category. This section of the report ends with information respondents provided about harassing behaviors they had observed or heard about happening to others, and with major themes from the comments provided in response to related open-ended questions.

### Summary of Prevalence Across Protected Categories

Part II first asked about *quid pro quo* sexual harassment, which was considered to be a policy violation per se. Twelve of 13,895 respondents (0.09%) said they had experienced one (four respondents) or both forms (eight respondents) of *quid pro quo* sexual harassment (Table 20).

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18. Guide to Judiciary Policy, vol. 12, ch. 2, §220.10.

**Table 20: Quid Pro Quo Behaviors**

Q1. Since January 1, 2020, while working for your court or employing office, has someone you worked with:

	Yes	No	Unsure	Prefer not to say	<i>n</i>
suggested you could get a benefit at work, such as a raise, if you submitted to their romantic or sexual advances?	9 0.06%	13798 99%	38 0.27%	34 0.24%	13879
suggested you could be adversely impacted—for example, receive an unfavorable performance review—if you did not submit to their romantic or sexual advances?	11 0.08%	13797 99%	36 0.26%	30 0.22%	13874

Note: Eight respondents said they experienced both forms of *quid pro quo* behavior; four said they had experienced one.

Other than for *quid pro quo* sexual harassment, the survey used a two-step process to estimate the number of respondents who experienced harassing behaviors based on a protected category and the number of respondents who experienced wrongful conduct, that is: discriminatory harassment (see Survey Organization and Questions). Respondents were first asked whether they experienced specific types of harassing behaviors, and if so, they were asked whether those experienced behaviors were severe or pervasive enough that they found their court or employing office to be an abusive place to work. This follow-up question aligns with the definition of discriminatory harassment (wrongful conduct).

**Harassing Behaviors.** A total of 1,967 respondents (14.2% of 13,895 respondents) said they experienced at least one harassing behavior based on any protected category (Tables 21, 24, and 27, *infra*). Depending on the protected category, between 1.3% and 7.5% of respondents said they had experienced at least one harassing behavior based on that protected category:

- 4.4% (610 of 13,895 respondents) said they experienced at least one harassing behavior based on *sex*;
- 7.5% (1,037 of 13,895 respondents) said they experienced at least one harassing behavior based on *race, color, or national origin*;
- 3.8% (523 of 13,895 respondents) said they experienced at least one harassing behavior based on *gender or gender identity*;
- 1.3% (176 of 13,895 respondents) said they experienced at least one harassing behavior based on *pregnancy*;
- 1.7% (238 of 13,895 respondents) said they experienced at least one harassing behavior based on *sexual orientation*;

- 1.6% (228 of 13,895 respondents) said they experienced at least one harassing behavior based on *religion*;
- 2.0% (280 of 13,895 respondents) said they experienced at least one harassing behavior based on *age (40 and over)*; and
- 1.4% (197 of 13,895 respondents) said they experienced at least one harassing behavior based on *disability*.

**Discriminatory Harassment.** Overall, 270 respondents (1.9% of all respondents, 14% of the 1,967 who indicated experiencing at least one harassing behavior) said they experienced harassing behavior based on any protected category that they considered severe or pervasive enough for their employing office to be an abusive place to work.<sup>19</sup>

Depending on protected category, between 0.2% and 0.8% of all respondents experienced harassing behavior they considered severe or pervasive enough for their employing office to be an abusive place to work. Considering only the 1,967 respondents who said they experienced at least one specific harassing behavior, between 10% and 25%, depending on protected category, deemed the behavior to be severe or pervasive enough for their employing office to be an abusive place to work.

- 10% (60 of 610 respondents, or 0.4% of all respondents) of those who experienced harassing behaviors based on *sex* said at least one of those was severe or pervasive (Table 23);<sup>20</sup>
- 10% (105 of 1,037 respondents, or 0.8% of all respondents) of those who experienced harassing behaviors based on based on *race, color, or national origin* said at least one of those was severe or pervasive (Table 26);
- 15% (80 of 523 respondents, or 0.6% of all respondents) of those who experienced harassing behaviors based on *gender or gender identity* said at least one of those was severe or pervasive (Table 29);
- 18% (31 of 176 respondents, or 0.2% of all respondents) of those who experienced harassing behaviors based on *pregnancy* said at least one of those was severe or pervasive (Table 31);
- 12% (28 of 238, or 0.2% of all respondents) of those who experienced harassing behaviors based on *sexual orientation* said at least one of those was severe or pervasive (Table 33);

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19. If multiple behaviors were checked in the first step, the data cannot show which of the behaviors—or which combination of behaviors—respondents are referring to here.

20. Including respondents who indicated experiencing *quid pro quo* sexual harassment and respondents who said the sexually harassing behavior they experienced was severe or pervasive, 67 unique respondents (0.5% of all respondents) could have experienced discriminatory harassment based on sex.

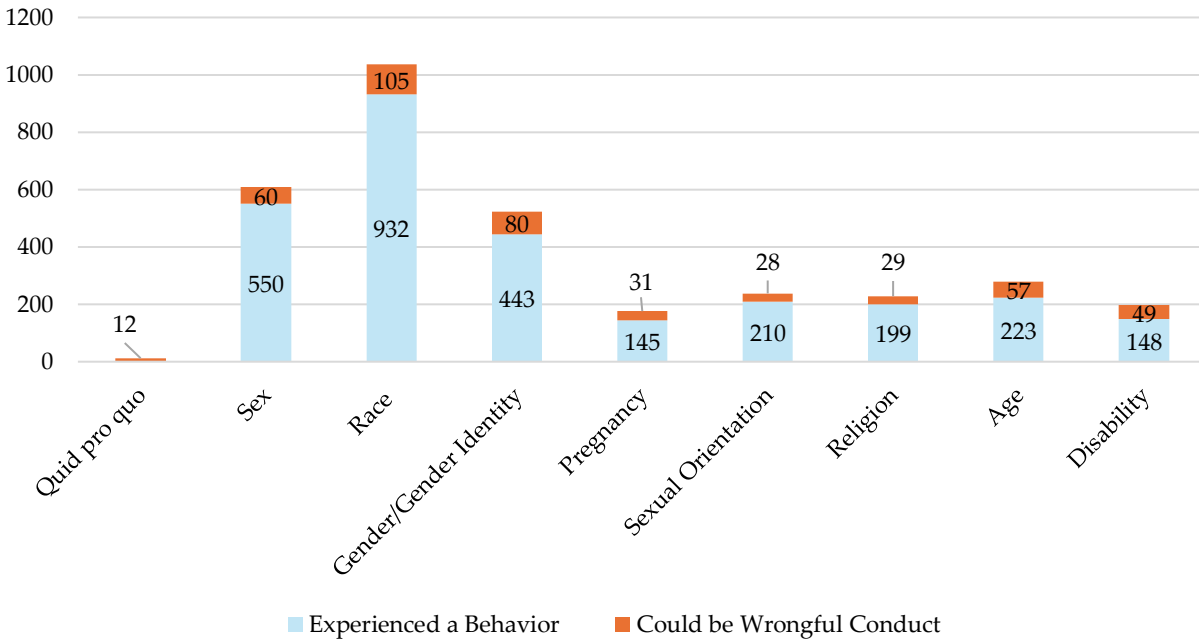
- 13% (29 of 228 respondents, or 0.2% of all respondents) of those who experienced harassing behaviors based on *religion* said at least one of those was severe or pervasive (Table 35);
- 20% (57 of 280 respondents, or 0.4% of all respondents) of those who experienced harassing behaviors based on *age (40 and over)* said at least one of those was severe or pervasive (Table 37); and
- 25% (49 of 197 respondents, or 0.4% of all respondents) of those who experienced harassing behaviors based on *disability* said at least one of those was severe or pervasive (Table 39).

Figure 8 shows by protected category the number of respondents who said they experienced a harassing behavior and the number who said the behavior(s) were severe or pervasive enough for their court or employing office to be an abusive place to work.

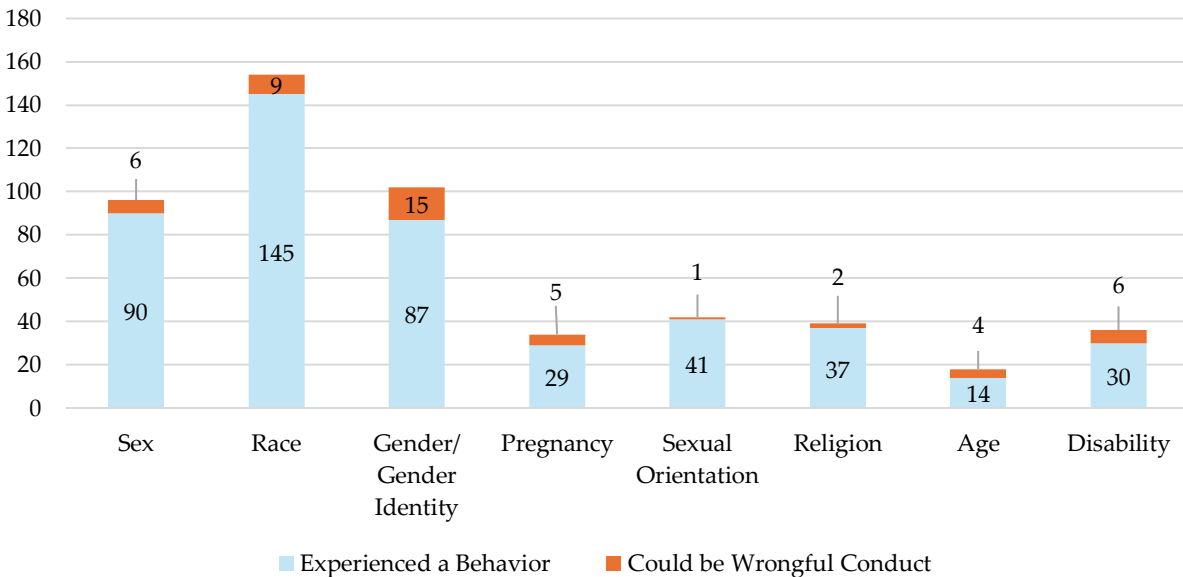
Figures 9–12 show the same information separately for chambers, clerk’s office, probation and pretrial services office, and federal defender office respondents. Figure 8 includes respondents who indicated experiencing *quid pro quo* harassment, but due to their small number these respondents are not included in the other figures to maintain respondent anonymity.

*A note about reading the figures:* The height of the combined blue and orange bar represents respondents who said they experienced a harassing behavior; the orange bar is the subset of respondents who said that at least one of these behaviors was severe or pervasive enough for their office to be an abusive place to work.

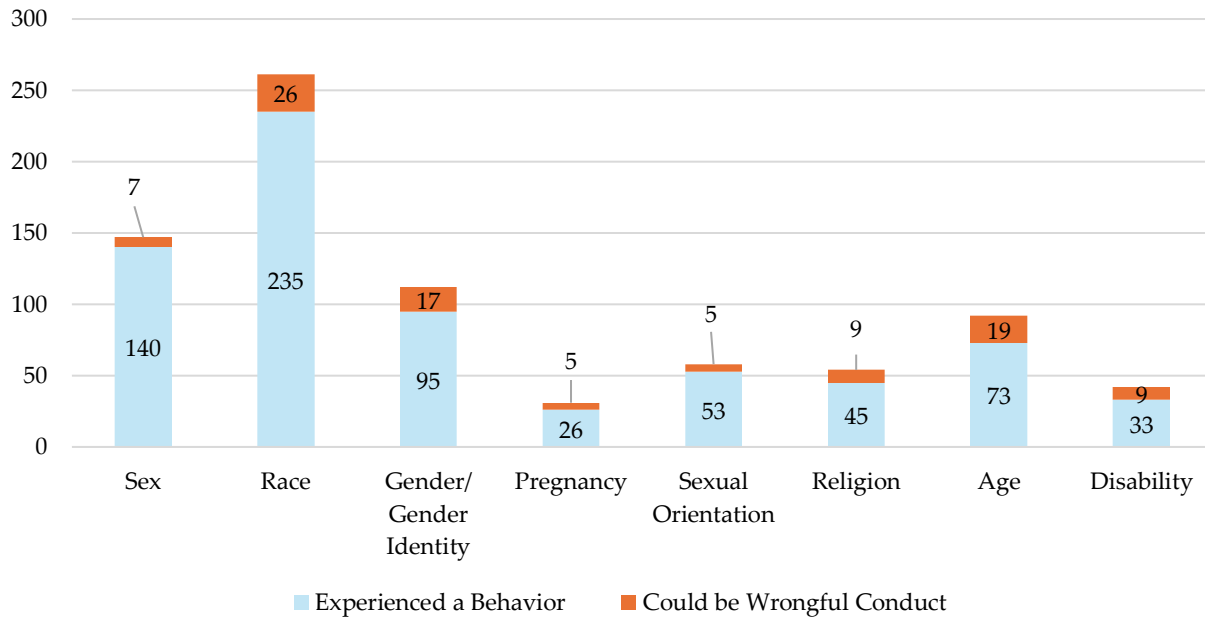
**Figure 8: Out of All Respondents (n = 13,895), Estimated Number Experiencing Harassing Behaviors and Wrongful Conduct (Discriminatory Harassment) by Protected Category**



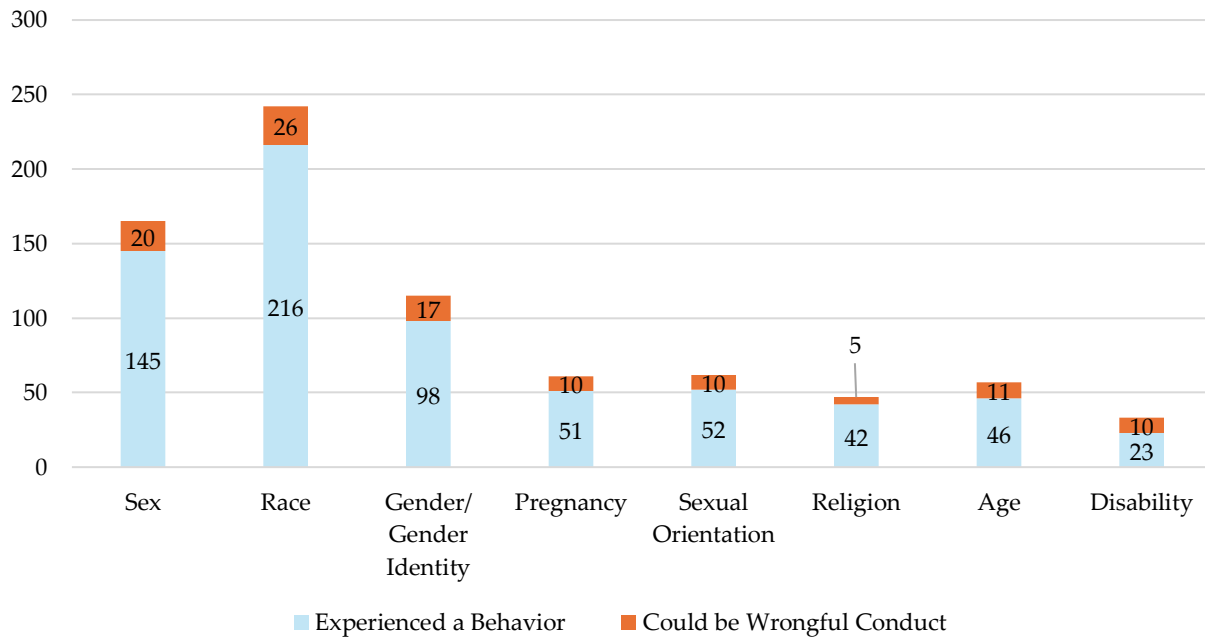
**Figure 9: Out of Chambers Respondents (n = 2,325), Estimated Number Experiencing Harassing Behaviors and Wrongful Conduct (Discriminatory Harassment) by Protected Category**



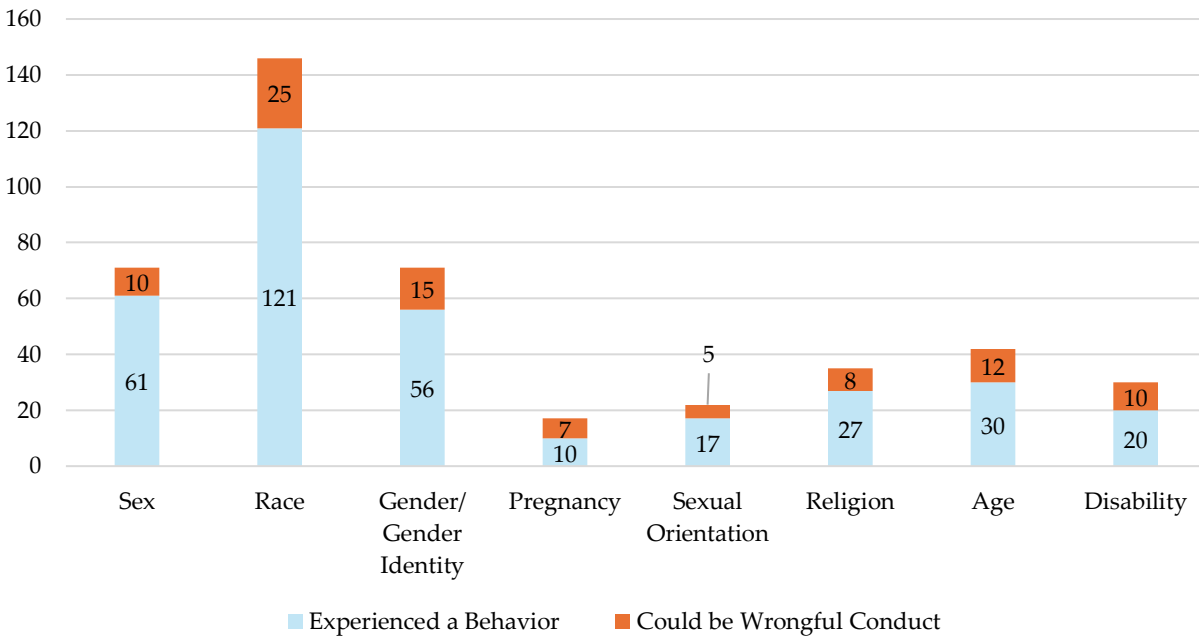
**Figure 10: Out of Clerk's Office Respondents (n = 4,070), Estimated Number Experiencing Harassing Behaviors and Wrongful Conduct (Discriminatory Harassment) by Protected Category**



**Figure 11: Out of Probation and Pretrial Services Respondents (n = 3,625), Estimated Number Experiencing Harassing Behaviors and Wrongful Conduct (Discriminatory Harassment) by Protected Category**



**Figure 12: Out of Federal Defender Office Respondents (n = 3,285), Estimated Number Experiencing Harassing Behaviors and Wrongful Conduct (Discriminatory Harassment) by Protected Category**



Some respondents might be represented in more than one protected category, for example, if they experienced one or more behaviors based on both their race and gender. Counting such respondents only once, across all protected categories, 270 respondents (14% of the 1,967 who indicated experiencing at least one harassing behavior, 1.9% of all respondents) indicated that at least one of these behaviors was severe or pervasive enough for their office to be an abusive place to work.

- 29 chambers respondents (10.0% of the 291 who indicated experiencing at least one harassing behavior, 1.2% of all chambers respondents) indicated that at least one of these behaviors was severe or pervasive enough for their office to be an abusive place to work.
- 57 clerk’s office respondents (11.6% of the 490 who indicated experiencing at least one harassing behavior, 1.4% of all clerk’s office respondents) indicated that at least one of these behaviors was severe or pervasive enough for their office to be an abusive place to work.
- 69 probation and pretrial services respondents (14.3% of the 482 who indicated experiencing at least one harassing behavior, 1.9% of all probation and pretrial services respondents) indicated that at least one of these behaviors was severe or pervasive enough for their office to be an abusive place to work.

- 50 federal defender office respondents (20.0% of the 250 who indicated experiencing at least one harassing behavior, 3.7% of all federal defender office respondents) indicated that at least one of these behaviors was severe or pervasive enough for their office to be an abusive place to work.

Adding the unique number of respondents who experienced *quid pro quo* sexual harassment (a per se violation), the estimated number of respondents overall who could have experienced discriminatory harassment (wrongful conduct) rises to 277 and 2.0% of all respondents.

### **Prevalence by Protected Category—Detailed Discussion**

**Harassing Behavior and Discriminatory Harassment Based on Sex.** Respondents were provided a list of ten harassing behaviors based on sex and asked to indicate if any had happened to them since January 1, 2020 (Table 21). Six hundred and ten respondents (4.4%) indicated they had experienced at least one of the behaviors. Table 22 shows the information according to the gender of respondents. Of the 610 respondents who said they had experienced at least one harassing behavior based on sex, 60 (10% of those who experienced such a behavior and 0.4% of all respondents) said at least one behavior was severe or pervasive enough that they found their court or employing office to be an abusive place to work (Table 23). Including respondents who indicated experiencing *quid pro quo* sexual harassment and respondents who said the sexually harassing behavior they experienced was severe or pervasive, 67 unique respondents (0.5% of all respondents) could have experienced discriminatory harassment based on sex.



**Table 21: Harassing Behaviors Based on Sex**

Q2. Since January 1, 2020, while working for your court or employing office, has someone you worked with: (all respondents)

	Yes	No	Prefer not to say	<i>n</i>
1. made sexual gestures or sexual body movements that made you uncomfortable, angry, or upset?	141 1%	13687 99%	49 0.4%	13877
2. told sexual “jokes” that made you uncomfortable, angry, or upset?	357 3%	13437 97%	79 0.6%	13873
3. displayed, shown, or sent you sexually explicit materials (such as pictures or videos) that made you uncomfortable, angry, or upset?	36 0.3%	13805 100%	33 0.2%	13874
4. told you about their sexual activities in a way that made you uncomfortable, angry, or upset?	114 0.8%	13708 99%	42 0.3%	13864
5. asked you questions or made comments about your sex life or sexual interests that made you uncomfortable, angry, or upset?	123 0.9%	13698 99%	48 0.3%	13869
6. made sexual comments about your appearance or body that made you uncomfortable, angry, or upset?	221 1.6%	13593 98%	63 0.5%	13877
7. made attempts to establish an unwanted romantic or sexual relationship with you?	98 0.7%	13722 99%	46 0.3%	13866
8. intentionally touched you in a sexual way when you did not want them to?	44 0.3%	13780 99%	39 0.3%	13863
9. forced themselves on you physically?	11 0.1%	13812 100%	32 0.2%	13855
10. engaged in other sexually harassing behavior directed at you? (Please specify:)	68 0.5%	13668 99%	58 0.4%	13794

**Table 22: Gender of Respondents Who Experienced at Least One Harassing Behavior Based on Sex**

	<i>n</i>	<i>% of 598 respondents who experienced at least one harassing behavior</i>	<i>% of overall respondents in gender category</i>
Female	406	68%	5% of 8,510
Male	99	17%	3% of 3,652
Nonbinary/ Transgender/ I self-identify as/ Multiple Genders Selected <sup>b</sup>	5	1%	9% of 53
Do not identify a gender	4	1%	13% of 30
Prefer not to say	84	14%	6% of 1,476
Total Responses	598		

<sup>a</sup> While 610 respondents indicated they experienced at least one harassing behavior based on sex, only 598 of those also answered the demographic question about their gender or gender identity.

<sup>b</sup> These demographic categories were combined to maintain respondent anonymity.

**Table 23: Severity or Pervasiveness of Harassing Behavior Based on Sex**

Q3. Was the behavior(s) severe or pervasive enough that you found your court or employing office to be an abusive place to work?

	<i>n</i>	<i>% of 610 who experienced a harassing behavior</i>	<i>% of all 13,895 respondents</i>
Yes	60	10%	0.43%
No	446	73%	----- <sup>a</sup>
Prefer not to say	42	7%	0.30%
Don't know	62	10%	0.45%
Total Responses	610		

<sup>a</sup> Only those respondents who indicated they had experienced a harassing behavior were asked whether the behavior was severe or pervasive so the percentage for *no* is misleading and is not included.

**Harassing Behavior and Discriminatory Harassment based on Race, Color, or National Origin.** Respondents were provided a list of 11 harassing behaviors based on race, color, or national origin and asked to indicate if any had happened to them since January 1, 2020 (Table 24). Of all respondents, 1,037 respondents (7.5%) indicated they had experienced at least one of the behaviors. Table 25 shows this information according to the race of respondents. Of the 1,037 respondents who said they had experienced at least one harassing behavior based on race, color, or national origin, 105 (10% of those who experienced a harassing behavior and answered the follow-up question and 0.8% of

all respondents) indicated at least one behavior was severe or pervasive enough that they found their court or employing office to be an abusive place to work (Table 26).

**Table 24: Harassing Behaviors Based on Race, Color, or National Origin**

Q4. Since January 1, 2020, while working for your court or employing office, has someone you worked with:

	Yes	No	Prefer not to say	n
1. told a racial or ethnic “joke” that made you uncomfortable, angry, or upset?	492 4%	13270 96%	114 0.8%	13876
2. used a racial or ethnic term that made you uncomfortable, angry, or upset?	452 3%	13304 96%	99 0.7%	13855
3. made you uncomfortable, angry, or upset by displaying something (for example, flags, pictures, tattoos, hand signals) that was threatening or insulting to a race, color, or national origin?	128 0.9%	13666 99%	63 0.5%	13857
4. made you uncomfortable, angry, or upset by directing an offensive action or comment at another person because of their race, color, or national origin?	401 3%	13369 96%	91 0.7%	13861
5. made you uncomfortable, angry, or upset by claiming their race, color, or national origin was better than yours?	115 0.8%	13677 99%	75 0.5%	13867
6. made you uncomfortable, angry, or upset by making a comment about the way people of your race, color or national origin speak?	189 1%	13596 98%	74 0.5%	13859
7. made you uncomfortable, angry, or upset by insulting your race, color, or national origin?	200 1%	13557 98%	75 0.5%	13832
8. made you uncomfortable, angry, or upset by making a comment about a physical characteristic of your race, color, or national origin?	123 0.9%	13645 99%	63 0.5%	13831
9. made you uncomfortable, angry, or upset by being rude and condescending because of your race, color, or national origin?	270 2%	13494 97%	89 0.6%	13853
10. made you uncomfortable, angry, or upset by excluding you from an activity because of your race, color, or national origin?	132 1%	13637 98%	81 0.6%	13850
11. made you uncomfortable, angry, or upset by engaging in other harassing behavior based on race, color, or national origin? (Please specify:)	126 0.9%	13619 98%	83 0.6%	13828

**Table 25: Race of Respondents Who Experienced at Least One Harassing Behavior Based on Race, Color, or National Origin**

	<i>n</i>	<i>% of 1,015 respondents<sup>a</sup> who experienced at least one harassing behavior</i>	<i>% of overall respondents in racial category</i>
American Indian or Alaska Native, Native Hawaiian or Pacific Islander <sup>b</sup>	7	1%	7% of 98
Asian	31	3%	9% of 333
Black or African American	149	15%	12% of 1,284
White or Caucasian	565	56%	6% of 9,331
I self-identify as	24	2%	10% of 229
Do not identify a race	17	2%	9% of 185
Prefer not to say	185	18%	10% of 1,941
Multiple Races Selected	37	4%	13% of 278
<b>Total Responses</b>	<b>1,015</b>		

<sup>a</sup> While 1,037 respondents indicated they experienced at least one harassing behavior based on race, color, or national origin, only 1,015 of those also answered the demographic question about their race.

<sup>b</sup> These demographic categories were combined to maintain respondent anonymity.

**Table 26: Severity or Pervasiveness of Harassing Behavior Based on Race, Color, or National Origin**

Q5. Was the behavior(s) severe or pervasive enough that you found your court or employing office to be an abusive place to work?

	<i>n</i>	<i>% of 1,036 respondents<sup>a</sup> who experienced a harassing behavior</i>	<i>% of all 13,895 respondents</i>
Yes	105	10%	0.76%
No	757	73%	---- <sup>b</sup>
Prefer not to say	54	5%	0.39%
Don't know	120	12%	0.86%
<b>Total Responses</b>	<b>1,036</b>		

<sup>a</sup> While 1,037 respondents indicated experiencing a harassing behavior based on race, color, or national origin, only 1,036 of these respondents answered the question asking whether any were severe or pervasive.

<sup>b</sup> Only those respondents who indicated they had experienced a harassing behavior were asked whether the behavior was severe or pervasive so the percentage for *no* is misleading and is not included.

**Harassing Behavior and Discriminatory Harassment based on Protected Categories Other than Sex and Race.** Respondents were asked whether they had experienced nine different harassing behaviors based on their membership in a protected category other than sex or race (Table 27). Respondents were able to select multiple protected categories for each action listed. It is helpful to keep in mind that respondents could have selected multiple protected categories for a single incident. For example, a respondent who chose both gender and pregnancy as the basis for a single behavior would be represented in the results for both categories.

**Table 27: Harassing Behaviors Based on Other Protected Categories**

Q6. Since January 1, 2020, while working for your court or employing office, have any of the following behaviors based on gender/gender identity, pregnancy, sexual orientation, religion, age (40 and over), or disability happened to you? If so, please select the applicable protected category or categories for each behavior.

	Gender or gender identity	Pregnancy	Sexual Orientation	Religion	Age (40+)	Disability	Did not happen to me	Prefer not to say	n
1. Someone made you uncomfortable, angry, or upset by telling “jokes” based on a protected category.	238 2%	47 0.3%	130 0.9%	98 0.7%	101 0.7%	79 0.6%	13113 94%	119 0.9%	13925
2. Someone made you uncomfortable, angry, or upset by directing an offensive action or comment at another person because of their protected category.	184 1%	77 0.6%	97 0.7%	73 0.5%	96 0.7%	61 0.4%	13121 95%	121 0.9%	13830
3. Someone made you uncomfortable, angry, or upset by asking you questions or making comments about your private life based on your protected category.	79 0.6%	67 0.5%	53 0.4%	66 0.5%	76 0.6%	61 0.4%	13217 96%	114 0.8%	13733
4. Someone made you uncomfortable, angry, or upset by insulting or making a demeaning comment about your protected category.	124 0.9%	40 0.3%	40 0.3%	87 0.6%	107 0.8%	62 0.5%	13136 96%	117 0.9%	13713
5. Someone made you uncomfortable, angry, or upset by making a comment about the way people in your protected category speak or behave.	132 1%	24 0.2%	40 0.3%	72 0.5%	90 0.7%	34 0.3%	13184 96%	120 0.9%	13696
6. Someone made you uncomfortable, angry, or upset by making a comment about a physical characteristic of your protected category.	102 0.7%	32 0.2%	18 0.1%	6 0.04%	48 0.4%	34 0.3%	13357 98%	91 0.7%	13688

	<b>Gender or gender identity</b>	<b>Pregnancy</b>	<b>Sexual Orientation</b>	<b>Religion</b>	<b>Age (40+)</b>	<b>Disability</b>	<b>Did not happen to me</b>	<b>Prefer not to say</b>	<b><i>n</i></b>
7. Someone made you uncomfortable, angry, or upset by being rude and condescending because of your protected category.	216 2%	44 0.3%	28 0.2%	61 0.4%	124 0.9%	79 0.6%	13054 95%	122 0.9%	13728
8. Someone made you uncomfortable, angry, or upset by excluding you from an activity because of your protected category.	102 0.7%	25 0.2%	13 0.1%	24 0.2%	69 0.5%	37 0.3%	13274 97%	128 0.9%	13672
9. Someone made you uncomfortable, angry, or upset by engaging in other harassing behavior based on a protected category.	78 0.6%	27 0.2%	22 0.2%	31 0.2%	39 0.3%	39 0.3%	13187 97%	140 1%	13563

Figure 13 shows which behaviors respondents selected most frequently for each protected category.

**Figure 13: Three Most Frequently Selected Harassing Behaviors for Each Protected Category**

Q6: Have any of the following behaviors based on [protected category] happened to you?

	Gender/gender identity (n = 523)	Pregnancy (n = 176)	Sexual Orientation (n = 238)	Religion (n = 228)	Age (n = 280)	Disability (n = 197)
1.	"Jokes" based on protected category	Offensive action or comment	"Jokes" based on protected category	"Jokes" based on protected category	Rude and condescending because of protected category	"Jokes" based on protected category <sup>a</sup>
2.	Rude and condescending because of protected category	Questions or comments about private life	Offensive action or comment	Insulting or making a demeaning comment	Insulting or making a demeaning comment	Rude and condescending because of protected category <sup>a</sup>
3.	Offensive action or comment	"Jokes" based on protected category	Questions or comments about private life	Offensive action or comment	"Jokes" based on protected category	Insulting or making a demeaning comment

Note: Colors reflect similar behaviors across protected category; n is the number of respondents who said they experienced at least one harassing behavior based on that protected category.

<sup>a</sup>The two most frequently selected behaviors based on disability are tied.



**Harassing Behavior and Discriminatory Harassment Based on Gender or Gender Identity.** Five hundred and twenty-three respondents, or 3.8% of all respondents, experienced at least one harassing behavior based on gender or gender identity. Table 28 shows this information according to the gender of respondents. Of the 523 respondents who said they had experienced at least one harassing behavior based on gender or gender identity, 80 (15% of those who experienced such a behavior, or 0.6% of all respondents) said at least one behavior was severe or pervasive enough that the respondent found the court or employing office to be an abusive place to work (Table 29).

**Table 28: Gender of Respondents Who Experienced at Least One Harassing Behavior Based on Gender or Gender Identity**

	<i>n</i>	<i>% of 516 respondents<sup>a</sup> who experienced at least one harassing behavior</i>	<i>% of overall respondents in gender category</i>
Female	382	74%	4% of 8,510
Male	62	12%	2% of 3,652
Nonbinary/Transgender/I self-identify as/ Multiple Genders Selected <sup>b</sup>	11	2%	21% of 53
Do not identify a gender	6	1%	20% of 30
Prefer not to say	55	11%	4% of 1,476
<b>Total Responses</b>	<b>516</b>		

<sup>a</sup> While 523 respondents indicated they experienced at least one harassing behavior based on gender or gender identity, only 516 of those also answered the demographic question about their gender or gender identity.

<sup>b</sup> These demographic categories were combined to maintain respondent anonymity.

**Table 29: Severity or Pervasiveness of Harassing Behavior Based on Gender or Gender Identity**

*Q7. Think about the harassing behavior(s) based on gender or gender identity you indicated happened to you. Was the behavior(s) severe or pervasive enough that you found your court or employing office to be an abusive place to work?*

	<i>n</i>	<i>% of 523 respondents who experienced a harassing behavior</i>	<i>% of all 13,895 respondents</i>
Yes	80	15%	0.6%
No	336	64%	---- <sup>a</sup>
Prefer not to say	31	6%	0.2%
Don't know	76	15%	0.6%
<b>Total Responses</b>	<b>523</b>		

<sup>a</sup> Only those respondents who indicated they had experienced a harassing behavior were asked whether the behavior was severe or pervasive so the percentage for *no* is misleading and is not included.

**Behavior and Discriminatory Harassment Based on Pregnancy.** One hundred and seventy-six respondents, or 1.3% of all respondents, experienced at least one harassing behavior based on pregnancy. Table 30 shows this information according to the gender of respondents. Of the respondents who experienced at least one pregnancy-based harassing behavior, 31 (or 18% of those who experienced such a behavior, or 0.2% of all respondents) said at least one behavior was severe or pervasive enough that they found the court or employing office to be an abusive place to work (Table 31).

**Table 30: Gender of Respondents Who Experienced at Least One Harassing Behavior Based on Pregnancy**

	<i>n</i>	<i>% of 175 respondents<sup>a</sup> who experienced at least one harassing behavior</i>	<i>% of overall respondents in gender category</i>
Female	138	79%	1.6% of 8,510
Male	15	9%	0.4% of 3,652
Nonbinary/Transgender/I self-identify as/ Multiple Genders Selected <sup>b</sup>	0	0%	0% of 53
Do not identify a gender	0	0%	0% of 30
Prefer not to say	22	13%	1.5% of 1,476
Total Responses	175		

<sup>a</sup> While 176 respondents indicated they experienced at least one harassing behavior based on pregnancy, only 175 of those also answered the demographic question about their gender or gender identity.

<sup>b</sup> These demographic categories were combined to maintain respondent anonymity.

**Table 31: Severity or Pervasiveness of Harassing Behavior Based on Pregnancy**

Q7. Think about the harassing behavior(s) based on pregnancy you indicated happened to you. Was the behavior(s) severe or pervasive enough that you found your court or employing office to be an abusive place to work?

	<i>n</i>	<i>% of 176 respondents who experienced a harassing behavior</i>	<i>% of all 13,895 respondents</i>
Yes	31	18%	0.22%
No	111	63%	---- <sup>a</sup>
Prefer not to say	12	7%	0.09%
Don't know	22	13%	0.16%
Total Responses	176		

<sup>a</sup> Only those respondents who indicated they had experienced a harassing behavior were asked whether the behavior was severe or pervasive, so the percentage for *no* is misleading and is not included.

**Harassing Behavior and Discriminatory Harassment Based on Sexual Orientation.**

Two hundred and thirty-eight respondents (1.7% of all respondents) experienced at least one harassing behavior based on sexual orientation. Table 32 shows this information according to the sexual orientation of respondents. Of the 238 respondents who said they experienced at least one sexual orientation-based harassing behavior, 28 (12% of those who experienced such a behavior, or 0.2% of all respondents) said at least one behavior was severe or pervasive enough that the respondent found the court or employing office to be an abusive place to work (Table 33).

**Table 32: Sexual Orientation of Respondents Who Experienced at Least One Harassing Behavior Based on Sexual Orientation**

	<i>n</i>	<i>% of 236 respondents<sup>a</sup> who experienced at least one harassing behavior</i>	<i>% of overall respondents in sexual orientation category</i>
Asexual	0	0%	0% of 147
Bisexual	19	8%	8% of 227
Heterosexual	112	47%	1% of 10,606
Homosexual	34	14%	10% of 350
Pansexual	3	1%	14% of 22
Queer	8	3%	13% of 60
Questioning or not sure/ I self-identify as <sup>b</sup>	3	1%	5% of 61
Do not identify a sexual orientation	7	3%	5% of 130
Prefer not to say	41	17%	21% of 1,957
Multiple Orientations Selected	9	4%	14% of 63
<b>Total Responses</b>	<b>236</b>		

<sup>a</sup> While 238 respondents indicated they experienced at least one harassing behavior based on sexual orientation, only 236 of those also answered the demographic question about their sexual orientation.

<sup>b</sup> These demographic categories were combined to maintain respondent anonymity.

**Table 33: Severity or Pervasiveness of Harassing Behavior Based on Sexual Orientation**

Q7. Think about the harassing behavior(s) based on sexual orientation you indicated happened to you. Was the behavior(s) severe or pervasive enough that you found your court or employing office to be an abusive place to work?

	<i>n</i>	<i>% of 238 respondents who experienced a harassing behavior</i>	<i>% of all 13,895 respondents</i>
Yes	28	12%	0.20%
No	173	73%	---- <sup>a</sup>
Prefer not to say	11	5%	0.08%
Don't know	26	11%	0.19%
Total Responses	238		

<sup>a</sup> Only those respondents who indicated they had experienced a harassing behavior were asked whether the behavior was severe or pervasive, so the percentage for *no* is misleading and is not included.

**Harassing Behavior and Discriminatory Harassment Based on Religion.** Two hundred and twenty-eight respondents (1.6% of all respondents) experienced at least one harassing behavior based on religion. Table 34 shows this information according to the religion of respondents. Of the 228 respondents who said they experienced at least one religion-based harassing behavior, 29 (13% of those who experienced such a behavior, and 0.2% of all respondents) said at least one behavior was severe or pervasive enough that the respondent found the court or employing office to be an abusive place to work (Table 35).

**Table 34: Religion of Respondents Who Experienced at Least One Harassing Behavior Based on Religion**

	<i>n</i>	<i>% of 227 respondents<sup>a</sup> who experienced at least one harassing behavior</i>	<i>% of overall respondents in religion category</i>
Agnosticism/Atheism	26	11%	2% of 1,102
Buddhism/Islam <sup>b</sup>	3	1%	4% of 75
Christianity	104	46%	1% of 7,356
Hinduism	0	0%	0% of 13
Judaism	16	7%	6% of 268
Do not identify with a religion	17	7%	1% of 1,757
Other	10	4%	3% of 389
Prefer not to say	45	20%	2% of 2,508
Multiple Religions Selected	6	3%	3% of 199
Total Responses	227		

<sup>a</sup> While 228 respondents indicated they experienced at least one harassing behavior based on religion, only 227 of those also answered the demographic question about their religion.

<sup>b</sup> These demographic categories were combined to maintain respondent anonymity.

**Table 35: Severity or Pervasiveness of Harassing Behavior Based on Religion**

Q7. Think about the harassing behavior(s) based on religion you indicated happened to you. Was the behavior(s) severe or pervasive enough that you found your court or employing office to be an abusive place to work?

	<i>n</i>	<i>% of 228 respondents who experienced a harassing behavior</i>	<i>% of all 13895 respondents</i>
Yes	29	13%	0.2%
No	141	62%	---- <sup>a</sup>
Prefer not to say	17	7%	0.1%
Don't know	41	18%	0.3%
Total Responses	228		

<sup>a</sup> Only those respondents who indicated they had experienced a harassing behavior were asked whether the behavior was severe or pervasive so the percentage for *no* is misleading and is not included.

**Harassing Behavior and Discriminatory Harassment Based on Age.** Two hundred and eighty respondents, or 2% of all respondents, experienced at least one harassing behavior based on age (40 and over). Table 36 shows this information according to the age of

respondents. Of the 280 respondents who experienced at least one age-based harassing behavior, 57 respondents (20% of those who experienced such a behavior and answered the follow-up question, and 0.4% of all respondents) said at least one behavior was severe or pervasive enough that the respondent found the court or employing office to be an abusive place to work (Table 37).

**Table 36: Age of Respondents Who Experienced at Least One Harassing Behavior Based on Age (40 and Over)**

	<i>n</i>	<i>% of 278 respondents<sup>a</sup> who experienced at least one harassing behavior</i>	<i>% of overall respondents in age category</i>
Under 30	6	2%	1% of 923
30–39	14	5%	1% of 2,675
40–49	55	20%	2% of 3,362
50–59	90	32%	3% of 3,518
60 or over	49	18%	4% of 1,365
Prefer not to say	64	23%	3% of 1,879
<b>Total Responses</b>	<b>278</b>		

<sup>a</sup> While 280 respondents indicated they experienced at least one harassing behavior based on age, only 278 of those also answered the demographic question about their age.

**Table 37: Severity or Pervasiveness of Harassing Behavior Based on Age (40 or Over)**

*Q7. Think about the harassing behavior(s) based on age (40 and over) you indicated happened to you. Was the behavior(s) severe or pervasive enough that you found your court or employing office to be an abusive place to work?*

	<i>n</i>	<i>% of 279 respondents<sup>a</sup> who experienced a harassing behavior</i>	<i>% of all 13895 respondents</i>
Yes	57	20%	0.4%
No	151	54%	---- <sup>b</sup>
Prefer not to say	32	11%	0.2%
Don't know	39	14%	0.3%
<b>Total Responses</b>	<b>279</b>		

<sup>a</sup> While 280 respondents indicated they experienced at least one harassing behavior based on age, only 279 of those answered the follow-up question about whether any were severe or pervasive.

<sup>b</sup> Only those respondents who indicated they had experienced a harassing behavior were asked whether the behavior was severe or pervasive, so the percentage for *no* is misleading and is not included.

**Harassing Behavior and Discriminatory Harassment Based on Disability.** One hundred and ninety-seven respondents, or 1.4% of all respondents, experienced at least one harassing behavior based on disability. Table 38 shows this information according to whether respondents indicated having a disability. Of the 197 respondents who experienced at least one harassing behavior based on disability, 49 respondents (25% of those who experienced such a behavior and answered the follow-up question, or 0.3% of all respondents) said at least one behavior was severe or pervasive enough that the respondent found the court or employing office to be an abusive place to work (Table 39).

**Table 38: Identified Disability Status of Respondents Who Experienced at Least One Harassing Behavior Based on Disability**

	<i>n</i>	<i>% of 194 respondents<sup>a</sup> who experienced at least one harassing behavior</i>	<i>% of overall respondents in disability category</i>
Identify as having a disability	93	48%	13% of 729
Do not identify as having a disability	66	34%	1% of 11,641
Prefer not to say	35	18%	3% of 1,254
Total Responses	194		

<sup>a</sup> While 197 respondents indicated they experienced at least one harassing behavior based on disability, only 194 of those also answered the demographic question about whether they identified as having a disability.

**Table 39: Severity or Pervasiveness of Harassing Behavior Based on Disability**

Q7. Think about the harassing behavior(s) based on disability you indicated happened to you. Was the behavior(s) severe or pervasive enough that you found your court or employing office to be an abusive place to work?

	<i>n</i>	<i>% of 195 respondents<sup>a</sup> who experienced a harassing behavior</i>	<i>% of all 13,895 respondents</i>
Yes	49	25%	0.4%
No	89	46%	---- <sup>b</sup>
Prefer not to say	21	11%	0.2%
Don't know	36	18%	0.3%
Total Responses	195		

<sup>a</sup> While 197 respondents indicated they experienced at least one harassing behavior based on disability, only 195 of those answered the follow-up question about whether any were severe or pervasive.

<sup>b</sup> Only those respondents who indicated they had experienced a harassing behavior were asked whether the behavior was severe or pervasive, so the percentage for *no* is misleading and is not included.

### Who Committed the Behavior

When asked to focus on the most serious harassing behavior(s), or series of behaviors, they experienced, respondents said that behavior was committed by either a non-supervisory coworker (43%), a manager or supervisor (24%), a judge (14%) or unit executive (11%) (Table 40).

For respondents who said that a judge, unit executive, or other manager or supervisor committed the behavior, Figure 14 shows whether the person was their direct supervisor. Percentages are out of respondents who identified that role as the person (or one of the people) who committed the behavior. For instance, 86 is 34% of the 255 respondents who said a judge committed the behavior.

**Table 40: Identity of Party Who Committed the Harassing Behavior<sup>a</sup>**

*Q8. Please indicate who committed the harassment. Check all that apply.*

	<i>n</i>	%
Non-supervisory coworker	787	43%
Other manager or supervisor	444	24%
Judge	255	14%
Unit executive	194	11%
Other. Please describe:	264	15%
Prefer not to say	289	16%
Total Respondents	1,817	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.



**Figure 14: Was the Committer Respondent’s Direct Supervisor?**

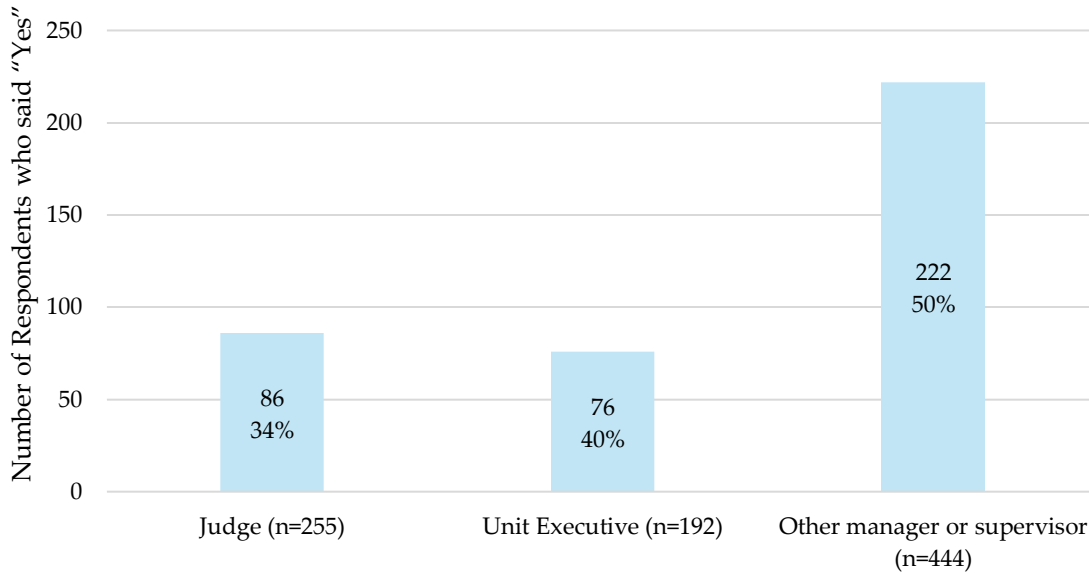


Table 41 and Figure 15 show the same information for only those respondents who said their experienced behavior was severe or pervasive enough that they found the court or employing office to be an abusive place to work. In addition, Table 42 shows who respondents said committed the behavior by protected category.

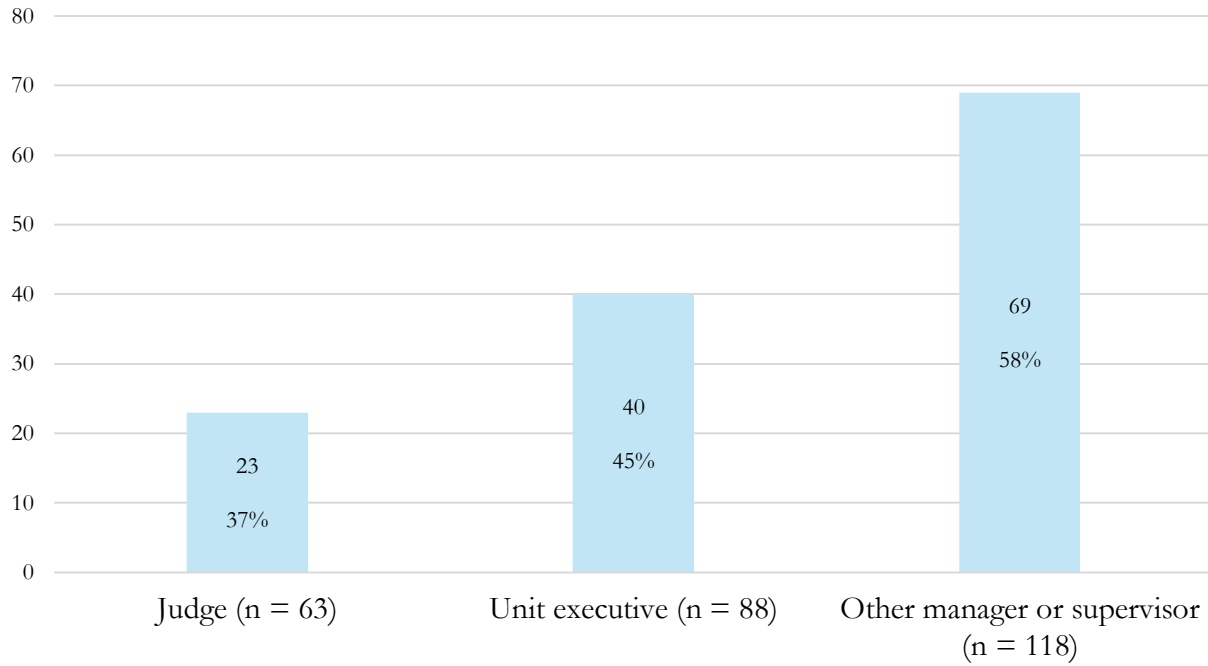
**Table 41: Who Committed the Harassing Behavior? Could Be Wrongful Conduct (Discriminatory Harassment)<sup>a</sup>**

Q8. Please indicate who committed the harassment. Check all that apply.

	<i>n</i>	%
Non-supervisory coworker	82	30%
Other manager or supervisor	118	43%
Judge	63	23%
Unit executive	90	33%
Other. Please describe:	54	20%
Prefer not to say	17	6%
<b>Total Respondents</b>	<b>272</b>	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

**Figure 15: Was the Committer Respondent's Direct Supervisor? Could be Wrongful Conduct (Discriminatory Harassment)**



**Table 42. Identity of Party Committing a Severe or Harassing Behavior by Protected Category**

Who committed the harassment that was severe or pervasive enough that respondents found their court or employing office to be an abusive place to work?

	Judge	Unit Executive	Other manager or supervisor	Non-supervisory co-worker	Other	Prefer not to say	<i>n (people who indicated a behavior was severe or pervasive)</i>
Sexual harassment <sup>a</sup>	19 32%	17 28%	25 42%	19 32%	13 22%	3 5%	60
Race, color or national origin	20 19%	38 36%	52 50%	30 29%	23 22%	5 5%	105
Gender/Gender identity	27 34%	23 29%	37 46%	24 30%	16 20%	2 3%	80
Pregnancy	4 13%	11 35%	21 68%	12 39%	7 23%	1 3%	31
Sexual Orientation	6 21%	10 36%	18 64%	9 32%	6 21%	1 4%	28
Religion	6 21%	9 31%	13 45%	8 28%	4 14%	1 3%	29
Age (40 and over)	12 21%	25 44%	37 65%	15 26%	8 14%	2 4%	57
Disability	13 27%	15 31%	29 59%	15 31%	10 20%	2 4%	49

Note: Respondents could choose more than one option. Thus, percentages for each row are out of the number of respondents in that row, and percentages may therefore sum to more than 100%.

<sup>a</sup> These numbers do not include seven respondents who indicated experiencing *quid pro quo* sexual harassment and did not indicate experiencing another form of sexual harassment that was severe or pervasive.

### Harassing Behaviors that Happened to Others

Respondents were asked whether they had observed or heard about incidents of harassing behavior happening to other people in their workplace since January 1, 2020 (Table 43). Nine percent of respondents (1,273 respondents) said they had, and another 4% (560 respondents) said they preferred not to say.

**Table 43: Knowledge of Incidents of Harassing Behavior Happening to Others**

Q24. The preceding questions asked you about harassing behaviors that have happened to you. Have you observed or heard about incidents of harassment happening to other people in your workplace since January 1, 2020?

	<i>n</i>	%
Yes	1,273	9%
No	12,027	87%
Prefer not to say	560	4%
Total Responses	13,860	

### Comments

Part II had several open-ended (comment) questions related to this section of the report. Main themes are presented in bulleted lists in descending order of prevalence.

One open-ended question asked the 610 respondents who indicated experiencing at least one harassing behavior based on sex to provide additional information about the behavior(s) they indicated experiencing and how it affected them. A total of 216 respondents provided comments (35% of 610 and 1.5% of all respondents). No more than 165 respondents contributed to any one of the following main themes:

- descriptions of behaviors experienced, such as inappropriate or sexist “jokes” and unwanted or inappropriate comments about body or appearance;
- respondents’ personal responses and reactions, such as feeling uncomfortable, awkward, embarrassed, disappointed or upset, or objecting to or reporting behavior; and
- descriptions of who committed the behavior, such as a coworker, supervisor or manager, judge, or member of court security staff.

The 1,037 respondents who indicated they experienced a harassing behavior based on race, color, and national origin were asked to provide additional information about the behavior(s) they experienced and how it affected them. A total of 395 respondents provided comments (38% of 1,037 and 2.8% of all respondents). No more than 301 respondents contributed to any one of the following main themes:

- descriptions of behaviors experienced, such as use of racist comments or racist harassment, or instances of different races being treated differently;
- respondents’ personal responses and reactions, such as feeling uncomfortable, awkward, embarrassed, disappointed or upset, or objecting to or reporting behavior;

- descriptions of, or additional information about, who committed the behavior, such as a coworker, supervisor or manager, judge, or member of court security staff; and
- descriptions of institutional responses, such as behaviors being accepted or not stopped by management.

The 1,147 respondents who indicated they experienced at least one of the harassing behaviors based on other protected categories were asked to provide additional information about the behavior(s) and how it affected them. A total of 624 respondents provided comments (54% of 1,147 and 4.5% of all respondents). No more than 486 respondents contributed to any one of the following main themes:

- descriptions of behaviors experienced, such as different treatment of men and women, sexual comments or sexual harassment, and unwanted or inappropriate comments about appearance, parental or relationship status, or retirement date;
- respondents' personal responses and reactions, such as feeling uncomfortable, awkward, embarrassed, disappointed or upset, feeling angry, insulted, offended, or disgusted, and feeling guilt about using leave; and
- descriptions of, or additional information about, who committed the behavior, such as a supervisor or manager, coworker, or non-judiciary employee, and concerns that judges are not held accountable for their behavior.

The 1,972 respondents who indicated experiencing at least one harassing behavior were given a final opportunity to give information about the behavior that they experienced, and 235 respondents did so (11.9% of 1,972 and 1.7% of all respondents). No more than 115 respondents contributed to any one of the following main themes:

- descriptions of the behavior, such as condescending, rude or unprofessional comments or behaviors, or name-calling, insults, swearing, or other verbal abuse;
- descriptions of who committed the behavior, such as a manager or supervisor, or a judge;
- the outcome of the behavior, such as addressing the person directly or calling out the behavior;
- additional context about the behavior, including noting that it did not rise to the level of reporting; and
- concerns about retaliation.

Finally, the 1,273 respondents who indicated that they had observed or heard about a harassing behavior happening to others were then asked to describe the incidents that they had observed or heard about happening to others, and 846 respondents did so (66.5% of 1,273 and 6.1% of all respondents). No more than 431 respondents contributed to any one of the following main themes:

- descriptions of who committed the harassing behavior, such as a manager or supervisor, judge, or coworker;
- descriptions of the behavior, such as name-calling, insults or other verbal abuse, or rude and condescending behavior;
- the outcome of the behavior, such as the behavior being reported or objected to, or the target having left or considering leaving the workplace as a result of the behavior;
- specific protected categories that were the target of inappropriate comments or “jokes,” including sex and gender, race, ethnicity, language, and accent; and
- behaviors based on sex, such as witnessing or hearing of incidents of sexual harassment or instances of inappropriate or unwanted advances or flirting.

## **Discriminatory Employment Actions and Employment Discrimination in the Workplace (Survey Part III)**

Employment discrimination is one of four types of wrongful conduct prohibited by the Model Employment Dispute Resolution Plans. It is defined as an adverse employment action that materially affects the terms, conditions, or privileges of employment (such as hiring, firing, failing to promote, or a significant change in benefits) based on a legally protected category.<sup>21</sup>

Part III of the survey asked respondents about any discriminatory employment actions they experienced since January 1, 2020, based on membership in the protected categories of:

- race, national origin, or color,
- sex, gender, or gender identity,
- pregnancy,
- sexual orientation,
- religion,
- age 40 years and over, and
- disability.

If respondents said they experienced such actions(s), the survey asked a follow-up question to help assess whether the actions respondents experienced could constitute employment discrimination (wrongful conduct) (see below).

We first present summary information about prevalence of discriminatory employment actions and employment discrimination across all protected categories, and then present more detailed information separately for each protected category. This section of the report ends with information respondents provided about discriminatory employment actions they had observed or heard about happening to others, and with major themes from the comments provided in response to related open-ended questions.

### **Summary of Prevalence of Discriminatory Employment Actions and Employment Discrimination Across Protected Categories**

The survey took a two-step approach (see Survey Organization and Questions). Respondents were asked if they had experienced specific discriminatory employment actions based on membership in a protected category, and if they answered affirmatively, they were asked how much the action(s) affected them. Respondents who indicated that a discriminatory employment action affected them *very much* or *extremely* were consi-

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21. Guide to Judiciary Policy, vol. 12, ch. 2, §220.10.

dered to have been materially affected by the action—that is, their experience could be wrongful conduct (employment discrimination).

**Discriminatory Employment Actions.** A total of 756 respondents (5% of all respondents) indicated experiencing at least one of the discriminatory employment actions listed in Table 44, *infra*, based on at least one protected category.

Depending on the protected category, between 0.2% and 2.1% of all respondents said they had experienced at least one of the listed discriminatory employment actions based on that category:

- 268 respondents (1.9% of all respondents) said they had experienced at least one of the listed discriminatory employment actions based on *race, national origin, or color*;
- 295 respondents (2.1% of all respondents) said they had experienced at least one of the listed discriminatory employment actions based on *sex, gender, or gender identity*;
- 46 respondents (0.3% of all respondents) said they had experienced at least one of the listed discriminatory employment actions based on *pregnancy*;
- 21 respondents (0.2% of all respondents) said they had experienced at least one of the listed discriminatory employment actions based on their *sexual orientation*;
- 21 respondents (0.2% of all respondents) indicated experiencing at least one of the discriminatory employment actions based on their *religion*;
- 217 respondents (1.6% of all respondents) said they had experienced at least one of the listed discriminatory employment actions based on *age (40 and over)*; and
- 88 respondents (0.6% of all respondents) said they had experienced at least one of the listed discriminatory employment actions based on *disability*.

**Employment Discrimination.** Overall, a total of 291 respondents (38% of the 756 respondents who indicated experiencing at least one discriminatory employment action; 2% of all respondents) indicated they experienced a discriminatory employment action that affected them *very much* or *extremely*.<sup>22</sup>

Depending on protected category, between 0.05% and 0.8% of all respondents experienced a discriminatory employment action that affected them *very much* or *extremely*. Considering only the respondents who indicated experiencing at least one discriminatory employment action, between 33% and 49%, depending on protected category, said an action had affected them *very much* or *extremely*.<sup>23</sup>

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22. If multiple actions were checked in the first step, the data cannot show which of the actions—or which combination of actions—respondents are referring to here.

23. Not all respondents who indicated experiencing a discriminatory employment action based on one of the protected categories answered the subsequent question about how that action affected them.

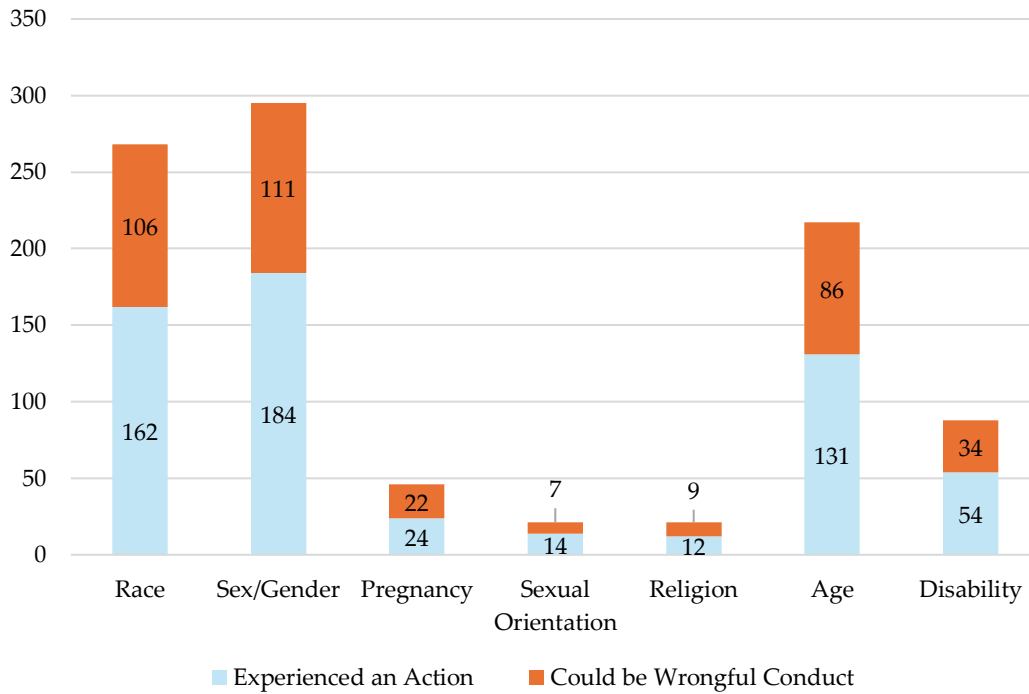


- 40% (106 of 268 respondents, or 0.8% of all respondents) of those who indicated experiencing a discriminatory employment action based on *race, national origin, or color* said at least one of those actions affected them *very much* or *extremely* (Table 46);
- 38% (111 of 292 respondents, or 0.8% of all respondents) of those who indicated experiencing a discriminatory employment action based on *sex, gender, or gender identity* said at least one of those actions affected them *very much* or *extremely* (Table 48);
- 49% (22 of 45 respondents, or 0.2% of all respondents) of those who indicated experiencing a discriminatory employment action based on *pregnancy* said at least one of those actions affected them *very much* or *extremely* (Table 50);
- 33% (7 of 21 respondents, or 0.05% of all respondents) of those who indicated experiencing a discriminatory employment action based on *sexual orientation* said at least one of those actions affected them *very much* or *extremely* (Table 52);
- 43% (9 of 21 respondents, or 0.07% of all respondents) of those who indicated experiencing a discriminatory employment action based on *religion* said at least one of those actions affected them *very much* or *extremely* (Table 54);
- 41% (86 of 212 respondents, or 0.6% of all respondents) of those who indicated experiencing a discriminatory employment action based on *age (40 and over)* said at least one of those actions affected them *very much* or *extremely* (Table 56); and
- 40% (34 of 84 respondents, or 0.2% of all respondents) of those who indicated experiencing a discriminatory employment action based on *disability* said at least one of those actions affected them *very much* or *extremely* (Table 58).

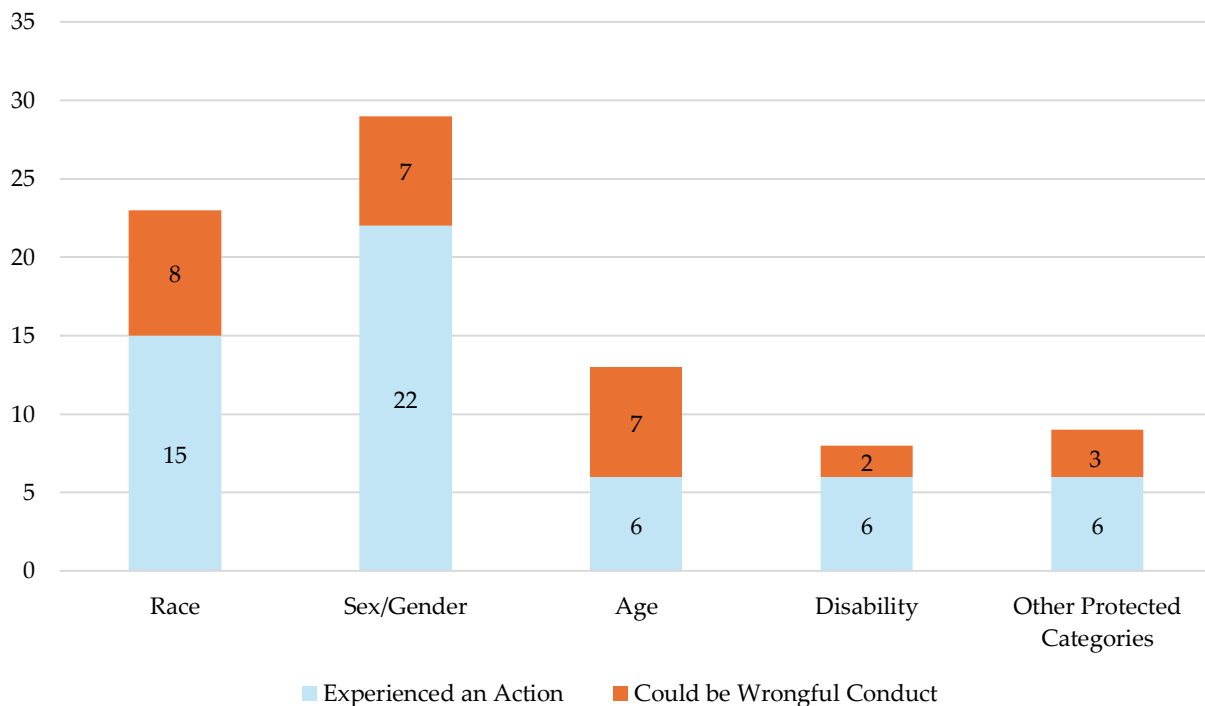
Figure 16 shows by protected category the number of respondents who perceived that action to affect them *very much* or *extremely*. Figures 17–20 show the same information separately for chambers, clerk’s office, probation and pretrial services office, and federal defender office respondents.

*A note about reading the figures:* The height of the combined blue and orange bar represents respondents who said they experienced a discriminatory employment action, and the orange bar is the subset of respondents who said at least one of these actions affected them *very much* or *extremely*.

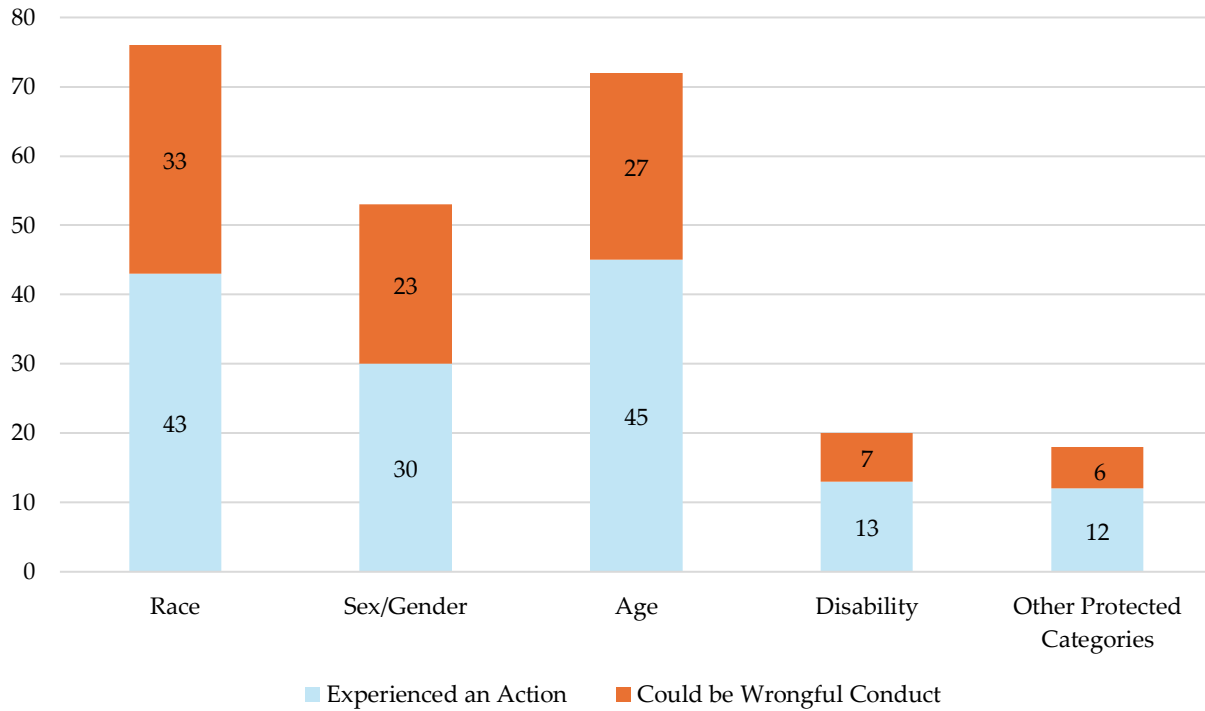
**Figure 16: Out of All Respondents (n = 13,895), Estimated Number Experiencing Discriminatory Employment Actions and Wrongful Conduct (Employment Discrimination) by Protected Category**



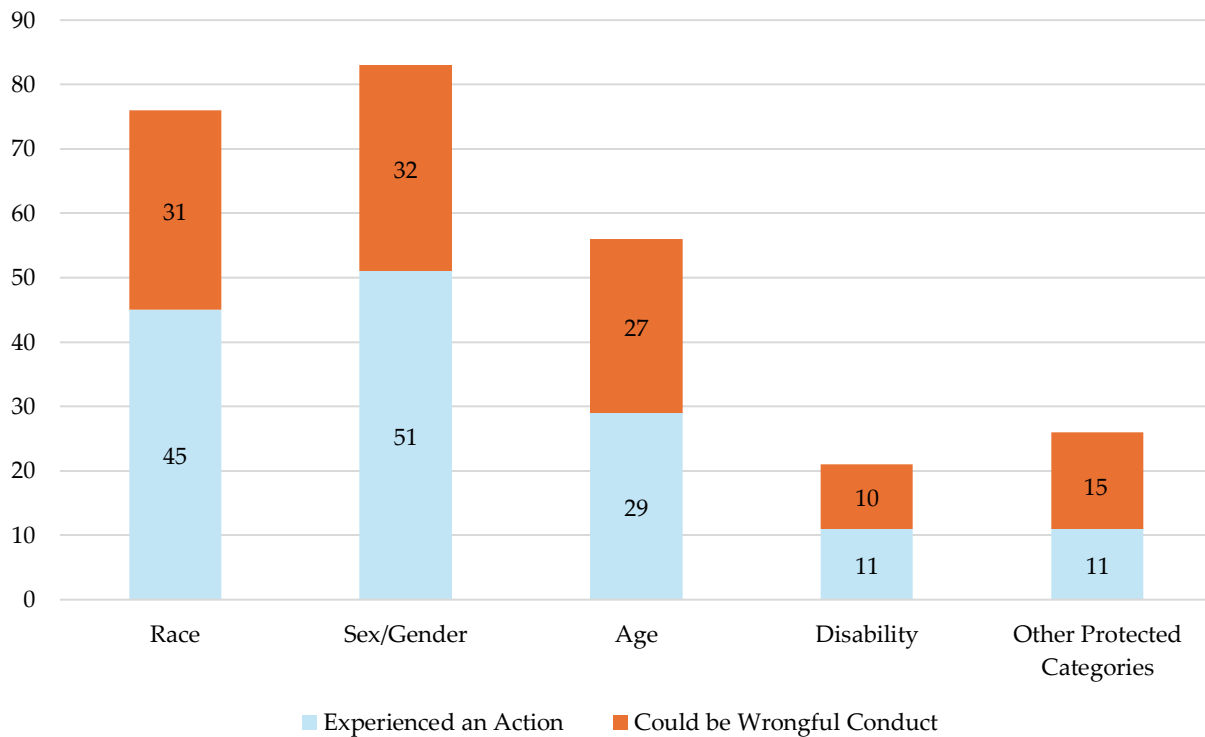
**Figure 17: Out of Chambers Respondents (n = 2,325), Estimated Number Experiencing Discriminatory Employment Actions and Employment Discrimination by Protected Category**



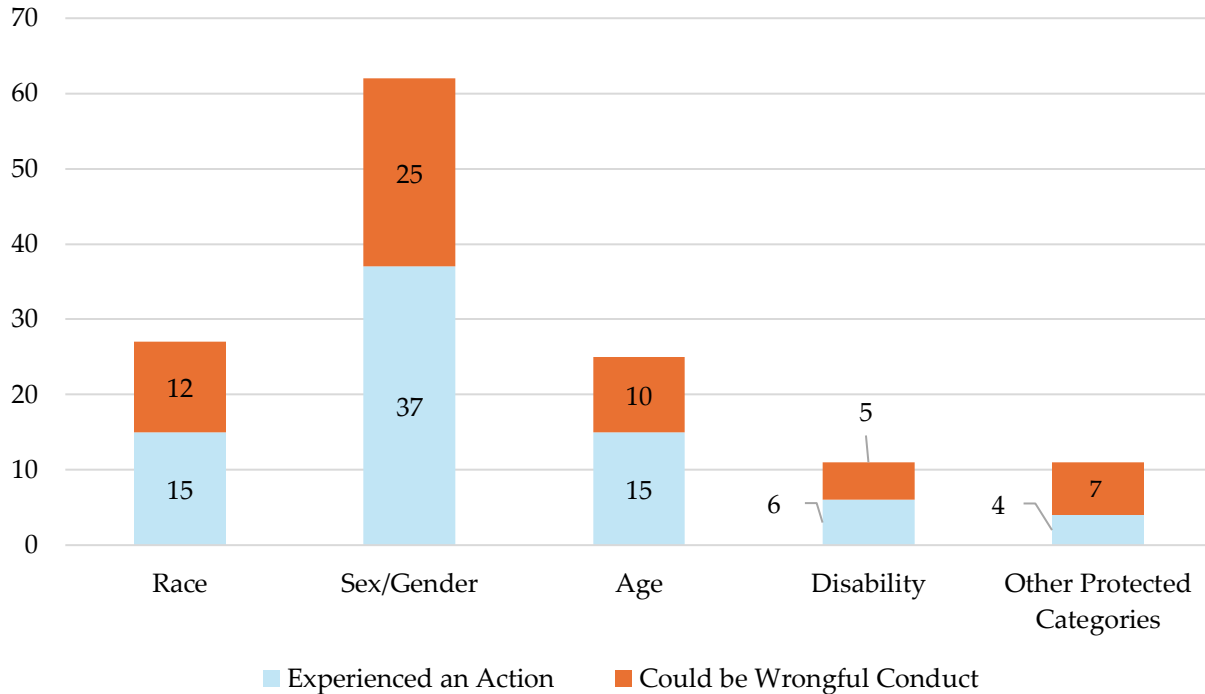
**Figure 18: Out of Clerk's Office Respondents (n = 4,070), Estimated Number Experiencing Discriminatory Employment Actions and Employment Discrimination by Protected Category**



**Figure 19: Out of Pretrial and Probation Office Respondents (n = 3,625), Estimated Number Experiencing Discriminatory Employment Actions and Employment Discrimination by Protected Category**



**Figure 20: Out of Federal Defender Office Respondents (n = 1,338), Estimated Number Experiencing Discriminatory Employment Actions and Employment Discrimination by Protected Category**



Some respondents might be represented in more than one protected category, for example, if they experienced one or more discriminatory employment actions based on both their race and gender. Counting such respondents only once, across all protected categories, a total of 291 respondents (38% of the 756 respondents who indicated experiencing at least one discriminatory employment action; 2.1% of all respondents) indicated that at least one discriminatory employment action affected them *very much* or *extremely*.

- 21 chambers respondents (30.0% of the 70 who indicated experiencing at least one discriminatory employment action, 0.9% of all chambers respondents) indicated that at least one of these actions affected them *very much* or *extremely*.
- 72 clerk’s office respondents (39.8% of the 181 who indicated experiencing at least one discriminatory employment action, 1.8% of all clerk’s office respondents) indicated that at least one of these actions affected them *very much* or *extremely*.
- 92 probation and pretrial services respondents (42.8% of the 215 who indicated experiencing at least one discriminatory employment action, 2.5% of all probation and pretrial services respondents) indicated that at least one of these actions affected them *very much* or *extremely*.

- 41 federal defender office respondents (40.2% of the 102 who indicated experiencing at least one discriminatory employment action, 3.1% of all federal defender office respondents) indicated that at least one of these actions affected them *very much* or *extremely*.

### **Prevalence by Protected Category—Detailed Discussion**

Respondents were asked whether they had experienced ten different discriminatory employment actions based on their membership in a protected category. Respondents were able to select multiple protected categories for each action listed. Table 44 shows their responses by each protected category, and Figure 21 shows the three most frequently selected employment actions for each category.

**Table 44: Discriminatory Employment Actions Based on Protected Category**

*Q1. Since January 1, 2020, while working for your court or employing office, have any of the following discriminatory employment actions based on your race/national origin/color, sex/gender/gender identity, pregnancy, sexual orientation, religion, age (40 and over), or disability happened to you? In each row, please check all that apply.<sup>a</sup>*

	Race/national origin/color	Sex/gender/gender identity	Pregnancy	Sexual orientation	Religion	Age (40+)	Disability	Did not happen to me	Prefer not to say	<i>n</i>
1. Have you been denied a promotion or not been selected for a position <b>based on your protected category?</b>	99 0.7%	79 0.6%	11 0.08%	10 0.07%	5 0.04%	97 0.7%	14 0.1%	13065 95%	366 3%	13689
2. Have you been demoted to a less desirable position <b>based on your protected category?</b>	18 0.1%	10 0.07%	2 0.01%	2 0.01%	2 0.01%	21 0.2%	9 0.07%	13512 99%	129 1%	13691
3. Have you been given a lower salary than others who do similar work <b>based on your protected category?</b>	65 0.5%	91 0.7%	6 0.04%	8 0.06%	5 0.04%	40 0.3%	11 0.08%	13180 96%	318 2%	13679
4. Have you had your vacation or leave request denied <b>based on your protected category?</b>	17 0.1%	14 0.1%	14 0.1%	2 0.01%	4 0.03%	7 0.05%	13 0.1%	13510 99%	112 1%	13677
5. Have you been disciplined unfairly <b>based on your protected category?</b>	63 0.5%	57 0.4%	6 0.04%	6 0.04%	3 0.02%	32 0.2%	34 0.3%	13308 97%	196 1%	13674

	Race/national origin/color	Sex/gender/ gender identity	Pregnancy	Sexual orientation	Religion	Age (40+)	Disability	Did not happen to me	Prefer not to say	<i>n</i>
6. Have you been given a lower evaluation than you otherwise would have <b>based on your protected category?</b>	63 0.5%	48 0.4%	10 0.07%	5 0.04%	5 0.04%	34 0.3%	44 0.3%	13280 97%	241 2%	13691
7. Have you had your work subjected to a higher level of scrutiny than others in your position <b>based on your protected category?</b>	161 1.2%	134 1.0%	14 0.1%	9 0.07%	7 0.05%	99 0.7%	52 0.4%	13026 95%	278 2%	13696
8. Have you been assigned undesirable or unimportant work <b>based on your protected category?</b>	73 0.5%	106 0.8%	8 0.06%	9 0.07%	5 0.04%	56 0.4%	23 0.2%	13224 97%	232 2%	13697
9. Have you been denied a training opportunity <b>based on your protected category?</b>	43 0.3%	34 0.3%	6 0.04%	3 0.02%	2 0.01%	49 0.4%	17 0.1%	13346 98%	210 2%	13683
10. Have you experienced other discriminatory employment actions <b>based on your protected category?</b> (Please specify:)	75 0.5%	49 0.4%	8 0.06%	5 0.04%	7 0.05%	43 0.3%	28 0.2%	13168 97%	288 2%	13639

<sup>a</sup> Respondents were allowed to make multiple selections in each row. This table shows the total number of respondents for each row and calculates the percentages based on respondents, rather than responses. The rows, therefore, have different denominators. For instance, for item 1, we received 13,746 responses from 13,689 respondents. We use 13,689 as the denominator to better represent how prevalent each action was across the respondents.

**Figure 21: Three Most Frequently Selected Discriminatory Employment Actions for Each Protected Category**

Q6: Have any of the following discriminatory employment actions based on [protected category] happened to you?

	Race, National Origin, or Color (n = 268)	Sex, Gender, Gender Identity (n = 295)	Pregnancy (n = 46)	Sexual Orientation (n = 21)	Religion (n = 21)	Age (40 and over) (n = 217)	Disability (n = 88)
1.	Work subjected to higher level of scrutiny	Work subjected to higher level of scrutiny	Work subjected to higher level of scrutiny <sup>a</sup>	Denied a promotion or not being selected for a position	Work subjected to higher level of scrutiny <sup>a</sup>	Work subjected to higher level of scrutiny	Work subjected to higher level of scrutiny
2.	Denied a promotion or not being selected for a position	Assigned undesirable or unimportant tasks	Having vacation or leave requests denied	Work subjected to higher level of scrutiny <sup>a</sup>	Other discriminatory employment action	Denied a promotion or not being selected for a position	Given a lower evaluation
3.	Other discriminatory employment action	Receiving a lower salary than others who do similar work	Denied a promotion or not being selected for a position	Assigned undesirable or unimportant tasks	Four-way tie	Assigned undesirable or unimportant tasks	Disciplined unfairly

Note: Colors reflect similar types of actions across protected category; n is the number of respondents who said they experienced at least one action based on that protected category.

<sup>a</sup>Tied with behavior below.

**Discriminatory Employment Actions Based on Race, National Origin, or Color.** Two hundred sixty-eight respondents (1.9% of all respondents) said they had experienced at least one of the listed discriminatory employment actions based on race, national origin, or color. Table 45 shows this information according to the race of respondents. Of the 268 respondents who indicated experiencing a discriminatory employment action based on race, national origin, or color, 106 (40% of those who experienced such an action, or 0.8% of all respondents) said at least one of those actions affected them *very much* or *extremely* (Table 46).



**Table 45: Race of Respondents Who Experienced a Discriminatory Employment Action Based on Race, National Origin, or Color**

	<i>n</i>	<i>% of 263 respondents<sup>a</sup> who experienced at least one discriminatory employment action</i>	<i>% of overall respondents in racial category</i>
American Indian or Alaska Native, Native Hawaiian or Pacific Islander <sup>b</sup>	1	0.4%	1% of 98
Asian	8	3%	2% of 333
Black or African American	89	34%	7% of 1,284
White or Caucasian	52	20%	0.6% of 9,331
I Self-Identify	11	4%	5% of 299
Do Not Identify a Race	12	5%	6% of 185
Prefer not to say	81	31%	4% of 1,941
Multiple Races Selected	9	3%	3% of 278
<b>Total Responses</b>	<b>263</b>		

<sup>a</sup> While 268 respondents indicated they experienced at least one discriminatory employment action based on race, national origin, or color, only 263 of those also answered the question about their race.

<sup>b</sup> These demographic categories were combined to maintain respondent anonymity.

**Table 46: Effect of Discriminatory Employment Actions Based on Race, National Origin, or Color**

Q2a. Think about the discriminatory employment action(s) you indicated happened to you based on your race, national origin, or color. How much did the action(s) affect the terms, conditions, or privileges of your employment?

	<i>n</i>	<i>%</i>
Not at all	19	7%
Slightly	29	11%
Moderately	49	18%
Very much	55	21%
Extremely	51	19%
Unsure	48	18%
Prefer not to say	17	6%
<b>Total Responses</b>	<b>268</b>	

**Discriminatory Employment Actions Based on Sex, Gender, or Gender Identity.** Two hundred ninety-five respondents (2.1% of all respondents) said they had experienced at least one of the listed discriminatory employment actions based on sex, gender, or gender identity. Table 47 shows this information according to the gender of respondents. Of 295 respondents who indicated experiencing a discriminatory employment action based on sex, gender, or gender identity, 111 (38% of those who experienced such an action and answered the follow-up question, or 0.8% of all respondents) said at least one of those actions affected them *very much* or *extremely* (Table 48).

**Table 47: Sex or Gender of Respondents Who Experienced a Discriminatory Employment Action Based on Sex, Gender, or Gender Identity**

	<i>n</i>	<i>% of 293 respondents<sup>a</sup> who experienced at least one discriminatory action</i>	<i>% of overall respondents in gender category</i>
Female	218	74%	3% of 8,510
Male	28	10%	1% of 3,652
Nonbinary, Transgender, Self-Identify, Multiple Genders Selected <sup>b</sup>	2	1%	4% of 53
Do Not Identify a Gender	2	1%	7% of 30
Prefer not to say	43	15%	3% of 1,476
Total Responses	293		

<sup>a</sup> While 295 respondents indicated they experienced at least one discriminatory employment action based on sex, gender, or gender identity, only 293 of those also answered the question about their gender identity.

<sup>b</sup> These demographic categories were combined to maintain respondent anonymity.

**Table 48: Effect of Discriminatory Employment Actions Based on Sex, Gender, or Gender Identity**

Q2b. Think about the discriminatory employment action(s) you indicated happened to you based on your sex, gender, or gender identity. How much did the action(s) affect the terms, conditions, or privileges of your employment?

	<i>n</i> <sup>a</sup>	%
Not at all	25	9%
Slightly	45	15%
Moderately	62	21%
Very much	68	23%
Extremely	43	15%
Unsure	39	13%
Prefer not to say	10	3%
Total Responses	292	

<sup>a</sup> While 295 respondents indicated they experienced at least one discriminatory employment action based on sex, gender, or gender identity, only 292 of those also answered the question about how the action affected them.

**Discriminatory Employment Actions Based on Pregnancy.** Forty-six respondents (0.3% of all respondents) said they had experienced at least one of the listed discriminatory employment actions based on pregnancy. Table 49 shows this information according to the gender of respondents. Of 46 respondents who indicated experiencing a discriminatory employment action based on pregnancy, 22 (49% of those who experienced such an action and answered the follow-up question, or 0.2% of all respondents) said at least one of those actions affected them *very much* or *extremely* (Table 50).

**Table 49: Sex or Gender of Respondents Who Experienced a Discriminatory Employment Action Based on Pregnancy**

	<i>n</i>	% of 46 respondents who experienced at least one discriminatory employment action	% of all respondents in gender category
Female	43	93%	1% of 8,510
Male	0	0%	0% of 3,652
Nonbinary, Transgender, Self-Identify, Multiple Genders Selected	0	0%	0% of 53
Do Not Identify a Gender	0	0%	0% of 30
Prefer not to say	3	7%	0.2% of 1,476
Total Responses	46		

**Table 50: Effect of Discriminatory Employment Actions Based on Pregnancy**

Q2c. Think about the discriminatory employment action(s) you indicated happened to you based on your pregnancy. How much did the action(s) affect the terms, conditions, or privileges of your employment?

	<i>n</i> <sup>a</sup>	%
Not at all	1	2%
Slightly	4	9%
Moderately	11	24%
Very much	12	27%
Extremely	10	22%
Unsure	3	7%
Prefer not to say	4	9%
Total Responses	45	

<sup>a</sup> While 46 respondents indicated they experienced at least one discriminatory employment action based on pregnancy, only 45 of those also answered the question about how the action affected them.

**Discriminatory Employment Actions Based on Sexual Orientation.** Twenty-one respondents (0.2% of all respondents) said they had experienced at least one of the listed discriminatory employment actions based on sexual orientation. Table 51 shows this information according to the sexual orientation of respondents. Of the 21 respondents who indicated experiencing a discriminatory employment action based on sexual orientation, seven (33% of those who experienced such an action, or 0.05% of all respondents) said at least one of those actions affected them *very much* or *extremely* (Table 52).

**Table 51: Sexual Orientation of Respondents Who Experienced a Discriminatory Employment Action Based on *Sexual Orientation***

	<i>n</i>	<i>% of 21 respondents who experienced at least one discriminatory action</i>	<i>% of all respondents in sexual orientation category</i>
Asexual	0	0%	0% of 147
Bisexual	2	10%	1% of 227
Heterosexual	4	19%	0.04% of 10,606
Homosexual	9	43%	3% of 350
Pansexual	0	0%	0% of 22
Queer/Questioning <sup>a</sup>	1	5%	1% of 79
Self-Identify	0	0%	0% of 42
Do Not Identify a Sexual Orientation	2	10%	2% of 130
Prefer not to say	2	10%	0.1% of 1,957
Multiple Sexual Orientations Selected	1	5%	2% of 63
Total Responses	21		

<sup>a</sup> These demographic categories were combined to maintain respondent anonymity.

**Table 52: Effect of Discriminatory Employment Actions Based on *Sexual Orientation***

Q2d. Think about the discriminatory employment action(s) you indicated happened to you based on your *sexual orientation*. How much did the action(s) affect the terms, conditions, or privileges of your employment?

	<i>n</i>	<i>%</i>
Not at all	1	5%
Slightly	2	10%
Moderately	7	33%
Very much	3	14%
Extremely	4	19%
Unsure	3	14%
Prefer not to say	1	5%
Total Responses	21	

**Discriminatory Employment Actions Based on Religion.** Twenty-one respondents (0.2% of all respondents) said they had experienced at least one of the listed discriminatory employment actions based on their religion. Table 53 shows this information according to the religion of respondents. Of the 21 respondents who indicated experi-

encing a discriminatory employment action based on religion, nine (43% of those who experienced such an action, or 0.07% of all respondents) said at least one of those actions affected them *very much* or *extremely* (Table 54).

**Table 53: Religion of Respondents Who Experienced a Discriminatory Employment Action Based on Religion**

	<i>n</i>	<i>% of 21 respondents who experienced at least one discriminatory action</i>	<i>% of overall respondents in religion category</i>
Agnostic or Atheist	3	14%	0.3% of 1,102
Buddhism	0	0%	0% of 47
Christian	5	24%	0.1% of 7,356
Hinduism	0	0%	0% of 13
Islam	0	0%	0% of 28
Judaism	2	10%	1% of 268
Other	3	14%	1% of 389
Do Not Identify a Religion	0	0%	0% of 1,757
Prefer not to say	8	38%	0.3% of 2,508
Multiple Religions Selected	0	0%	0% of 199
Total Responses	21		

**Table 54: Effect of Discriminatory Employment Actions Based on Religion**

Q2e. Think about the discriminatory employment action(s) you indicated happened to you based on your *religion*. How much did the action(s) affect the terms, conditions, or privileges of your employment?

	<i>n</i>	<i>%</i>
Not at all	2	10%
Slightly	3	14%
Moderately	0	0%
Very much	3	14%
Extremely	6	29%
Unsure	5	24%
Prefer not to say	2	10%
Total Responses	21	

**Discriminatory Employment Actions Based on Age (40 or over).** Two hundred and seventeen respondents (1.6% of all respondents) said they had experienced at least one of the listed discriminatory employment actions based on age (40 and over). Table 55 shows this information according to the age of respondents. Eighty-six (41% of those who experienced such an action and answered the follow-up question, or 0.6% of all respondents) said at least one of those actions affected them *very much* or *extremely* (Table 56).

**Table 55: Age of Respondents Who Experienced a Discriminatory Employment Action Based on Age (40 and Over)**

	<i>n</i>	<i>% of 212 respondents<sup>a</sup> who experienced at least one discriminatory action</i>	<i>% of overall respondents in age category</i>
40–49	39	18%	1% of 3,362
50–59	83	39%	2% of 3,518
60 and over	41	19%	3% of 1,365
Prefer not to say	49	23%	3% of 1,879
Total Responses	212		

<sup>a</sup> While 217 respondents indicated they experienced at least one discriminatory employment action based on age (40 and over), only 212 of those also answered the demographic question about their age and indicated being 40 or older.

**Table 56: Effect of Discriminatory Employment Actions Based on Age (40 or Over)**

Q2f. Think about the discriminatory employment action(s) you indicated happened to you based on your **age (40 and over)**. How much did the action(s) affect the terms, conditions, or privileges of your employment?

	<i>n<sup>a</sup></i>	<i>%</i>
Not at all	22	10%
Slightly	26	12%
Moderately	32	15%
Very much	55	26%
Extremely	31	15%
Unsure	35	17%
Prefer not to say	11	5%
Total Responses	212	

<sup>a</sup> While 217 respondents indicated they experienced at least one discriminatory employment action based on age (40 and over), only 212 of those also answered the question about how much the action affected them.

**Discriminatory Employment Actions Based on Disability.** Eighty-eight respondents (0.6% of all respondents) said they had experienced at least one of the listed discriminatory employment actions based on *disability*. Table 57 shows this information according to the disability of respondents. Thirty-four (40% of those who experienced such an action and answered the follow-up question, or 0.2% of all respondents) said at least one of those actions affected them *very much* or *extremely* (Table 58).

**Table 57: Identified Disability Status of Respondents Who Experienced a Discriminatory Employment Action Based on *Disability***

	<i>n</i>	<i>% of 85 respondents<sup>a</sup> who experienced at least one discriminatory action</i>	<i>% of overall respondents in disability category</i>
Identify as having disability	55	65%	8% of 729
Do not identify as having disability	13	15%	0.1% of 11,641
Prefer not to say	17	20%	1% of 1,254
Total Responses	85		

<sup>a</sup> While 88 respondents indicated experiencing a discriminatory employment action based on disability, only 85 of these respondents answered the demographic question asking them if they identify as having a disability.

**Table 58: Effect of Discriminatory Employment Actions Based on *Disability***

Q2g. Think about the discriminatory employment action(s) you indicated happened to you based on your *disability*. How much did the action(s) affect the terms, conditions, or privileges of your employment?

	<i>n<sup>a</sup></i>	<i>%</i>
Not at all	5	6%
Slightly	14	17%
Moderately	20	24%
Very much	15	18%
Extremely	19	23%
Unsure	9	11%
Prefer not to say	2	2%
Total Responses	84	

<sup>a</sup> While 88 respondents indicated experiencing a discriminatory employment action based on disability, only 84 of these respondents answered the question asking how the action affected them.



### Who Committed the Action

When respondents were asked to think about the most serious discriminatory employment action or series of actions they experienced, more than half of respondents who indicated experiencing at least one discriminatory employment action (52% or 383 of 743 respondents)<sup>24</sup> said the action was committed by a supervisor or manager other than a judge or unit executive (Table 59).

For respondents who said that a judge, unit executive, or other manager or supervisor committed the behavior, Figure 22 shows whether the person was their direct supervisor. Percentages are out of respondents who identified that role as the person (or one of the people) who committed the action. For instance, 73 is 31% of the 235 respondents who said a unit executive committed the action.

**Table 59: Identity of Party Who Committed the Discriminatory Employment Action<sup>a</sup>**

*Q4. Please indicate who committed the discriminatory employment action. Check all that apply.*

	<i>n</i>	%
Other manager or supervisor	383	52%
Unit executive	240	32%
Judge	101	14%
Non-supervisory coworker	77	10%
Other. Please describe	42	6%
Prefer not to say	110	15%
Total Respondents	743	

<sup>a</sup> Respondents could select more than one option so percentages sum to more than 100%.

24. While 756 respondents indicated experiencing at least one of the discriminatory employment actions listed, not all of these respondents answered all the remaining questions, so the number of respondents varies by question.

**Figure 22: Was the Committer Respondent’s Direct Supervisor?**

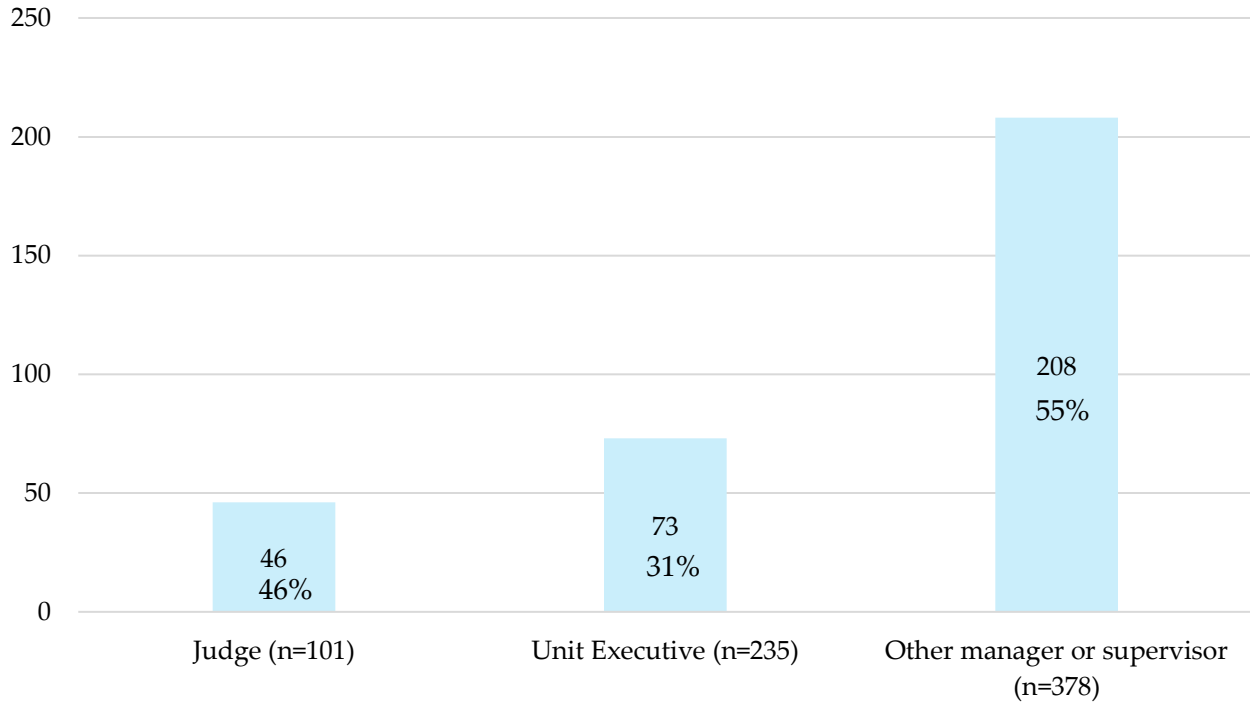


Table 60 and Figure 23 show the same information for only those respondents who perceived their experienced discriminatory employment action to have affected them *very much* or *extremely*. In addition, Table 61 shows who respondents said committed the action by protected category.

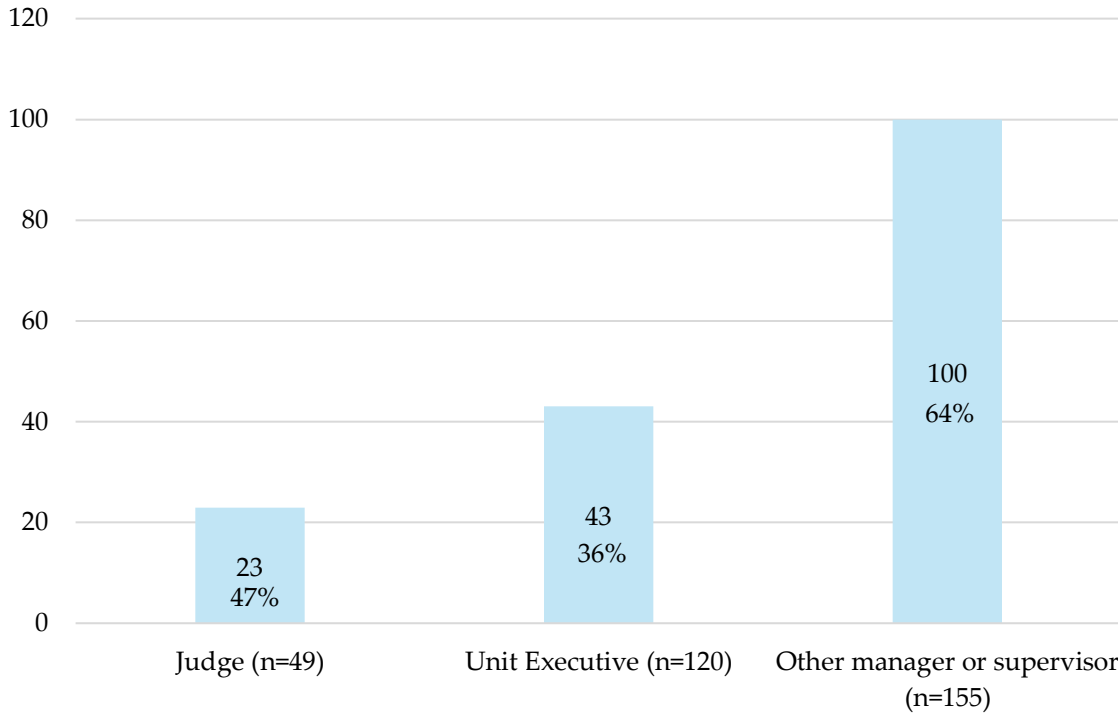
**Table 60: Identity of Party Who Committed the Discriminatory Employment Action – Could Be Wrongful Conduct (Employment Discrimination)<sup>a</sup>**

Q4. Please indicate who committed the discriminatory employment action. Check all that apply.

	<i>n</i>	%
Other manager or supervisor	156	54%
Unit executive	121	42%
Judge	49	17%
Non-supervisory coworker	27	9%
Other. Please describe	19	7%
Prefer not to say	24	8%
<b>Total Respondents</b>	<b>290</b>	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%. Additionally, while 291 respondents indicated that an action affected them *very much* or *extremely*, only 290 of those respondents indicated who committed the action.

**Figure 23: Was the Committer Respondent's Direct Supervisor? Could Be Wrongful Conduct (Employment Discrimination)**



**Table 61. Identity of Party Committing Discriminatory Employment Action Affecting the Respondent *Very Much* or *Extremely* by Protected Category**

*Who committed the discriminatory employment action that affected the respondent very much or extremely?*

	Judge	Unit Executive	Other manager or supervisor	Non-supervisory co-worker	Other	Prefer not to say	<i>n</i> (people who indicated an action affected them very much or extremely)
Race, national origin, or color	19 18%	40 38%	58 55%	11 10%	8 8%	10 9%	106
Sex, gender, or gender identity	19 17%	56 50%	52 47%	13 12%	6 5%	10 9%	111
Pregnancy	4 18%	9 41%	15 68%	4 18%	0 0%	0 0%	22
Sexual Orientation	0 0%	3 43%	5 71%	0 0%	0 0%	0 0%	7
Religion	3 33%	4 44%	3 33%	2 22%	0 0%	0 0%	9
Age (40 and over)	16 19%	36 42%	46 53%	6 7%	6 7%	5 6%	86
Disability	6 18%	8 24%	22 65%	3 9%	4 12%	4 12%	34

Note: Respondents could and did choose more than one option. Thus, percentages for each row are out of the number of respondents in that row and percentages may therefore sum to more than 100%.

### Discriminatory Employment Actions that Happened to Others

All respondents were asked if they had observed or heard about discriminatory employment actions happening to other people. Most (90%, or 12,498 respondents) said no; 6% (772 respondents) said yes (Table 62).

**Table 62: Knowledge of Incidents of Discriminatory Employment Actions Happening to Others**

*Q20. The preceding questions asked you about discriminatory employment actions that have happened to you. Have you observed or heard about incidents of discriminatory employment actions happening to other people in your workplace since January 1, 2020?*

	<i>n</i>	%
Yes	772	6%
No	12498	90%
Prefer not to say	564	4%
Total Responses	13834	

### Comments

Part III had several open-ended (comment) questions related to this section of the report. Main themes are presented in bulleted lists in descending order of prevalence.

The first of these open-ended questions asked the 756 respondents who indicated experiencing at least one discriminatory employment action to provide additional information about the discriminatory employment action(s) they indicated experiencing and how it affected them. A total of 373 respondents provided comments (49.3% of 756 and 2.7% of all respondents). No more than 120 respondents contributed to any one of the following main themes:

- being denied promotions, being demoted, or being denied employment opportunities based on membership in a protected category;
- being paid less than others in similar positions based on membership in a protected category; and
- lower performance evaluations based on membership in a protected category, rather than the quality of work performed.

The 756 respondents who indicated experiencing at least one discriminatory employment action were provided a final opportunity to give information about the discriminatory employment action that they experienced, and 99 respondents (13% of 756 and 0.7% of all respondents) did so. No more than 16 respondents contributed to any one of the following main themes:

- concerns about retaliation or experiences with retaliation (even though that had not been asked about in this question); and
- frustration at uneven distribution of work in their court or employing office.

Finally, the 772 respondents who indicated that they had observed or heard about a discriminatory employment action happening to others were then asked to describe the incidents that they had observed or heard about happening to others, and 462 respondents (59.8% of 772 and 3.3% of all respondents) did so. No more than 130 respondents contributed to any one of the following main themes:

- being denied promotions, being demoted, or being denied employment opportunities based on membership in a protected category;
- failure to hire or interview qualified candidates due to their membership in a protected category; and
- discrimination based on race, sex or gender, or some other basis.

## **Inappropriate or Abusive Behavior and Abusive Conduct in the Workplace (Survey Part IV)**

Abusive conduct is one of four types of wrongful conduct defined and prohibited by the Model Employment Dispute Resolution Plans. Abusive conduct is a pattern of demonstrably egregious and hostile conduct not based on a protected category that unreasonably interferes with an employee's work and creates an abusive working environment. Abusive conduct is threatening, oppressive, or intimidating.<sup>25</sup>

The survey used a two-step approach to estimate the number of respondents who experienced inappropriate or abusive behaviors and the number of respondents who experienced abusive conduct (wrongful conduct) (see Survey Organization and Questions). Respondents were first asked if they had experienced, since January 1, 2020, any of 14 listed behaviors which might contribute to a less than exemplary workplace. If so, respondents were then asked the following three questions, which align with the definition of abusive conduct (wrongful conduct).

- Was the behavior, or were the behaviors, threatening, oppressive, or intimidating?
- Did the behavior(s) unreasonably interfere with your work and create an abusive working environment?
- Was the behavior, or were the behaviors, part of a pattern of behavior?

**Inappropriate or Abusive Behavior.** Overall, 4,091 respondents (29% of all respondents) indicated experiencing at least one of the listed behaviors. As seen in Table 63, the most common behaviors respondents indicated experiencing were:

- 2,834 respondents (20% of all respondents) said they were put down or condescended to;
- 2,317 respondents (17% of all respondents) said that others ignored their statements or opinions;
- 1,660 respondents (12% of all respondents) said they were addressed in unprofessional terms;
- 1,391 respondents (10% of all respondents) said they were ignored or excluded from professional camaraderie;
- 1,370 respondents (10% of all respondents) said they were ignored or treated with hostility;
- 1,212 respondents (9% of all respondents) said that others made demeaning or derogatory remarks; and
- 1,204 respondents (9% of all respondents) said that others engaged in bullying behavior towards them.

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25. Abusive conduct does not include communications and actions reasonably related to performance management. Guide to Judiciary Policy, vol. 12, ch. 2, §220.10.

**Table 63: Experience with Inappropriate or Abusive Behavior**

*Q1. For each behavior listed below, please check one answer in each row. Since January 1, 2020, while working for your court or employing office, has someone you worked with:*

	Yes	No	Prefer not to say	<i>n</i>
1. put you down or been condescending to you?	2834 20%	10620 77%	409 3%	13863
2. ignored your statements or opinions when you should have been part of the conversation?	2317 17%	11168 81%	360 3%	13845
3. made demeaning or derogatory remarks about you?	1212 9%	12339 89%	283 2%	13834
4. addressed you in unprofessional terms, either publicly or privately?	1660 12%	11950 86%	225 2%	13835
5. ignored you or excluded you from professional camaraderie?	1391 10%	12151 88%	289 2%	13831
6. ignored you or been hostile toward you when you approached?	1370 10%	12244 88%	224 2%	13838
7. made “jokes” at your expense?	660 5%	12983 94%	181 1%	13824
8. yelled or swore at you?	840 6%	12850 93%	145 1%	13835
9. told you your work was worthless?	288 2%	13374 97%	154 1%	13816
10. made insulting or offensive remarks about your person, attitudes, or private life?	747 5%	12918 93%	168 1%	13833
11. engaged in physically threatening behavior toward you?	69 0.5%	13678 99%	88 0.6%	13835
12. threatened your career, job, or reputation?	499 4%	13160 95%	175 1%	13834
13. engaged in bullying behavior toward you?	1204 9%	12413 90%	225 2%	13842
14. engaged in other abusive behavior directed at you? (Please specify:)	321 2%	12879 96%	277 2%	13477



**Abusive Conduct.** Of the 4,091 respondents who said they experienced at least one of the listed behaviors, 922 respondents (23% of respondents who said they experienced at least one behavior, and 6.6% of all respondents) said *yes* to all three follow-up questions about the nature and pattern of the behavior (Tables 64a through 64c).<sup>26</sup> Thus, the experience of 6.6% of all respondents could be wrongful conduct.

**Table 64a: Threatening, Oppressive, or Intimidating Nature of the Abusive Behavior**

Q2a. Think about the abusive behavior(s) you indicated happened to you. Was the behavior, or were the behaviors, threatening, oppressive, or intimidating?

	<i>n</i>	<i>% of respondents indicating an abusive behavior</i>	<i>% of all 13,895 respondents</i>
Yes	1573	39%	11%
No	1987	49%	---- <sup>a</sup>
Don't know	290	7%	2%
Prefer not to say	235	6%	1.7%
Total Responses	4085		

<sup>a</sup>Only those respondents who indicated they had experienced an abusive behavior were asked this set of questions, so the percentage for *no* is misleading and is not included.

**Table 64b: Unreasonable Interference or Abusive Working Environment**

Q2b. Think about the abusive behavior(s) you indicated happened to you. Did the behavior(s) unreasonably interfere with your work and create an abusive working environment?

	<i>n</i>	<i>% of respondents indicating an abusive behavior</i>	<i>% of all 13,895 respondents</i>
Yes	1409	35%	10%
No	1987	49%	---- <sup>a</sup>
Don't know	397	10%	3%
Prefer not to say	288	7%	2%
Total Responses	4081		

<sup>a</sup>Only those respondents who indicated they had experienced an abusive behavior were asked this set of questions, so the percentage for *no* is misleading and is not included.

26. If multiple behaviors were checked in the first step, the data cannot show which of the behaviors—or which combination of behaviors—respondents are referring to here.

**Table 64c: Pattern of Behavior**

Q2c. Think about the abusive behavior(s) you indicated happened to you. Was the behavior, or were the behaviors, part of a pattern of behavior?

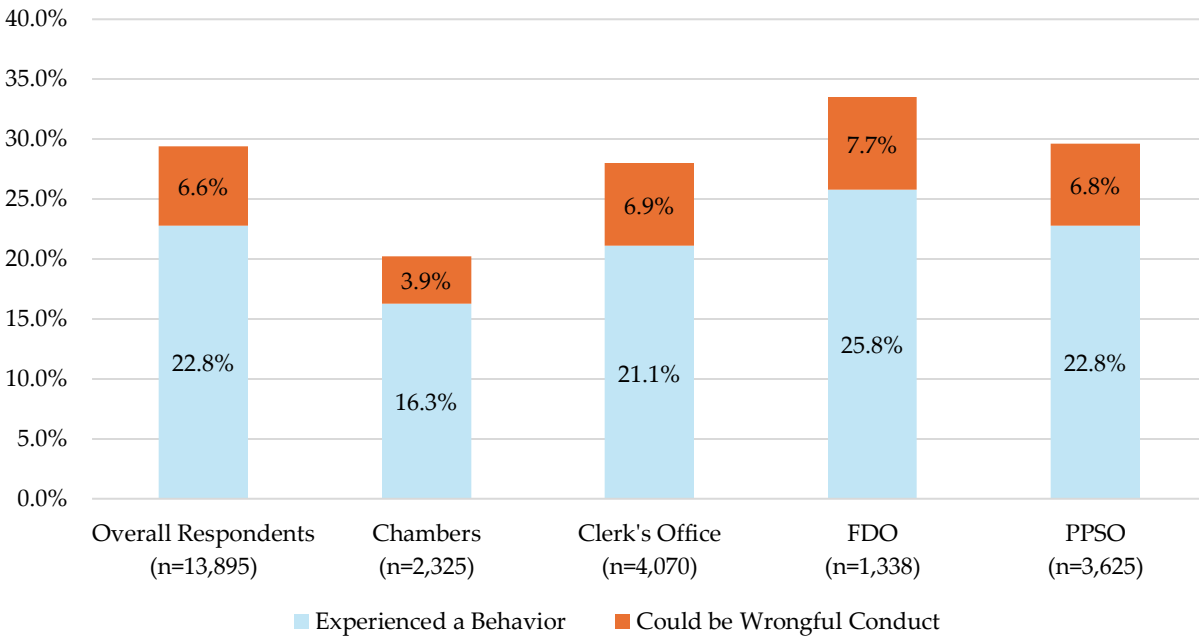
	<i>n</i>	<i>% of respondents indicating an abusive behavior</i>	<i>% of all 13,895 respondents</i>
Yes	2393	59%	17%
No	893	22%	---- <sup>a</sup>
Don't know	556	14%	4%
Prefer not to say	244	6%	1.8%
Total Responses	4086		

<sup>a</sup> Only those respondents who indicated they had experienced an abusive behavior were asked this set of questions, so the percentage for *no* is misleading and is not included.

Figure 24 shows the percentages of people in each court unit who said they experienced at least one inappropriate or abusive behavior, and the percentage of respondents who answered all three of the follow-up questions affirmatively. Percentages are used for comparison due to the considerable difference in the number of respondents in each group, as noted in the legend of the figure.

*A note about reading the figure:* The height of the combined blue and orange bar represents respondents who said they experienced a behavior, and the orange bar is the subset of respondents who answered all three follow-up questions affirmatively.

**Figure 24: Estimated Number of Respondents Experiencing Inappropriate or Abusive Behavior and Wrongful Conduct (Abusive Conduct) by Type of Office**



As noted above, of the 4,091 respondents who said they experienced at least one of the listed behaviors, 922 (23% of respondents who said they experienced at least one behavior, and 6.6% of all respondents) said *yes* to all three follow-up questions about the nature and pattern of the behavior, indicating their experience could be wrongful conduct. The statistics by employing office are:

- 90 chambers respondents (19.2% of the 469 who indicated experiencing at least one inappropriate or abusive behavior, 3.9% of all chambers respondents) answered all three of the follow-up questions affirmatively.
- 282 clerk’s office respondents (24.8% of the 1,138 who indicated experiencing at least one inappropriate or abusive behavior, 6.9% of all clerk’s office respondents) answered all three of the follow-up questions affirmatively.
- 103 federal defender office respondents (23.0% of the 448 who indicated experiencing at least one inappropriate or abusive behavior, 7.7% of all federal defender office respondents) answered all three of the follow-up questions affirmatively.
- 248 probation and pretrial services respondents (23.1% of the 1,072 who indicated experiencing at least one inappropriate or abusive behavior, 6.8% of all probation and pretrial services respondents) answered all three of the follow-up questions affirmatively.

As seen in Table 65, the most commonly checked behaviors for the 922 respondents who answered each of the follow-up questions affirmatively were:

- 808 respondents (88% of 922 respondents; 5.8% of all respondents) said they were put down or condescended to;
- 677 respondents (73% of 922 respondents; 4.9% of all respondents) said that others ignored their statements or opinions;
- 647 respondents (70% of 922 respondents; 4.6% of all respondents) said that others engaged in bullying behavior towards them;
- 627 respondents (68% of 922 respondents; 4.5% of all respondents) said they were addressed in unprofessional terms;
- 592 respondents (64% of 922 respondents; 4.3% of all respondents) said they were ignored or treated with hostility; and
- 546 respondents (59% of 922 respondents; 3.9% of all respondents) said that others made demeaning or derogatory remarks.

**Table 65: Behaviors Experienced by Participants Who Answered Each of the Follow-Up Questions Affirmatively—*Could be Wrongful Conduct (Abusive Conduct)***

	Yes	<i>n</i>
1. put you down or been condescending to you?	808 88%	922
2. ignored your statements or opinions when you should have been part of the conversation?	677 73%	922
3. made demeaning or derogatory remarks about you?	546 59%	922
4. addressed you in unprofessional terms, either publicly or privately?	627 68%	922
5. ignored you or excluded you from professional camaraderie?	478 52%	922
6. ignored you or been hostile toward you when you approached?	592 64%	922
7. made “jokes” at your expense?	233 25%	922
8. yelled or swore at you?	377 41%	922
9. told you your work was worthless?	176 19%	922
10. made insulting or offensive remarks about your person, attitudes, or private life?	353 38%	922
11. engaged in physically threatening behavior toward you?	50 5%	922
12. threatened your career, job, or reputation?	317 34%	922
13. engaged in bullying behavior toward you?	647 70%	922
14. engaged in other abusive behavior directed at you? (Please specify:)	194 21%	922

### Who Committed the Behavior

When respondents who indicated experiencing at least one of the listed behaviors were asked to think about the most serious behavior, or series of behaviors, over a third (36% or 1,442 of 3,970 respondents)<sup>27</sup> said the behavior was committed by a non-supervisory coworker, and a third (33% or 1,319 of 3,970 respondents) said the behavior was committed by a manager or supervisor other than a judge or unit executive (Table 66).

For respondents who said that a judge, unit executive, or other manager or supervisor committed the behavior, Figure 25 shows whether the person was their direct supervisor. Percentages are out of respondents who identified that role as the person (or one of the people) who committed the behavior. For instance, 174 is 33% of the 529 respondents who said a judge committed the behavior.

**Table 66: Identity of Party Who Committed the Abusive Behavior<sup>a</sup>**

*Q4. Please indicate who committed the behavior. Check all that apply.*

	<i>n</i>	%
Judge	534	13%
Unit executive	511	13%
Other manager or supervisor	1319	33%
Non-supervisory coworker	1442	36%
Other (for example, attorneys, court users, security, contractors). Please describe:	317	8%
Prefer not to say	553	14%
<b>Total Respondents</b>	<b>3970</b>	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

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27. While 4,091 respondents indicated experiencing at least one of the listed behaviors, not all of these respondents answered all the remaining questions, so the number of respondents varies by question.

**Figure 25: Was the Committer Respondent’s Direct Supervisor?**

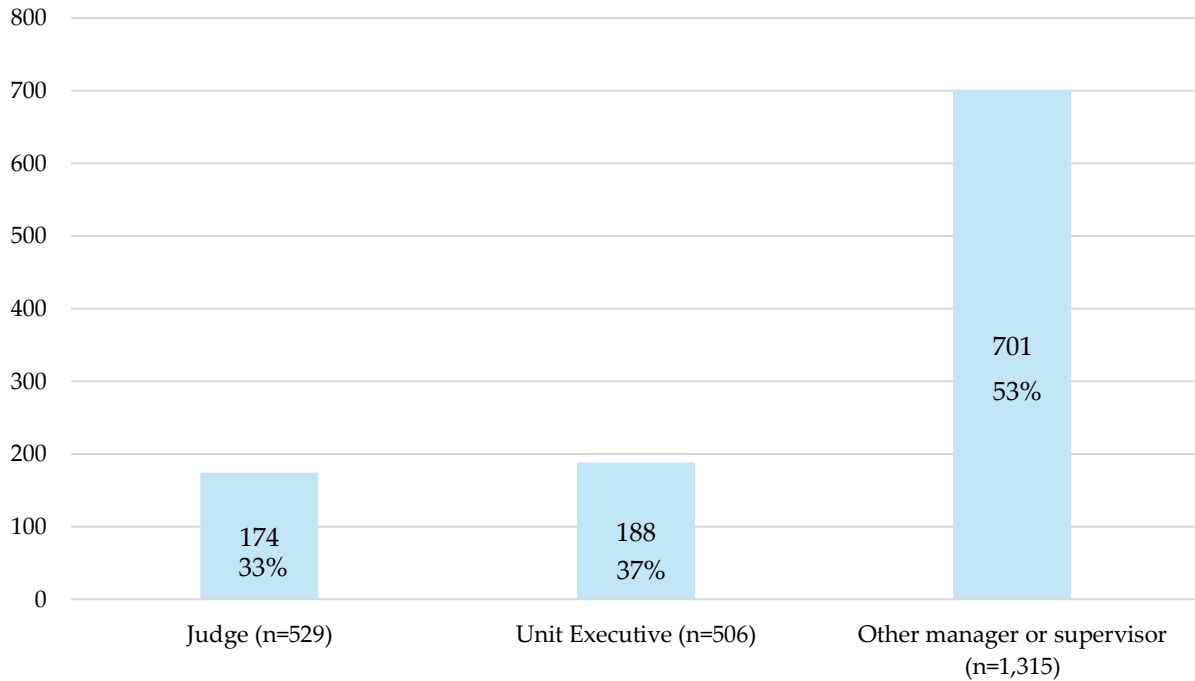


Table 67 and Figure 26 show the same information for only those respondents whose responses to the follow-up questions indicated their experience could be wrongful conduct.

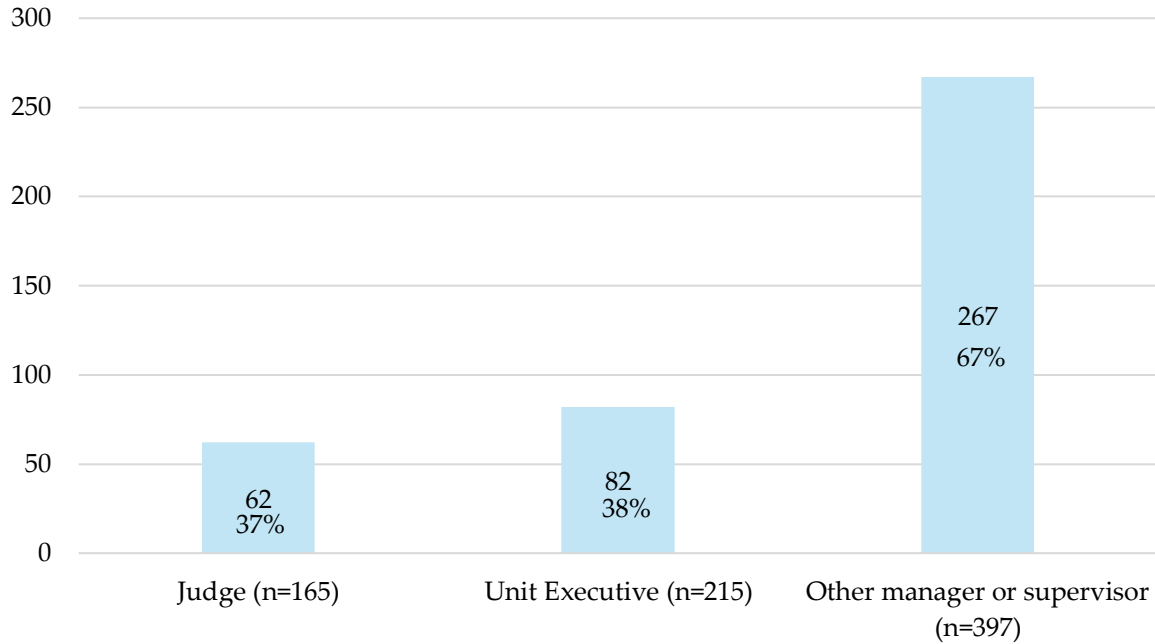
**Table 67: Identity of Party Who Committed the Abusive Behavior—*Could be Wrongful Conduct*<sup>a</sup>**

Q4. Please indicate who committed the behavior. Check all that apply.

	<i>n</i>	%
Judge	166	18%
Unit executive	216	24%
Other manager or supervisor	397	44%
Non-supervisory coworker	271	30%
Other (for example, attorneys, court users, security, contractors).	78	9%
Please describe:		
Prefer not to say	49	5%
<b>Total Respondents</b>	<b>900</b>	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%. Additionally, while 922 respondents indicated that their experience could be wrongful conduct, only 900 of these respondents answered the question indicating who had committed the behavior.

**Figure 26: Was the Committer Respondent’s Direct Supervisor? Could be Wrongful Conduct (Abusive Conduct)**



**Abusive Behavior that Happened to Others**

All respondents were asked if they had observed or heard about abusive behavior happening to other people. Most (80%, or 11,121 respondents) said *no*; 14% (1,905 respondents) said *yes* (Table 68).

**Table 68: Knowledge of Incidents of Abusive Behaviors Happening to Others**

Q20. The preceding questions asked you about abusive behavior that have happened to you. Have you observed or heard about incidents of abusive behavior happening to other people in your workplace since January 1, 2020?

	<i>n</i>	%
Yes	1905	14%
No	11121	80%
Prefer not to say	790	6%
Total Responses	13816	



## Comments

Part IV contained several open-ended (comment) questions relevant to this section of the report. Main themes are presented in bulleted lists in descending order of prevalence.

The first of these asked the 4,091 respondents who indicated experiencing at least one of the listed abusive behaviors to provide additional information about the behaviors and how they affected them. A total of 2,048 respondents (50.1% of 4,091 and 14.7% of all respondents) provided comments. No more than 786 respondents contributed to any one of the following main themes:

- verbal behaviors, such as rudeness, condescension, or other unprofessional comments;
- swearing, bullying, or threatening verbal behaviors;
- inadequate responses from management;
- the belief by respondents that the behavior was not abusive or pervasive; and
- the emotional impact behaviors had on the respondents.

At the end of all questions about abusive behaviors that happened to respondents, the 4,091 respondents who indicated experiencing at least one of the listed behaviors were provided a final opportunity to give information about the abusive behavior that they experienced. Three hundred and seventy-two respondents commented (9.1% of 4,091 and 26.8% of all respondents). No more than 57 respondents contributed to any one of the following main themes:

- swearing, bullying, or threatening verbal behaviors;
- rudeness, condescension, or other unprofessional comments;
- disregard of work product; and
- a belief that the current EDR process was not strong or effective enough.

The 1,905 respondents who indicated that they had observed or heard about abusive behavior happening to others were then asked to describe the incident(s), and 1,121 respondents (58.8% of 1,905 and 80.7% of all respondents) provided a comment. No more than 471 respondents contributed to any one of the following main themes:

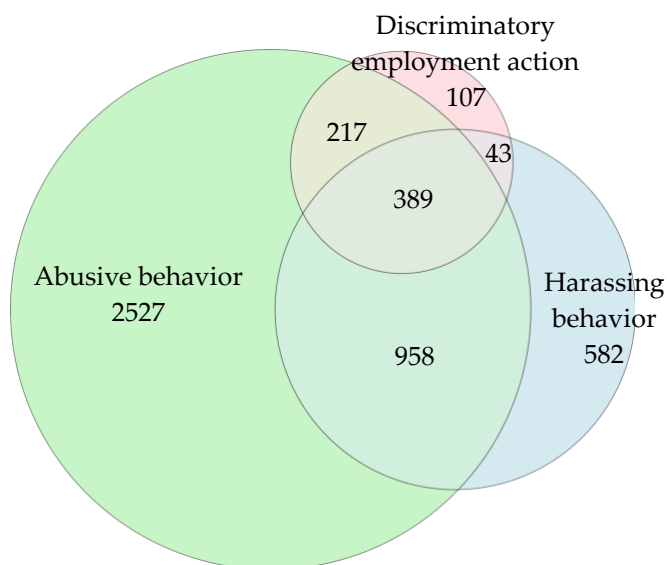
- swearing, bullying, or threatening verbal behaviors;
- rudeness, condescension, or other unprofessional comments;
- the target of behavior leaving the judiciary;
- that the person who committed the abusive behavior was a supervisor or manager; and
- that the target of the behavior was a subordinate.

## Reporting Inappropriate Behaviors and Actions (Survey Parts II, III, & IV)

This section of the report presents information about whether employees discussed or reported inappropriate behaviors and actions, either using non-EDR options or EDR options, and if they did, what happened. For context, it first summarizes material presented in the last three sections of the report.

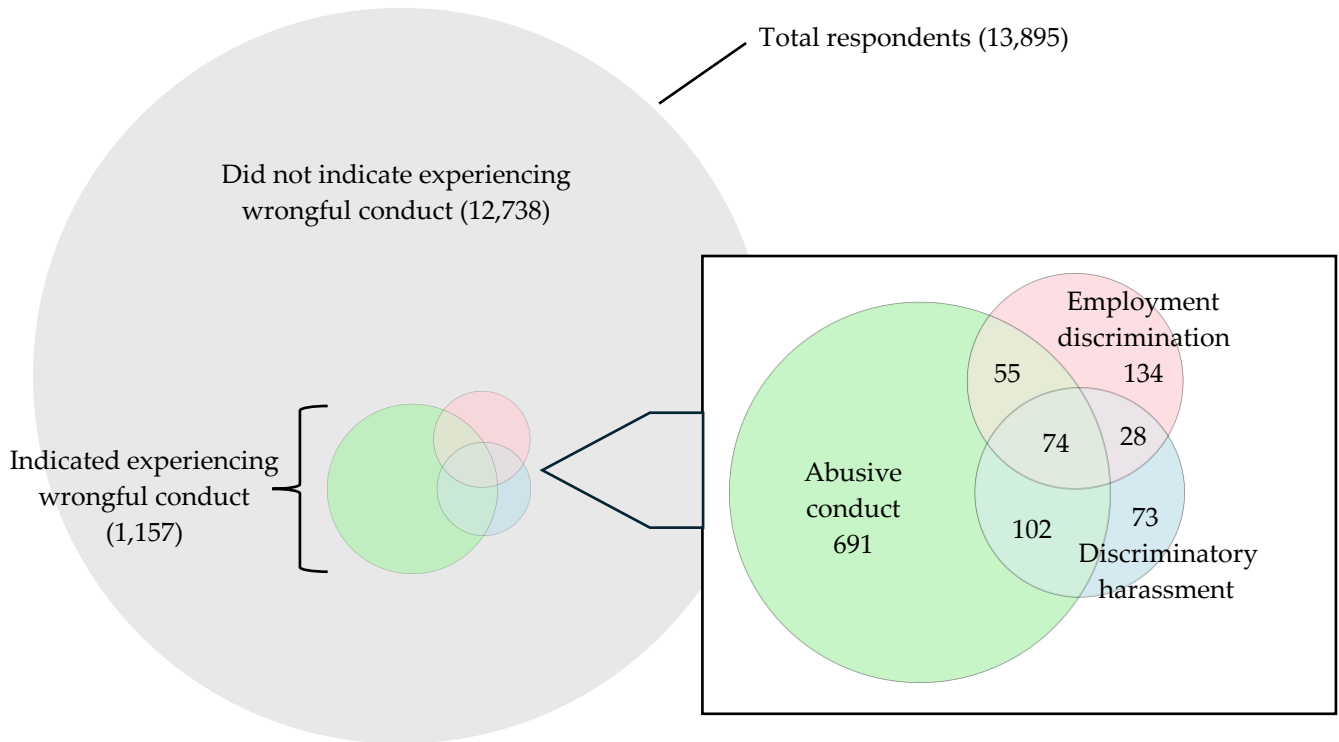
Those sections presented prevalence information separately for harassing behavior and discriminatory harassment; discriminatory employment actions and employment discrimination; and abusive behavior and abusive conduct. As seen in Figures 27 and 28, some respondents indicated experiencing incidents in more than one of these three areas.<sup>28</sup> Across all three areas, 4,823 unique respondents experienced at least one type of inappropriate behavior or action (34.7% of 13,895), and 1,157 unique respondents could have experienced at least one type of wrongful conduct (8.3% of 13,895 respondents).

**Figure 27: Venn Diagram of Respondents Who Indicated Experiencing a Behavior or Action Across Survey Parts II, III, and IV**



28. A single respondent might be represented in one of the overlapping sections of the diagram for more than one reason. For example, if the respondent experienced a single incident that was both harassing and abusive, they would be represented in the area of overlap between those two circles. A respondent might also be represented in that overlap area if they experienced separate incidents, one that was a harassing behavior and one that was an abusive behavior. The data cannot distinguish between these situations.

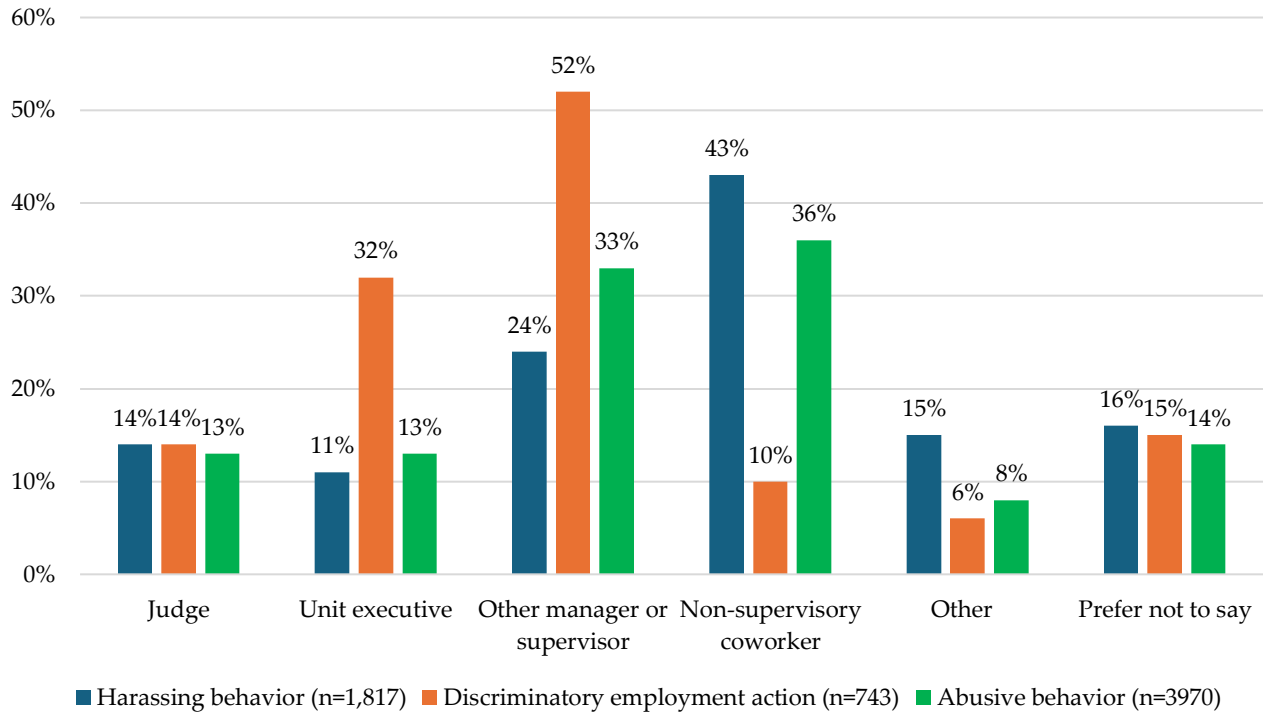
**Figure 28: Venn Diagram of Respondents Who Indicated Experiencing a Behavior or Action That Could be Wrongful Conduct Across Parts II, III, and IV**



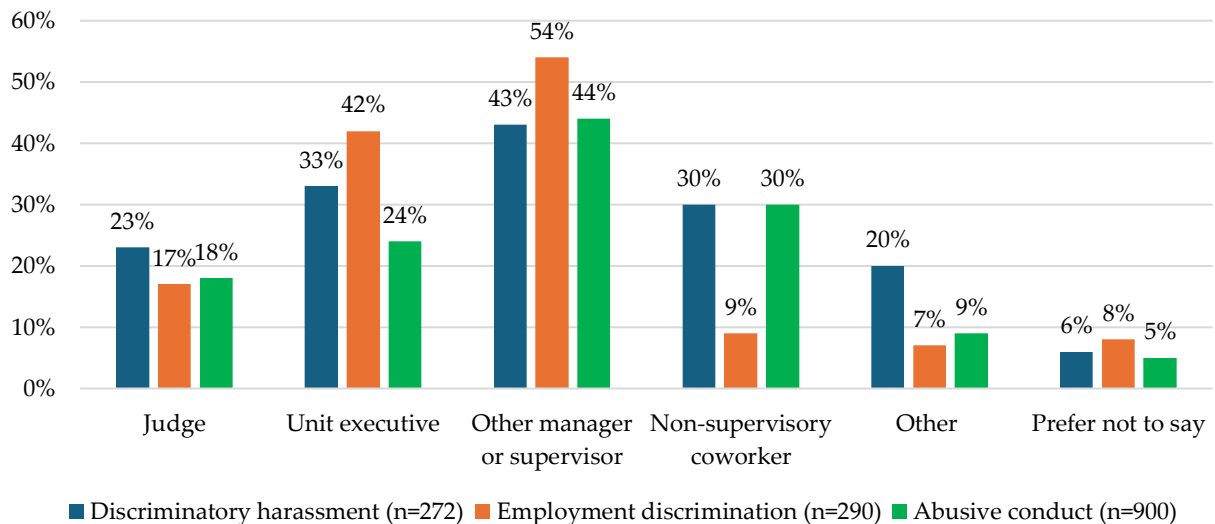
The previous three sections also presented information about who respondents said committed the inappropriate behaviors or actions. Figure 29 summarizes who respondents said committed the harassing behaviors, the discriminatory employment actions, and the abusive behaviors. Figure 30 summarizes this information for respondents who indicated they could have experienced wrongful conduct.

Figures B-1 through B-6 in Appendix B present a comprehensive summary of the prevalence information across the three conduct areas for all respondents and separately for chambers, clerk’s office, probation and pretrial services, and federal defender office respondents.

**Figure 29: Who Committed the Harassing Behaviors, the Discriminatory Employment Actions, and Abusive Behaviors**



**Figure 30: Who Committed the Discriminatory Harassment, Employment Discrimination, and Abusive Conduct—*Could Be Wrongful Conduct***



Parts II, III, and IV of the survey asked respondents to think about the behavior or action, or set of behaviors/actions, they thought were most serious and to answer questions about their discussions and reports of those behaviors/actions. These questions were asked of respondents who said they experienced at least one such behavior or action, whether or not the respondent answered follow-up questions indicating the behavior or action could have been wrongful conduct.

We first present summary information about discussions or reports across the types of behaviors/actions (i.e., harassing behavior, discriminatory employment action, and abusive behavior) and then present more detailed information separately for each.

### Discussing or Reporting Outside the EDR Process

Respondents were first asked whether they had tried to resolve the situation by discussing it with or reporting it to someone in their court or employing office other than the EDR coordinator or DWR—that is, outside the EDR process. Depending on the type of behavior or action, the percentage who did so ranged from 22% (harassing behaviors) to 32% (abusive behaviors) (Figure 31). In this figure, and throughout this section of the report, percentages are used for comparison due to the considerable difference in the size of respondent groups, which are noted in the legend of figures.

**Figure 31: When the Behavior or Action Happened to You, Did You Try to Resolve It by Discussing It with, or Reporting It to, Anyone in Your Court or Employing Office Other than Your EDR Coordinator or DWR?**

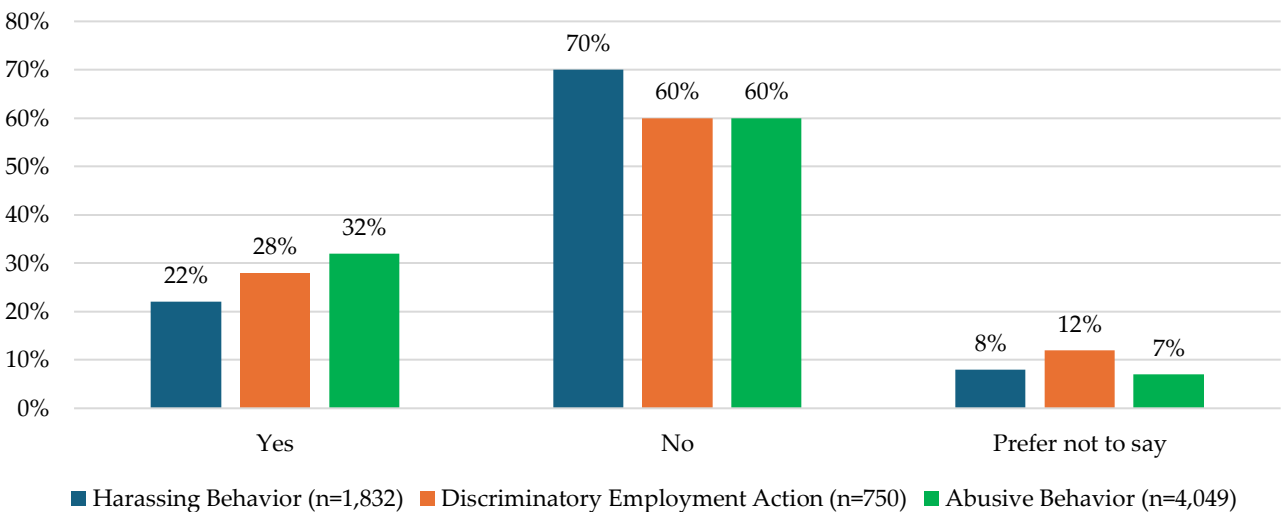
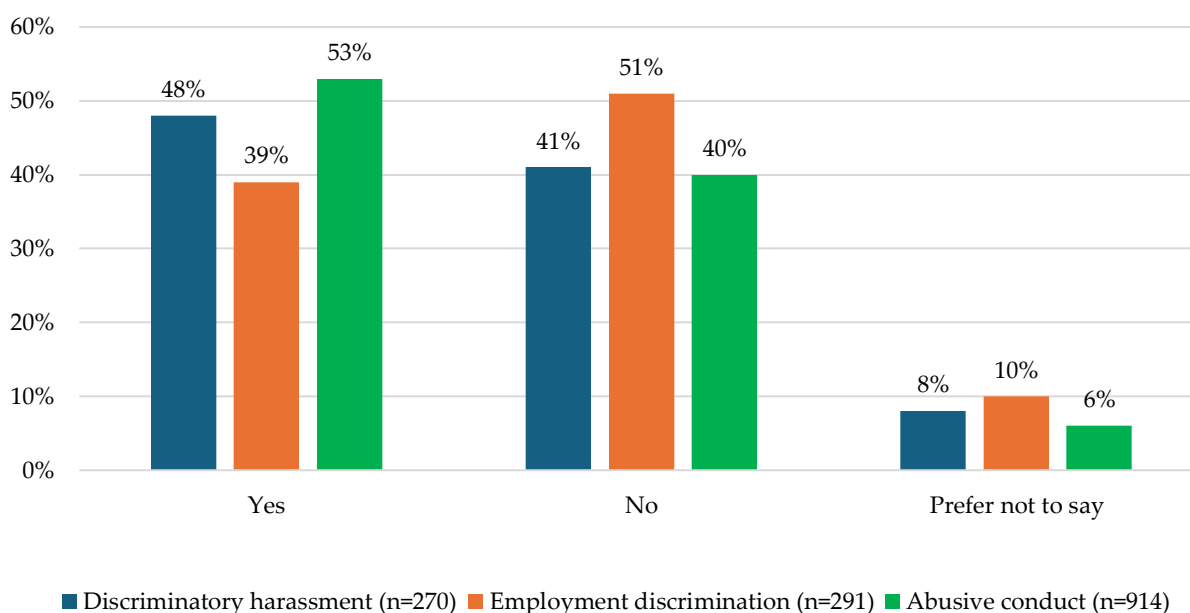


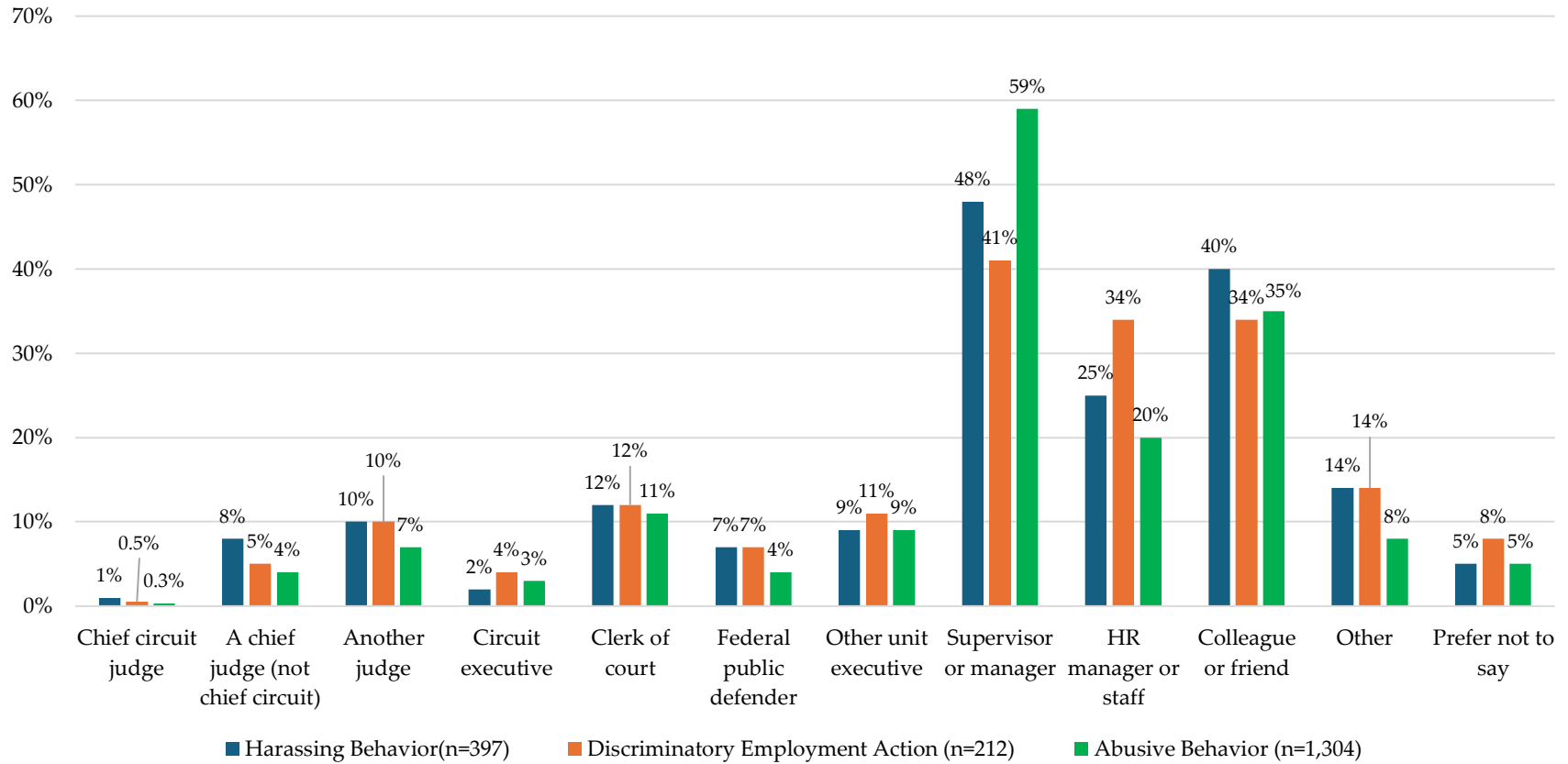
Figure 32 shows the same information for only those respondents who indicated, in the follow-up questions in each survey part, that a behavior or action they had experienced could be wrongful conduct. The percentage of *yes* responses was higher for these groups—ranging from 39% to 53%.

**Figure 32: When the Behavior or Action Happened to You, Did You Try to Resolve It by Discussing It with, or Reporting It to, Anyone in Your Court or Employing Office Other than Your EDR Coordinator or DWR? – Could Be Wrongful Conduct**



When respondents discussed or reported the behavior or action outside the EDR process, they most frequently consulted a supervisor or manager (between 48% and 50%), followed by a colleague or friend (between 35% and 40%), and then the Human Resources manager or staff (between 35% and 40%) (Figure 33).

**Figure 33: With Whom Did You Discuss or to Whom Did You Report the Behavior or Action?**



Tables 69–71 show respondents’ satisfaction with the people with whom they had discussed, or to whom they had reported, the harassing behavior, discriminatory employment action, or abusive behavior. The numbers of respondents in some of the subgroups in the tables are small and should be interpreted with caution.

**Table 69: Satisfaction with the Interaction Discussing or Reporting Harassing Behavior**

*Q11. How satisfied were you with the interactions you had with the people with whom you discussed, or to whom you reported, the harassing behavior?*

	Very dissatisfied	Dissatisfied	Neither dissatisfied nor satisfied	Satisfied	Very satisfied	It's too soon to say	Prefer not to say	<i>n</i>
1. Chief circuit judge	1 25%	0 0%	1 25%	1 25%	1 25%	0 0%	0 0%	4
2. A chief judge (other than the chief circuit judge)	12 40%	5 17%	2 7%	4 13%	6 20%	0 0%	1 3%	30
3. Another judge	8 20%	4 10%	5 13%	12 30%	11 28%	0 0%	0 0%	40
4. The circuit executive	1 11%	2 22%	1 11%	2 22%	1 11%	0 0%	2 22%	9
5. The clerk of court	16 35%	7 15%	1 2%	9 20%	11 24%	0 0%	2 4%	46
6. Federal public defender	12 43%	5 18%	1 4%	4 14%	5 18%	1 4%	0 0%	28
7. Other unit executive	5 14%	5 14%	6 17%	12 34%	7 20%	0 0%	0 0%	35
8. A supervisor or manager (other than a judge or unit executive)	40 21%	37 20%	33 18%	32 17%	43 23%	1 1%	2 1%	188
9. Human Resources (HR) manager or staff	29 29%	17 17%	22 22%	18 18%	13 13%	1 1%	0 0%	100



	<b>Very dissatisfied</b>	<b>Dissatisfied</b>	<b>Neither dissatisfied nor satisfied</b>	<b>Satisfied</b>	<b>Very satisfied</b>	<b>It's too soon to say</b>	<b>Prefer not to say</b>	<i>n</i>
10. A colleague or friend	0 0%	7 5%	41 27%	45 29%	58 38%	0 0%	3 2%	154
11. Other. Please describe	13 23%	6 11%	8 14%	16 29%	11 20%	0 0%	2 4%	56
12. Prefer not to say	3 16%	3 16%	2 11%	6 32%	3 16%	0 0%	2 11%	19

**Table 70: Satisfaction with the Interaction Discussing or Reporting Discriminatory Employment Action**

Q7. How satisfied were you with the interactions you had with the people with whom you discussed, or to whom you reported, the discriminatory employment action?

	Very dissatisfied	Dissatisfied	Neither dissatisfied nor satisfied	Satisfied	Very satisfied	It's too soon to say	Prefer not to say	<i>n</i>
1. Chief circuit judge	0 0%	0 0%	0 0%	0 0%	0 0%	1 100%	0 0%	1
2. A chief judge (other than the chief circuit judge)	6 55%	2 18%	1 9%	1 9%	0 0%	1 9%	0 0%	11
3. Another judge	4 18%	8 36%	5 23%	3 14%	1 5%	1 5%	0 0%	22
4. The circuit executive	3 33%	3 33%	2 22%	0 0%	0 0%	0 0%	1 11%	9
5. The clerk of court	12 46%	8 31%	2 8%	1 4%	1 4%	1 4%	1 4%	26
6. Federal public defender	7 47%	1 7%	2 13%	1 7%	2 13%	1 7%	1 7%	15
7. Other unit executive	7 32%	6 27%	1 5%	2 9%	3 14%	1 5%	2 9%	22
8. A supervisor or manager (other than a judge or unit executive)	24 28%	22 26%	22 26%	10 12%	5 6%	0 0%	3 3%	86
9. Human Resources (HR) manager or staff	23 32%	23 32%	17 23%	4 5%	3 4%	1 1%	2 3%	73

	<b>Very dissatisfied</b>	<b>Dissatisfied</b>	<b>Neither dissatisfied nor satisfied</b>	<b>Satisfied</b>	<b>Very satisfied</b>	<b>It's too soon to say</b>	<b>Prefer not to say</b>	<i>n</i>
10. A colleague or friend	5 7%	3 4%	19 26%	24 33%	16 22%	2 3%	3 4%	72
11. Other. Please describe	9 31%	6 21%	3 10%	5 17%	3 10%	0 0%	3 10%	29
12. Prefer not to say	2 12%	3 18%	4 24%	2 12%	1 6%	1 6%	4 24%	17

**Table 71: Satisfaction with the Interaction Discussing or Reporting Abusive Behavior**

Q7. How satisfied were you with the interactions you had with the people with whom you discussed, or to whom you reported, the abusive behavior?

	Very dissatisfied	Dissatisfied	Neither dissatisfied nor satisfied	Satisfied	Very satisfied	It's too soon to say	Prefer not to say	<i>n</i>
1. Chief circuit judge	2 50%	0 0%	1 25%	0 0%	1 25%	0 0%	0 0%	4
2. A chief judge (other than the chief circuit judge)	10 20%	8 16%	4 8%	12 24%	11 22%	2 4%	2 4%	49
3. Another judge	12 13%	16 17%	15 16%	17 18%	30 32%	2 2%	2 2%	94
4. The circuit executive	8 23%	7 20%	3 9%	6 17%	9 26%	1 3%	1 3%	35
5. The clerk of court	30 22%	23 17%	19 14%	27 20%	33 24%	1 1%	4 3%	137
6. Federal public defender	19 34%	7 13%	11 20%	7 13%	6 11%	1 2%	5 9%	56
7. Other unit executive	19 16%	28 23%	25 20%	20 16%	21 17%	5 4%	4 3%	122
8. A supervisor or manager (other than a judge or unit executive)	89 12%	147 19%	174 23%	188 25%	136 18%	8 1%	17 2%	759
9. Human Resources (HR) manager or staff	53 21%	44 17%	56 22%	54 21%	41 16%	3 1%	7 3%	258
10. A colleague or friend	5 1%	13 3%	121 27%	153 34%	145 32%	1 0.2%	10 2%	448

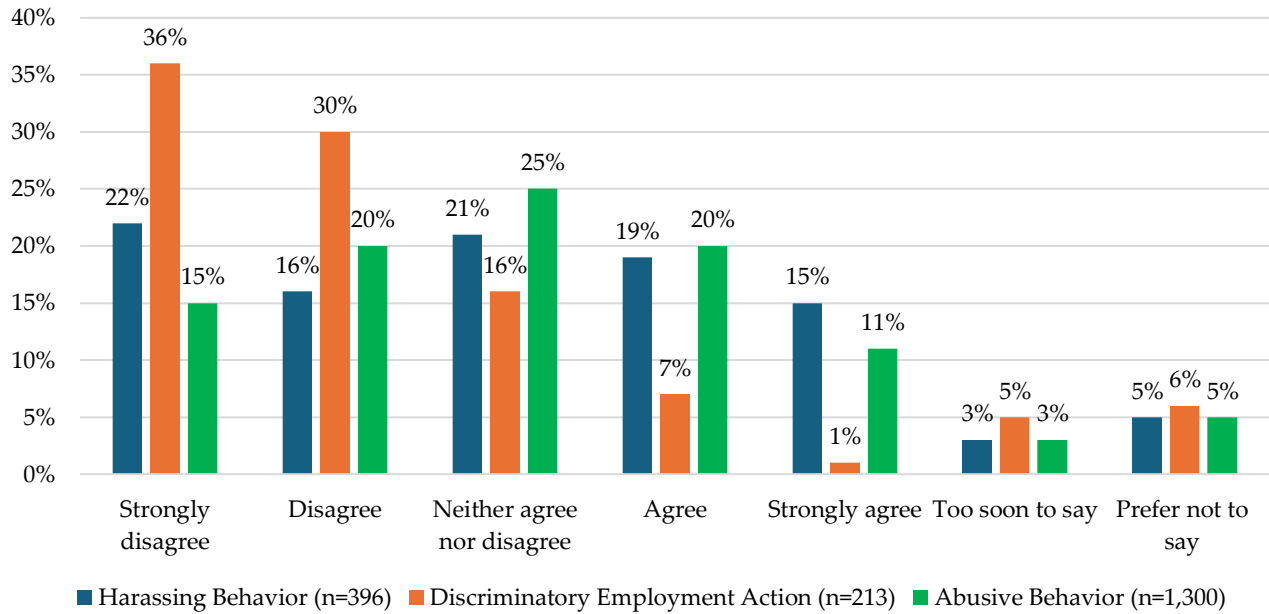
	Very dissatisfied	Dissatisfied	Neither dissatisfied nor satisfied	Satisfied	Very satisfied	It's too soon to say	Prefer not to say	n
11. Other. Please describe	19 18%	15 14%	22 21%	22 21%	23 22%	4 4%	1 1%	106
12. Prefer not to say	5 9%	14 24%	11 19%	10 17%	9 16%	0 0%	9 16%	58

Respondents who indicated they had spoken to someone in their court or employing office other than their EDR coordinator or DWR were asked the extent to which they disagreed or agreed with three statements about the process (Figures 34a, 34b, 34c).

**Figure 34: Agreement with Statements About Non-EDR Discussions or Reports**

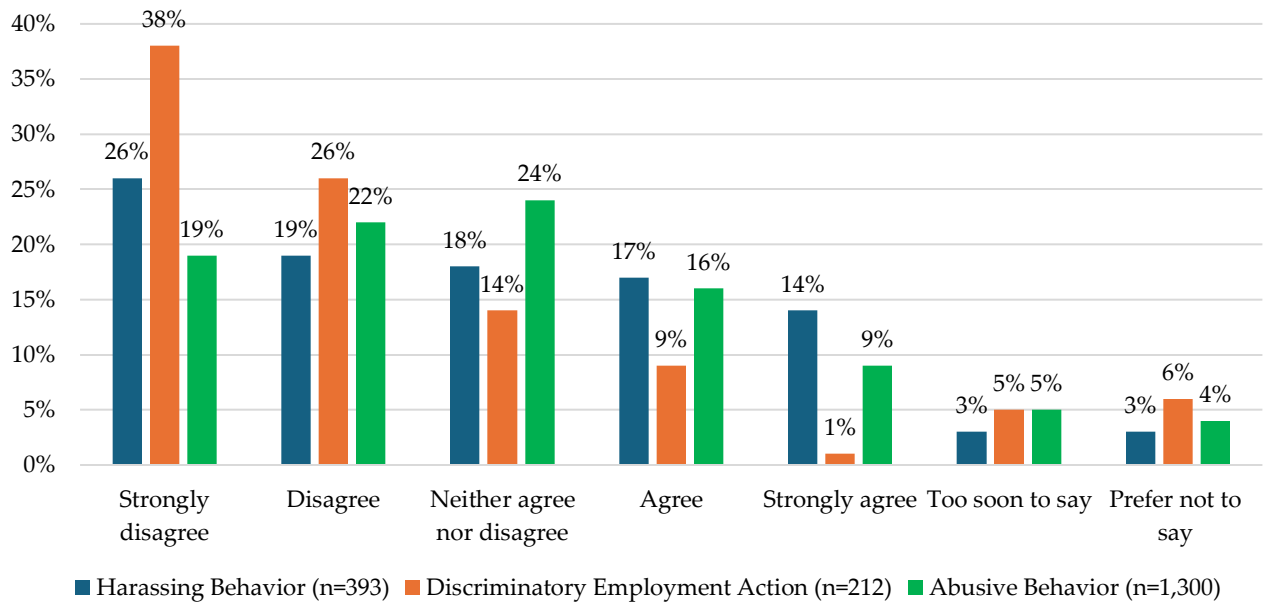
**Figure 34a**

*Statement 1. My concern was sufficiently looked into or investigated.*



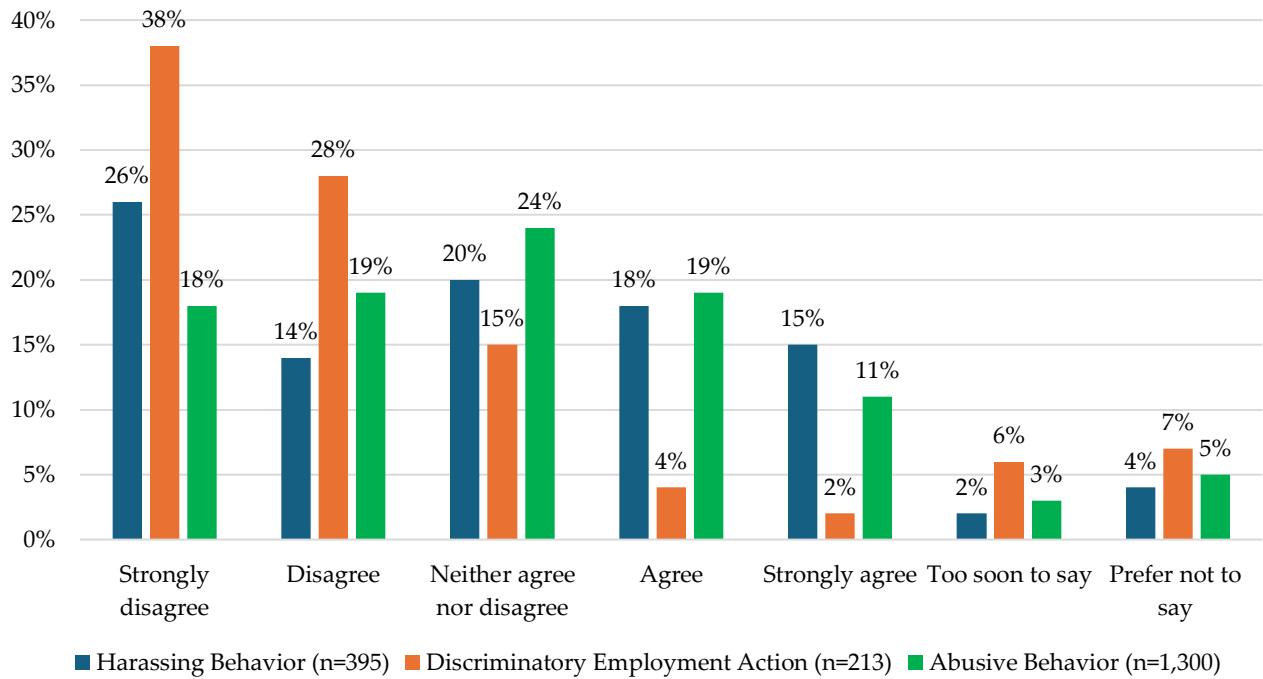
**Figure 34b**

*Statement 2. My concern was remedied.*



**Figure 34c**

*Statement 3. I was satisfied with the process used to address my concern.*



### Discussing or Reporting using the EDR Options

Respondents also were asked whether they had tried to resolve the situation by using the options available under the EDR Plan—informal advice, assisted resolution, or formal complaint. Figure 35 shows how many respondents indicated using these options to address harassing behavior, discriminatory employment actions, or abusive behavior.

**Figure 35: Did You Use Any of the Options Under the EDR Plan to Address the Behavior or Action? Please Check All That Apply.**

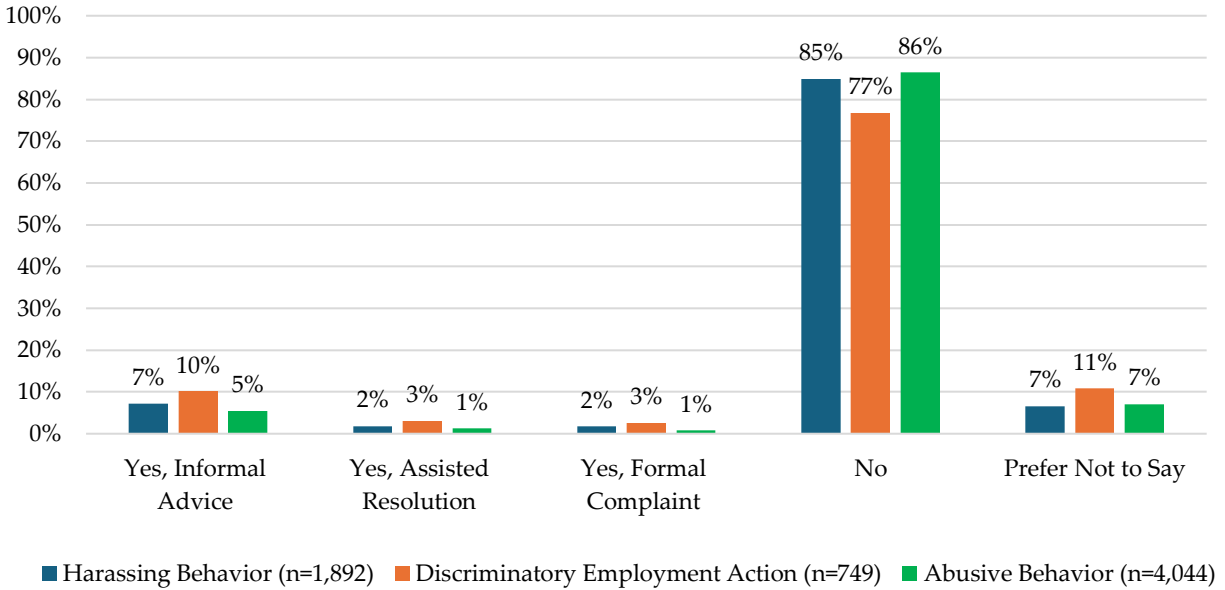


Figure 36 shows the same information for only those respondents whose experience could be wrongful conduct. A higher percentage of these respondents used the options.

**Figure 36: Did You Use Any of the Options Under the EDR Plan to Address the Behavior or Action? Please Check All That Apply. — Could Be Wrongful Conduct**

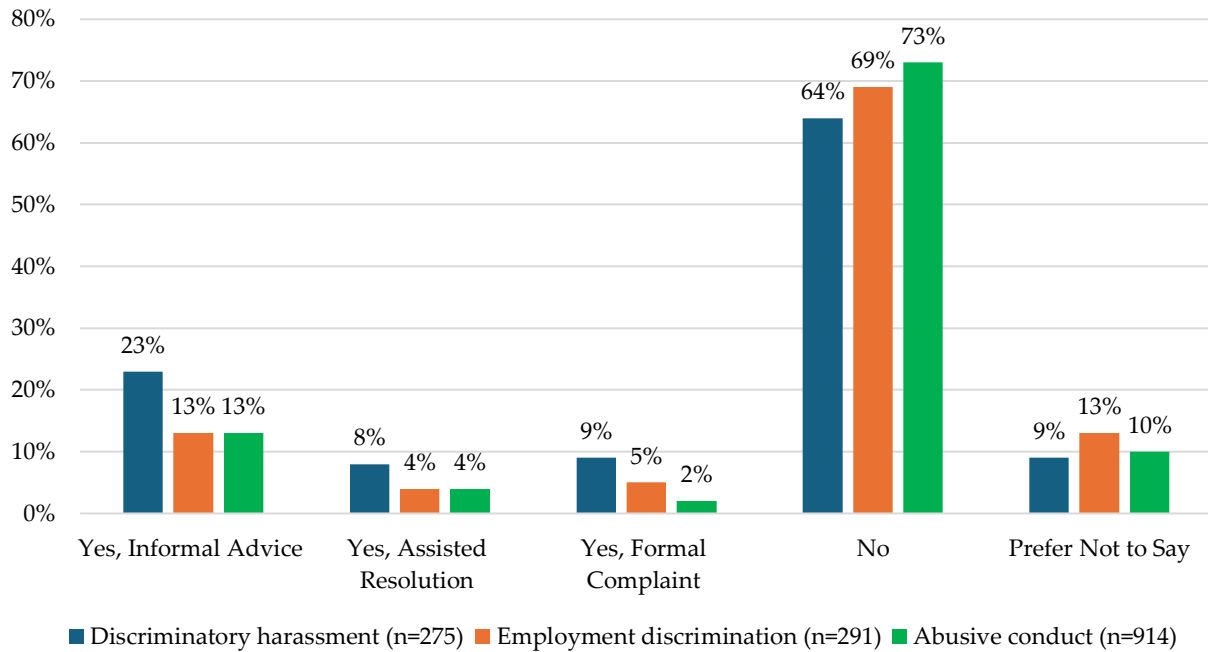
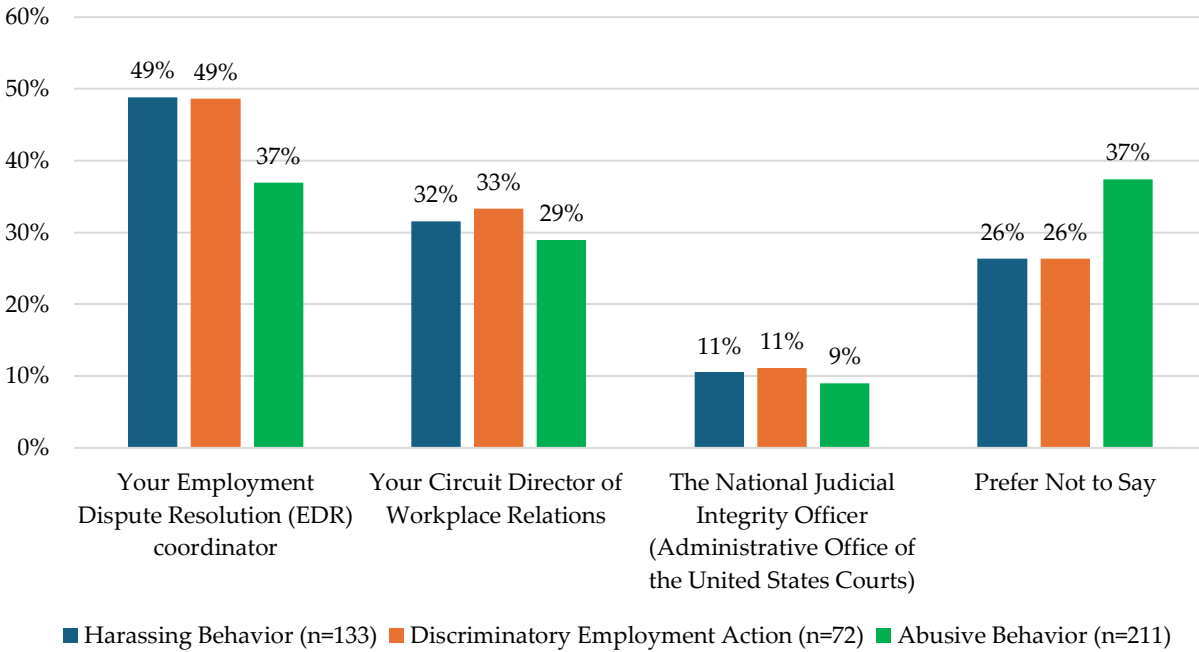




Figure 37 shows that across the three types of inappropriate behavior/action, respondents who used the informal advice procedure most frequently said they spoke to an EDR coordinator, though about a third also said they spoke to a DWR.

**Figure 37: Whom Did You Contact for Informal Advice? Please Check All That Apply.**



Tables 72–74 show respondents’ level of satisfaction with the interactions with people they contacted for informal advice. The numbers of respondents in some of the subgroups in the tables are small and should be interpreted with caution.

**Table 72: Satisfaction with Informal Advice Process for Discriminatory Harassment**

Q15. How satisfied were you with the interactions you had with the people you contacted for informal advice about the harassing behavior?

	Very dissatisfied	Dissatisfied	Neither dissatisfied nor satisfied	Satisfied	Very satisfied	It's too soon to say	Prefer not to say	<i>n</i>
Your Employment Dispute Resolution (EDR) coordinator	6 9%	10 16%	14 22%	17 27%	16 25%	0 0%	1 2%	64
Your Circuit Director of Workplace Relations	6 15%	7 17%	7 17%	11 27%	9 22%	0 0%	1 2%	41
The National Judicial Integrity Officer (AO)	3 21%	0 0%	4 29%	3 21%	4 29%	0 0%	0 0%	14
Prefer not to say	1 3%	0 0%	16 46%	10 29%	5 14%	0 0%	3 9%	35

**Table 73: Satisfaction with Informal Advice Process for Discriminatory Employment Actions**

Q11. How satisfied were you with the interactions you had with the people you contacted for informal advice about the discriminatory employment action?

	Very dissatisfied	Dissatisfied	Neither dissatisfied nor satisfied	Satisfied	Very satisfied	It's too soon to say	Prefer not to say	<i>n</i>
1. Your Employment Dispute Resolution (EDR) coordinator	6 17%	3 9%	7 20%	9 26%	9 26%	1 3%	0 0%	35
2. Your Circuit Director of Workplace Relations	4 17%	3 13%	8 33%	5 21%	4 17%	0 0%	0 0%	24
3. The National Judicial Integrity Officer (AO)	4 50%	0 0%	4 50%	0 0%	0 0%	0 0%	0 0%	8
4. Prefer not to say	1 5%	4 21%	7 37%	3 16%	2 11%	1 5%	1 5%	19

**Table 74: Satisfaction with Informal Advice Process for Abusive Behavior**

Q11. How satisfied were you with the interactions you had with the people you contacted for informal advice about the abusive behavior?

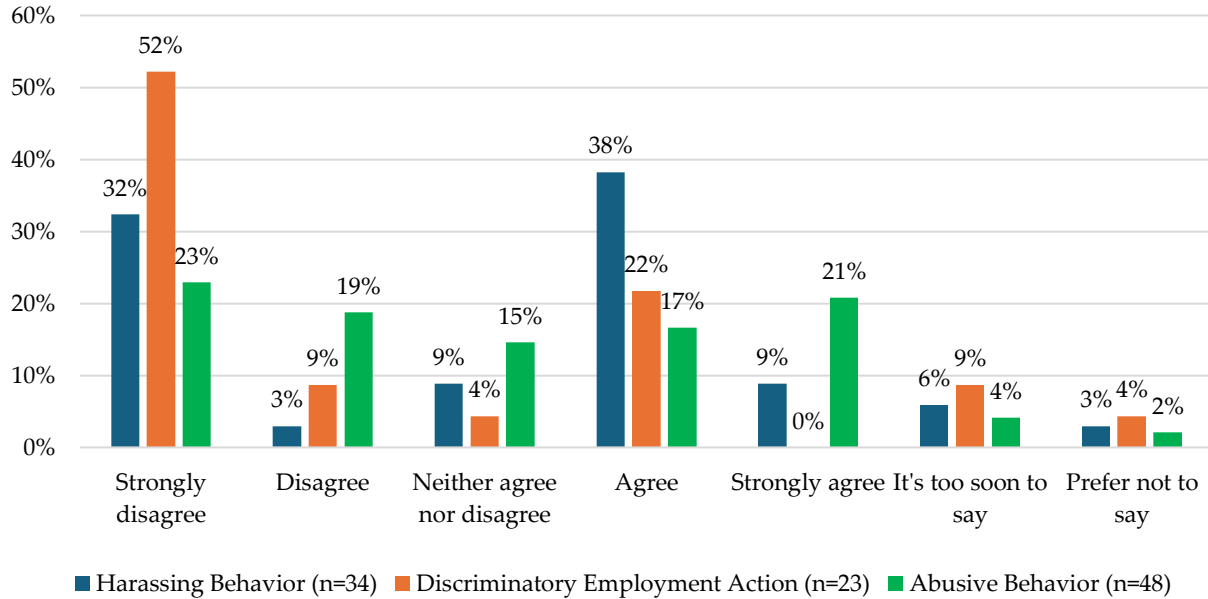
	Very dissatisfied	Dissatisfied	Neither dissatisfied nor satisfied	Satisfied	Very satisfied	It's too soon to say	Prefer not to say	<i>n</i>
1. Your Employment Dispute Resolution (EDR) coordinator	10 13%	11 14%	17 22%	20 26%	17 22%	3 4%	0 0%	78
2. Your Circuit Director of Workplace Relations	9 15%	5 8%	13 22%	15 25%	16 27%	2 3%	0 0%	60
3. The National Judicial Integrity Officer (AO)	6 32%	2 11%	4 21%	2 11%	4 21%	1 5%	0 0%	19
4. Prefer not to say	4 5%	7 9%	31 40%	19 24%	10 13%	1 1%	6 8%	78

Respondents who said they used the assisted resolution process were asked whether they agreed or disagreed with four statements about the process (Figures 38a, 38b, 38c, and 38d). Relatively few respondents answered these questions.

**Figure 38: Please Indicate the Extent to Which You Disagree or Agree with the Following Statements About Your Use of the Assisted Resolution Process**

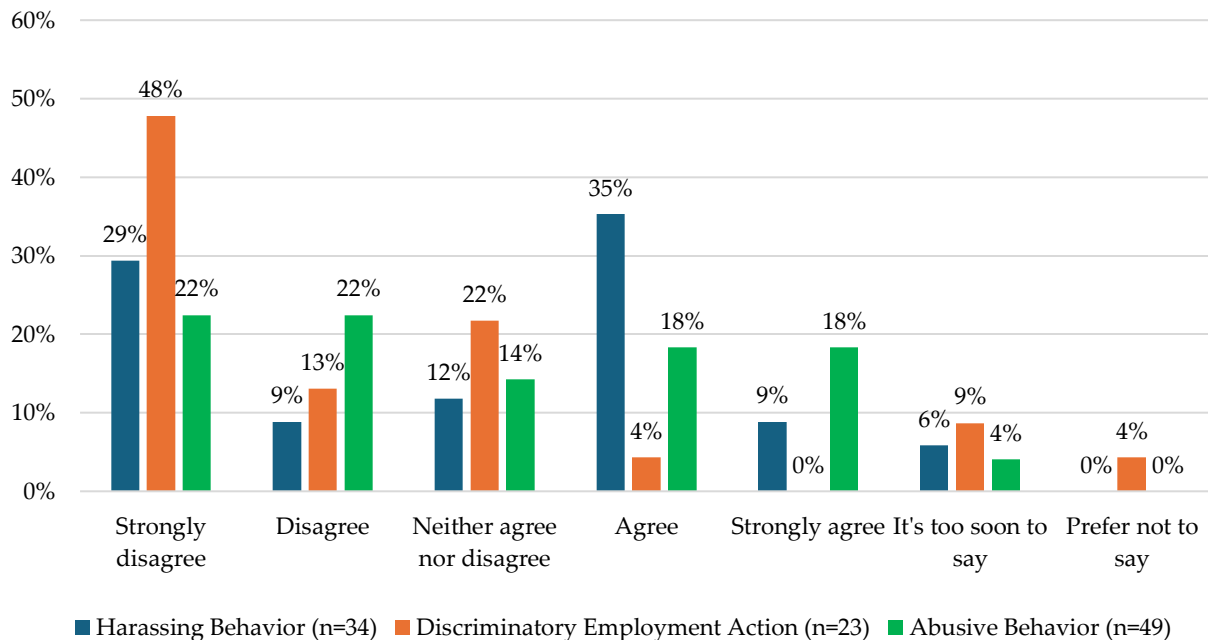
**Figure 38a**

*Statement 1. The assisted resolution process provided a meaningful opportunity to try to resolve my concern about the behavior or action.*



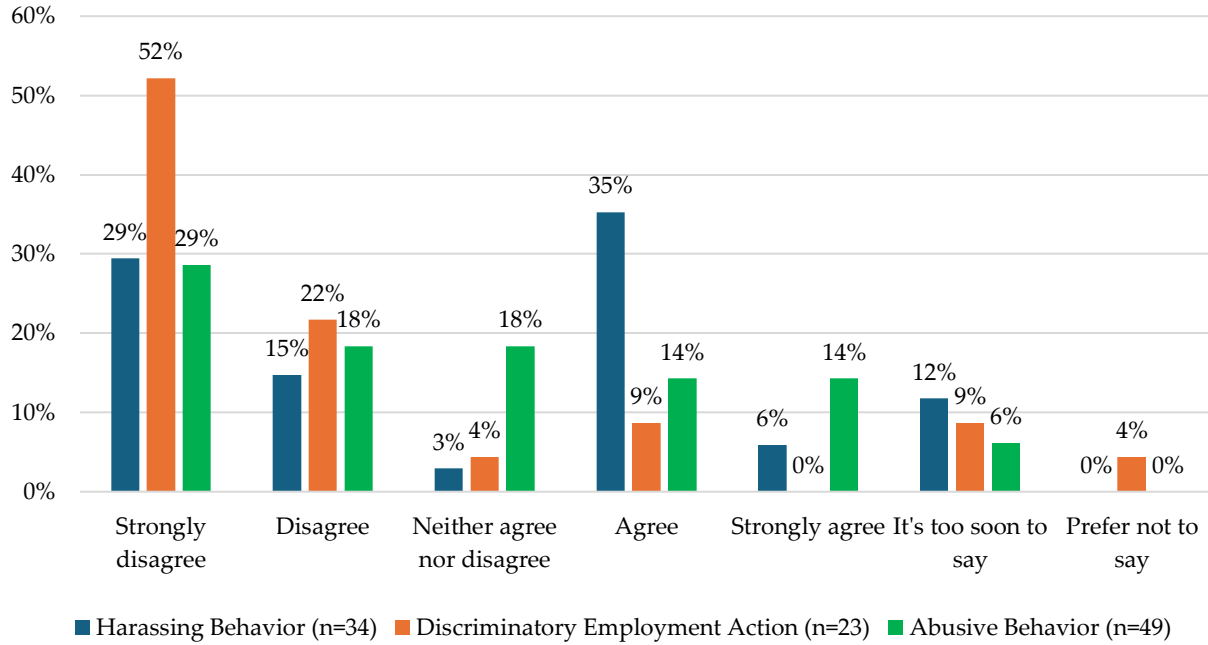
**Figure 38b**

*Statement 2. My concern about the behavior or action was sufficiently looked into or investigated.*



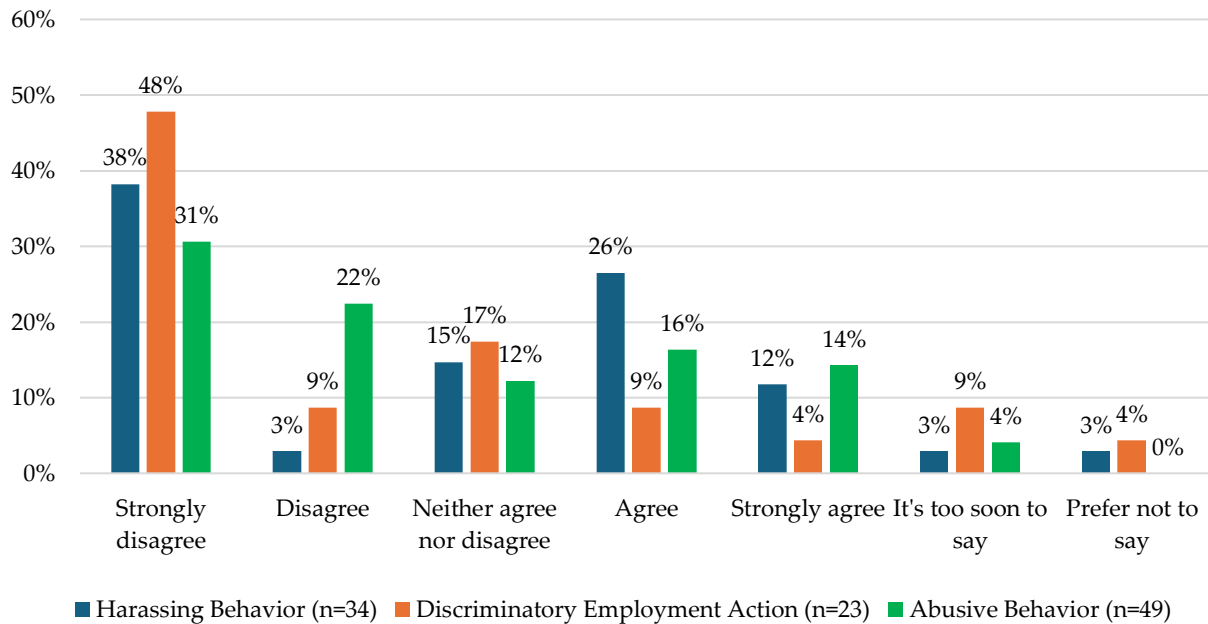
**Figure 38c**

Statement 3. My concern about the behavior or action was remedied.



**Figure 38d**

Statement 4. I was satisfied with the process used to address my concern about the behavior or action.

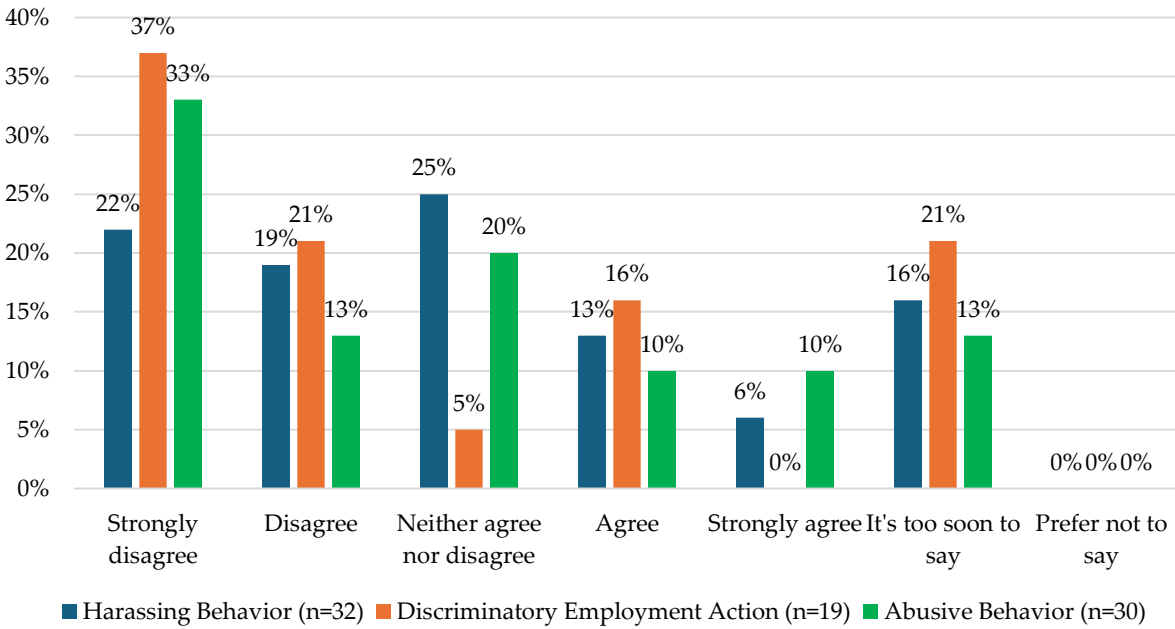


Respondents who said they used the formal complaint process were asked whether they agreed or disagreed with four statements about the process (Figures 39a, 39b, 39c, 39d). Relatively few respondents answered these questions.

**Figure 39: Please Indicate the Extent to Which You Disagree or Agree with the Following Statements About Your Use of the Formal Complaint Process**

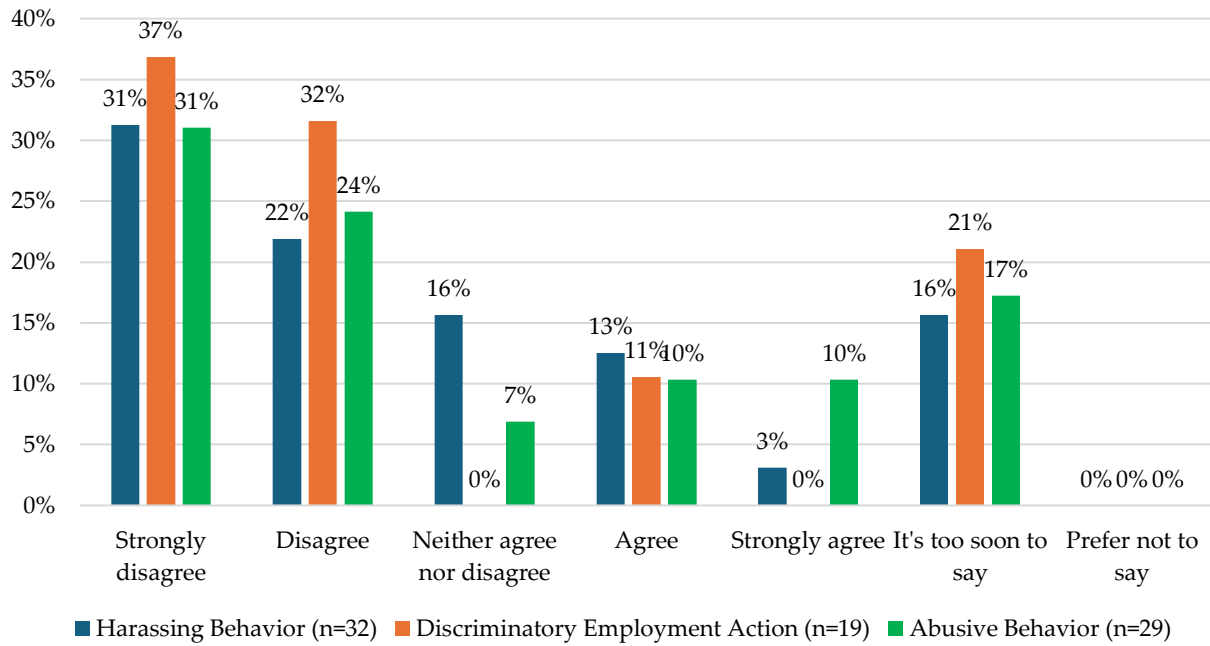
**Figure 39a**

*Statement 1. The formal complaint process was fair, impartial, and free of conflicts.*



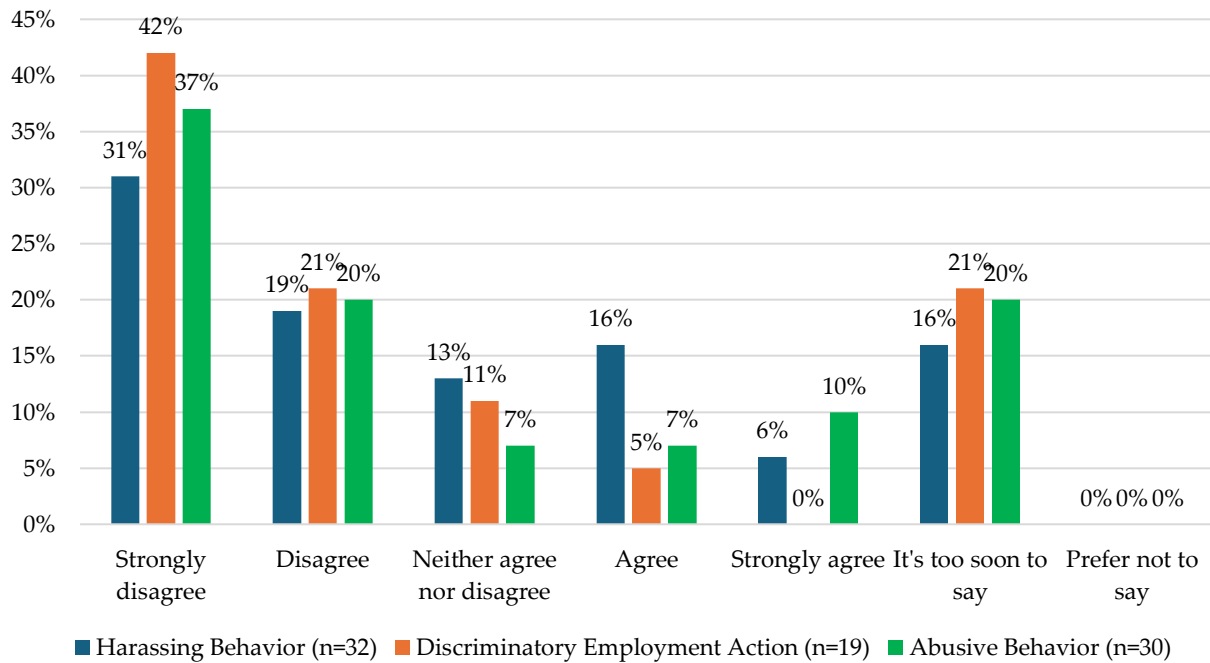
**Figure 39b**

Statement 2. My concern about the behavior or action was thoroughly and impartially investigated.



**Figure 39c**

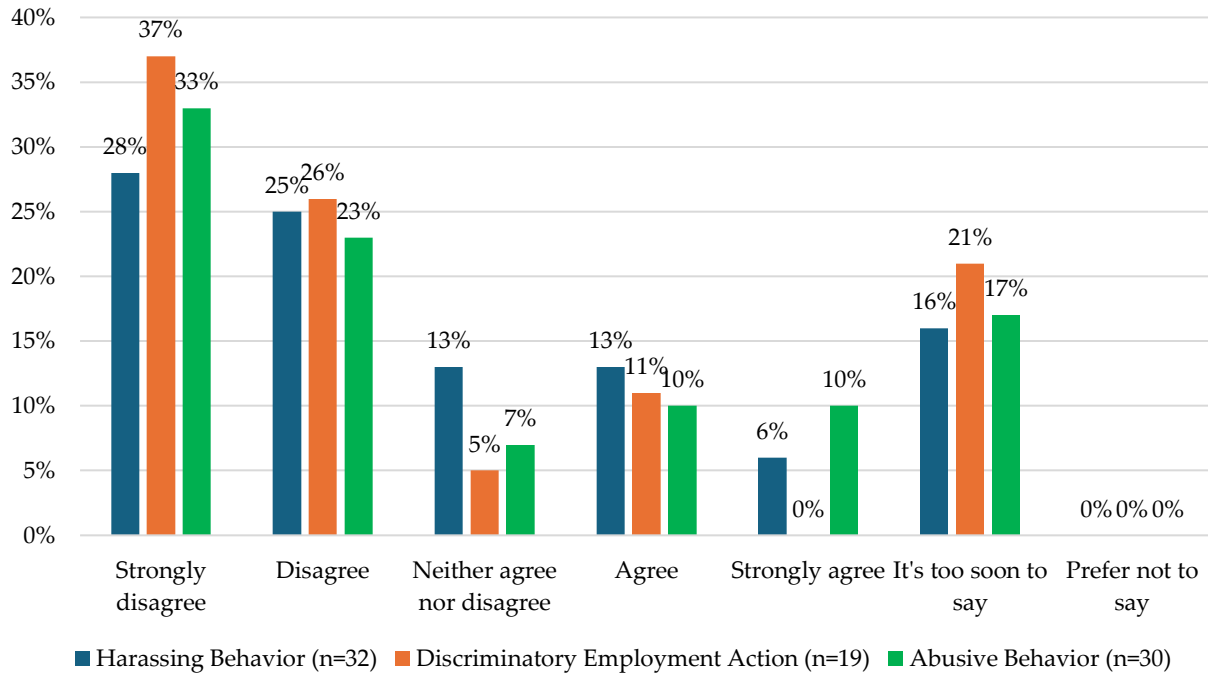
Statement 3. My concern about the behavior or action was remedied.





**Figure 39d**

Statement 4. I was satisfied with the formal complaint process and the interactions involved in that process.



### Judicial Conduct and Disability Act Complaints

Across Parts II, III, and IV, two respondents said they filed a complaint under the Judicial Conduct and Disability Act.

### Outcome of Discussion or Reports

Respondents who indicated they discussed or reported the behavior, either using EDR or non-EDR options, were asked the outcome of those discussions or reports. Figure 40 shows the five most frequently cited outcomes for each type of behavior or action.

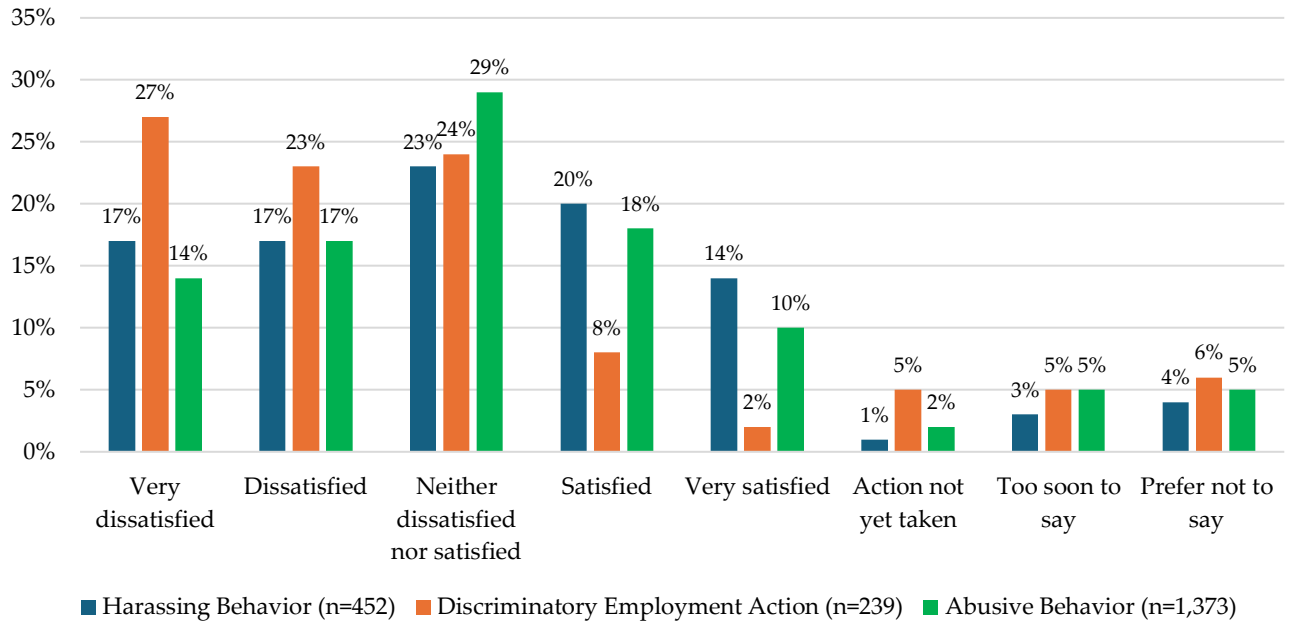
**Figure 40: Five Most Frequently Cited Outcomes of Discussions or Reports**

	Harassing Behavior (n = 454)	Discriminatory Employment Action (n = 239)	Abusive Behavior (n = 1,368)
1.	No action was taken (26%)	No action was taken (34%)	No action was taken (26%)
2.	Behavior stopped (24%)	Behavior continued (24%)	Behavior continued (19%)
3.	Behavior continued (18%)	I was encouraged to drop matter (18%)	I don't know what was done (19%)
4.	I don't know what was done (17%)	I don't know what was done (14%)	Behavior stopped (17%)
5.	Authority told person to stop (15%)	Decided not to pursue the matter (11%)	Authority told person to stop (13%)

Note: Colors reflect similar outcomes across behavior/action type; *n* is the number of respondents who indicated they discussed or reported a behavior/action and provided an outcome. The number at the top of each column represents the number of respondents who answered this question for each type of inappropriate behavior or action. The percentages are out of this number for each column. For example, for harassing behavior, 26% of 454 respondents said that no action was taken.

Respondents rated their satisfaction with the outcome of discussing or reporting the behavior or action, using EDR or non-EDR options (Figure 41). Respondents who discussed or reported discriminatory employment actions tended to be dissatisfied – only 10% *satisfied* or *very satisfied* compared to 50% *dissatisfied* or *very dissatisfied*. By comparison, the same percentage of respondents who discussed or reported harassing behaviors were about as likely to be *very dissatisfied* or *dissatisfied* (34%) as to be *satisfied* or *very satisfied* (also 34%). Similarly, the satisfaction ratings of respondents who discussed or reported abusive behaviors were more dispersed.

**Figure 41: How Satisfied Were You with the Outcome?**



**Reasons for Not Discussing or Reporting**

Respondents who indicated that they had experienced at least one behavior or action but had not discussed or reported it were asked why they had not done so. They could select as many reasons as applied from a list of 21 reasons. Figure 42 shows the seven most frequently selected reasons.

**Figure 42: When the Behavior or Action Happened to You, Why Did You Not Report It or Discuss It with Anyone? Please Check All That Apply.**

	Harassing Behavior (n = 1,195)	Discriminatory Employment Action (n = 415)	Abusive Behavior (n = 2,292)
1.	I didn't think the behavior was serious enough to report (46%)	I didn't think anything would be done (52%)	I didn't think the behavior was serious enough to report (41%)
2.	I wanted to forget about it and move on (31%)	I didn't trust that the process would be fair (44%)	I didn't think anything would be done (35%)
3.	I didn't think anything would be done (31%)	I thought it might hurt my career or I might lose my job (43%)	I wanted to forget about it and move on (32%)
4.	I was worried about retaliation by the person who harassed me and/or someone else (25%)	I was worried about retaliation by the person who committed the discrimination against me and/or someone else (41%)	I was concerned about continuing to work with the person who committed the abusive behavior after reporting the behavior (27%)
5.	I was concerned about continuing to work with the person who harassed me after reporting the behavior (24%)	I was concerned about continuing to work with the person who committed the discrimination against me after reporting the action (33%)	I was worried about retaliation by the person who committed the abusive behavior and/or someone else (27%)
6.	I didn't trust that the process would be fair (22%)	I wanted to forget about it and move on (29%)	I thought it might hurt my career or I might lose my job (23%)
7.	I thought it might hurt my career or I might lose my job (21%)	I didn't think I would be believed (20%)	I didn't trust that the process would be fair (23%)

Note: Colors reflect similar reasons for not discussing/reporting across behavior/action type; n is the number of respondents who answered the question for each type of inappropriate behavior/action. The percentages are out of this number for each column. For example, for harassing behavior, 46% of 1,195 respondents said that they did not believe the behavior was serious enough to discuss or report.

Respondents were also asked to indicate the main reason they did not discuss or report. Figure 43 shows the seven most frequently selected main reasons.<sup>29</sup>

29. If a respondent selected only one reason in the check all that apply question, we assumed this reason was their main reason without asking them the follow-up question. These respondents are included in Figure 43.

**Figure 43: Which One of the Reasons You Checked Was Your Main Reason for Not Discussing the Situation with Someone Who Is Responsible for Stopping These Types of Behaviors?**

	Harassing Behavior (n = 1,187)	Discriminatory Employment Action (n = 415)	Abusive Behavior (n = 2,282)
1.	I didn't think the behavior was serious enough to report (31%)	I didn't think anything would be done (17%)	I didn't think the behavior was serious enough to report (27%)
2.	I didn't think anything would be done (9%)	I thought it might hurt my career or I might lose my job (13%)	I didn't think anything would be done (12%)
3.	I confronted the person myself (9%)	I was worried about retaliation by the person who committed the discrimination against me and/or someone else (13%)	I wanted to forget about it and move on (9%)
4.	I wanted to forget about it and move on (9%)	I didn't trust that the process would be fair (12%)	I was worried about retaliation by the person who committed the abusive behavior and/or someone else (7%)
5.	I was worried about retaliation by the person who harassed me and/or someone else (6%)	I didn't think the action was serious enough to report (9%)	I confronted the person myself (7%)
6.	I thought it might hurt my career or I might lose my job (5%)	I wanted to forget about it and move on (7%)	I thought it might hurt my career or I might lose my job (6%)
7.	I didn't trust that the process would be fair (5%)	I was concerned about continuing to work with the person who committed the discrimination against me after reporting the action (5%)	I was concerned about continuing to work with the person who committed the behavior after reporting the behavior (5%)

Note: Colors reflect similar reasons across behavior type; n is the number of respondents who provided a main reason for each type of inappropriate behavior/action.

### **Additional Information about Discussing or Reporting Harassing Behaviors, Discriminatory Employment Actions, and Abusive Behaviors**

Below is more detail separately regarding what respondents said they did when they experienced harassing behaviors, discriminatory employment actions, and abusive behaviors.

**Discussing or Reporting Harassing Behaviors (Part II).** When asked to focus on the most serious harassing behavior(s), or series of behaviors, they experienced, most respondents said they did not discuss or report the behavior, with 399 respondents (22% of 1,832 respondents) using non-EDR options (Table 75) and 161 respondents (9% of 1,892 respondents) reporting the behavior via official EDR channels (Table 77). Those who used non-EDR options tended to favor consulting with someone close to the respondent, either their supervisor or manager (190 respondents, or 48% of 397 respondents) or a colleague or friend (157 respondents, or 40% of 397 respondents) (Table 76).

**Table 75: Was the Harassing Behavior Discussed with or Reported to Non-EDR Individuals?**

*Q9. When this harassing behavior happened to you, did you try to resolve it by discussing it with, or reporting it to, anyone in your court or employing office, other than your EDR coordinator or Director of Workplace Relations (for example, to your supervisor, unit executive, a judge, Human Resources)?*

	<i>n</i>	%
Yes	399	22%
No	1,283	70%
Prefer not to say	150	8%
Total Responses	1,832	

**Table 76: Identity of Person Harassing Behavior Was Discussed with or Reported To<sup>a</sup>**

Q10. With whom did you discuss, or to whom did you report, the harassing behavior? Please check all that apply.

	<i>n</i>	%
1. A supervisor or manager	190	48%
2. A colleague or friend	157	40%
3. The Human Resources (HR) manager or staff	101	25%
4. The clerk of court	47	12%
5. Another judge	41	10%
6. Other unit executive	36	9%
7. A chief judge (other than the chief circuit judge)	32	8%
8. Federal public defender	29	7%
9. The circuit executive	9	2%
10. Chief circuit judge	4	1%
11. Other, please describe	57	14%
12. Prefer not to say	19	5%
Total Respondents	397	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

**Table 77: Use of the EDR Plan to Address the Harassing Behavior<sup>a</sup>**

Q13. Did you use any of the options under the EDR plan to address the harassing behavior? Please check all that apply.

	<i>n</i>	%
Yes, Informal Advice	136	7%
Yes, Assisted Resolution	34	2%
Yes, Formal Complaint	32	2%
No	1,606	85%
Prefer not to say	125	7%
Total Respondents	1,892	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

The most common outcomes of the reporting (through EDR channels or non-EDR options) were that no action was taken (118 respondents, or 26% of 454 respondents), or that the behavior stopped (111 respondents, or 24% of 454 respondents) (Table 78).

**Table 78: Outcome of Discussions or Reports of Harassing Behavior<sup>a</sup>**

Q20. What was the outcome of your discussion(s) or report(s) about the harassing behavior? Please check all that apply.

	<i>n</i>	%
1. No action was taken	118	26%
2. The behavior stopped	111	24%
3. The behavior continued	82	18%
4. I don't know what was done	75	17%
5. Someone in authority asked or told the person(s) who was harassing me to stop	69	15%
6. I was made aware of my options and decided myself not to pursue the matter further	59	13%
7. I was encouraged to drop the matter	55	12%
8. My coworkers treated me worse, avoided me, or blamed me for the problems	40	9%
9. The matter is ongoing and final action hasn't been decided or hasn't been taken	30	7%
10. My supervisor punished me for bringing it up (for example, loss of privileges, denied promotion)	30	7%
11. The harassing behavior of the person(s) who harassed me became worse	27	6%
12. Adverse or corrective action was taken against the person(s) who was harassing me	24	5%
13. The person was (or persons were) moved or reassigned so that I did not have as much contact with them	24	5%
14. My situation was changed at my request or with my agreement (for example, I was moved to a different position or unit)	19	4%
15. My situation was changed without my consent (for example, I was moved to a different position or unit)	10	2%
16. I received something beneficial (for example, a raise, a higher-level position)	2	0.4%
17. Other, please describe	68	15%
18. Prefer not to say	18	4%
Total Respondents	454	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.



Eighty-one respondents (18% of 457 respondents) said they experienced retaliation after reporting harassing behavior, and 227 respondents (50% of 457 respondents) said they had not; others said they *did not know* (61 respondents, or 13% of 457 respondents), it was *too soon to say* (48 respondents, or 11% of 457 respondents), or *preferred not to say* (40 respondents, or 9% of 457 respondents) (Table 79).

**Table 79: Experience of Retaliation (Harassing Behavior)**

Q19. Did you experience any retaliation for reporting, discussing, or otherwise opposing the harassing behavior?

	<i>n</i>	%
Yes	81	18%
No	227	50%
I don't know	61	13%
It's too soon to say	48	11%
Prefer not to say	40	9%
Total Responses	457	

The most common reasons given for not reporting a harassing behavior were that respondents did not think it was serious enough (547 respondent, or 46% of 1,195 respondents), they wanted to forget about the behavior and move on (31%, or 375 of 1,195 respondents), or they didn't think anything would be done (31%, or 369 of 1,195 respondents) (Table 80).

**Table 80: Reasons for Not Reporting or Discussing Harassing Behavior<sup>a</sup>**

Q21. When this harassing behavior happened to you, why did you not report it or discuss it with anyone? Please check all that apply.

	<i>n</i>	%
1. I didn't think the behavior was serious enough to report	547	46%
2. I wanted to forget about it and move on	375	31%
3. I didn't think anything would be done	369	31%
4. I was worried about retaliation by the person who harassed me and/or someone else	298	25%
5. I was concerned about continuing to work with the person who harassed me after reporting the behavior	289	24%
6. I didn't trust that the process would be fair	257	22%
7. I thought it might hurt my career or I might lose my job	255	21%
8. The behavior stopped	203	17%
9. I confronted the person myself	194	16%
10. I didn't want to hurt the career or family of the person who harassed me	113	9%
11. I thought other people would blame me for the situation	92	8%
12. I didn't think I would be believed	82	7%
13. I was ashamed, embarrassed, or didn't want anyone else to know	71	6%
14. I knew I only had a limited amount of time left in my court or employing office so I decided not to raise the issue	66	6%
15. I didn't know how or to whom to report the behavior	52	4%
16. I didn't have enough information, or didn't have a way to get enough information, to report the behavior	38	3%
17. I haven't yet decided whether to report the behavior	32	3%
18. I felt bound by rules of confidentiality	26	2%
19. Someone discouraged me from reporting the behavior	18	2%
20. Other, please describe:	155	13%
21. Prefer not to say	32	3%
<b>Total Respondents</b>	<b>1,195</b>	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

Respondents were also asked to select their main reason for not reporting or discussing the behavior.<sup>30</sup> The most common main reason cited for not reporting was that the respondent didn't think the behavior was serious enough to report (selected as the main or only reason by 31% of respondents or 369 of 1,187 respondents who answered the question) (Table 81).

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30. If a respondent selected only one reason in the *check all that apply* question, we assumed this reason was their main reason without asking them the follow-up question. These respondents are included in Table 81.

**Table 81: Main Reason for Not Discussing the Harassing Behavior**

Q22. Which of the reasons you checked was your main reason for not discussing the situation with someone who is responsible for stopping these types of behaviors?

	<i>n</i>	%
1. I didn't think the behavior was serious enough to report	369	31%
2. I didn't think anything would be done	108	9%
3. I confronted the person myself	106	9%
4. I wanted to forget about it and move on	103	9%
5. I was worried about retaliation by the person who harassed me and/or someone else	75	6%
6. I thought it might hurt my career or I might lose my job	63	5%
7. I didn't trust that the process would be fair	58	5%
8. I was concerned about continuing to work with the person who harassed me after reporting the behavior	54	5%
9. The behavior stopped	52	4%
10. I didn't want to hurt the career or family of the person who harassed me	16	1%
11. I was ashamed, embarrassed, or didn't want anyone else to know	13	1%
12. I knew I only had a limited amount of time left in my court/employing office so I decided not to raise the issue	10	1%
13. I didn't have enough information, or didn't have a way to get enough information, to report the behavior	8	1%
14. I haven't yet decided whether to report the behavior	6	1%
15. thought other people would blame me for the situation	5	0.4%
16. I didn't think I would be believed	3	0.3%
17. I didn't know how or to whom to report the behavior	3	0.3%
18. Someone discouraged me from reporting the behavior	1	0.1%
19. I felt bound by rules of confidentiality	0	0%
20. Other, please describe:	102	9%
21. Prefer not to say	32	3%
Total Responses	1,187	

## Comments

Main themes are presented in bulleted lists in descending order of prevalence.

The 399 respondents who indicated that they had tried to discuss or report the harassing behavior(s) with someone other than their EDR coordinator or DWR were asked three closed-ended questions about the process and were then asked to explain their answers. One hundred sixty-seven respondents (41.8% of 399 and 1.2% of all respondents) provided a comment. Comments included both positive and negative themes.

No more than 15 respondents contributed to any of the following positive themes:

- behavior stopped, or the situation was resolved;
- person committing the behavior was addressed;
- feeling supported/taken seriously; and
- person committing behavior left.

No more than 25 respondents contributed to any of the following negative themes:

- nothing was done/no action was taken;
- behavior was addressed, but inadequately;
- lack of follow-up;
- person committing harassment faced no repercussions or was promoted;
- concerns about or experience with retaliation;
- others experienced same behavior; and
- concerns were dismissed or downplayed.

These 399 respondents were also asked to rate their satisfaction or dissatisfaction with their interactions with someone other than their EDR coordinator or DWR.

Those respondents who indicated they were *satisfied* or *very satisfied* were given an opportunity to provide more information, and 152 respondents (1% of all respondents) did so. No more than 41 respondents contributed to any one main theme regarding satisfaction. Main satisfaction themes were:

- feeling validated, taken seriously, or that their concerns were warranted;
- receiving good advice;
- having action taken or the behavior stopping; and
- appreciating the opportunity to vent.

Those respondents who indicated they were *dissatisfied* or *very dissatisfied* were given an opportunity to provide more information, and 131 respondents (0.9% of all respondents) did so. No more than 66 respondents contributed to any one main theme regarding dissatisfaction. Main dissatisfaction themes were:

- nothing was done/no action was taken;

- the behavior continued or got worse;
- concerns were downplayed and not taken seriously;
- being told they were overreacting or that they were the problem;
- concerns about or experience with retaliation; and
- judges not being held accountable for behavior inappropriate to the workplace.

The 136 respondents who indicated using the *informal advice* process were asked to explain their ratings of satisfaction and dissatisfaction with the process.

Those respondents who indicated they were *satisfied* or *very satisfied* were given an opportunity to provide more information, and 55 respondents (0.03% of all respondents) did so. No more than 30 respondents contributed to any one main theme regarding satisfaction. Main satisfaction themes were:

- received helpful advice, or good information;
- feeling listened to and supported;
- being taken seriously;
- appreciation for ability to discuss the situation confidentially; and
- not feeling pressured to make a quick decision.

Those respondents who indicated they were *dissatisfied* or *very dissatisfied* were given an opportunity to provide more information, and 18 respondents (0.1% of all respondents) did so. No more than four respondents contributed to any one main theme regarding dissatisfaction. Main dissatisfaction themes were:

- nothing was done;
- inability of the person to provide meaningful help; and
- respondents were told the behavior was not considered actionable or report was untimely.

The 34 respondents who indicated using the *assisted resolution* process were asked to explain some of their responses about their use of the process. A total of 13 respondents (38% of 34 and 0.09% of all respondents) provided a comment. Comments included both positive and negative themes.

The only positive theme, mentioned by two respondents, was:

- situation was resolved.

No more than seven respondents contributed to any of the following negative themes:

- EDR process not effective, too slow, issues raised are ignored;
- specific issues with the process;
- damage to reputations or retaliation after filing complaint;
- behavior continued; and
- financial strain of retaining counsel.

The 32 respondents who indicated using the *formal complaint* process were asked to explain some of their responses about their use of the process. Fifteen respondents (47% of 32, and 0.01% of all respondents) provided a comment. Comments included both positive and negative themes.

The only positive theme, mentioned by one respondent, was:

- situation was resolved quickly.

No more than seven respondents contributed to any one of the following negative themes were:

- process not fair, not neutral, person faced no consequences;
- not taken seriously, no action taken, or issue not resolved;
- person reporting faced retaliation or damage to career or reputation; and
- EDR process protects managers not employees.

The 454 respondents who indicated the outcome of their discussion(s) or report(s) about the harassing behavior were asked how satisfied they were with that outcome.

Sixty-six respondents (0.5% of all respondents) who indicated they were *satisfied* or *very satisfied* provided a comment. No more than 36 respondents contributed to any one main theme regarding satisfaction. Main satisfaction themes were:

- behavior stopped or the issue was resolved;
- respondent no longer working with the person committing the behavior; and
- feeling validated, taken seriously, or heard.

Eighty-eight respondents (0.6% of all respondents) who indicated they were *dissatisfied* or *very dissatisfied* provided a comment. No more than 37 respondents contributed to any one main theme regarding dissatisfaction. Main dissatisfaction themes were:

- nothing was done/no action was taken;
- behavior continued or got worse;
- person committing the behavior was defended or promoted;
- issues were minimized or dismissed;
- management was not supportive;
- lack of follow-up; and
- concerns about or experience with retaliation.

**Discussing or Reporting Discriminatory Employment Actions (Part III).** Most respondents (60% or 448 of 750 respondents) who indicated experiencing at least one discriminatory employment action said they did not discuss or report the action with anyone in their court or employing office, other than to an EDR coordinator or DWR (Table 82).

**Table 82: Was the Discriminatory Employment Action Discussed or Reported?**

*Q5. When the discriminatory employment action happened to you, did you try to resolve it by discussing it with, or reporting it to, anyone in your court or employing office, other than to your EDR coordinator or Director of Workplace Relations (for example, to your supervisor, unit executive, a judge, Human Resources)?*

	<i>n</i>	%
Yes	213	28%
No	448	60%
Prefer not to say	89	12%
Total Responses	750	

Those respondents who discussed the action using non-EDR options most frequently chose to speak with a supervisor or manager (41% or 86 of 212 respondents), a member of the human resources department (34% or 73 of 212 respondents), or a colleague or friend (34% or 73 of 212 respondents) (Table 83).



**Table 83: Identity of Person Discriminatory Employment Action Was Discussed with or Reported To<sup>a</sup>**

Q6. With whom did you discuss, or to whom did you report, the discriminatory employment action?  
Please check all that apply.

	<i>n</i>	%
A supervisor or manager (other than a judge or unit executive)	86	41%
The Human Resources (HR) manager or staff	73	34%
A colleague or friend	73	34%
The clerk of court	26	12%
Other unit executive (other than the circuit executive, clerk of court, or federal public defender)	23	11%
Another judge	22	10%
Federal public defender	15	7%
A chief judge (other than the chief circuit judge)	11	5%
The circuit executive	9	4%
Chief circuit judge	1	0.5%
Other. Please describe	30	14%
Prefer not to say	17	8%
<b>Total Respondents</b>	<b>212</b>	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

A total of 93 respondents (12% of 749 respondents) said they had used one or more of the options available under the EDR plan (informal advice, assisted resolution, or a formal complaint). Other respondents said they had not used one of these options (77% or 575 of 749 respondents) or chose *prefer not to say* (11%, or 81 of 749 respondents) (Table 84).

**Table 84: Use of the EDR Plan to Address the Discriminatory Employment Action<sup>a</sup>**

Q9. Did you use any of the options under the EDR plan to address the discriminatory employment action? Please check all that apply.

	<i>n</i>	%
Yes, Informal Advice	76	10%
Yes, Assisted Resolution	23	3%
Yes, Formal Complaint	19	3%
No	575	77%
Prefer not to say	81	11%
Total Respondents	749	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

The most common outcomes of discussing or reporting the discriminatory employment action(s) were that no action was taken (34% or 82 of 239 respondents), the behavior continued (24% or 57 of 239 respondents), and that the respondent was encouraged to drop the matter (18% or 43 of 239 respondents) (Table 85).

**Table 85: Outcome of Discussions or Reports of Discriminatory Employment Action<sup>a</sup>**

Q16. What was the outcome of your discussion(s) or report(s) about the discriminatory employment action? Please check all that apply.

	<i>n</i>	%
1. No action was taken.	82	34%
2. The behavior continued.	57	24%
3. I was encouraged to drop the matter.	43	18%
4. I don't know what was done.	33	14%
5. I was made aware of my options and decided myself not to pursue the matter further.	27	11%
6. The behavior of the person(s) who discriminated against me became worse.	27	11%
7. My supervisor punished me for bringing it up (for example, loss of privileges, denied promotion).	26	11%
8. The matter is ongoing and final action hasn't been decided or hasn't been taken.	20	8%
9. My coworkers treated me worse, avoided me, or blamed me for the problem.	18	8%
10. The behavior stopped.	12	5%
11. My situation was changed at my request or with my agreement (for example, I was moved to a different position or unit).	12	5%
12. Someone in authority asked or told the person(s) who discriminated against me to stop.	9	4%
13. The person was (or persons were) moved or reassigned so that I did not have as much contact with them.	7	3%
14. I received something beneficial (for example, a raise, a higher-level position).	6	3%
15. Adverse or corrective action was taken against the person(s) who discriminated against me.	5	2%
16. My situation was changed without my consent (for example, I was moved to a different position or unit).	5	2%
17. Other. Please describe	43	18%
18. Prefer not to say	19	8%
Total Respondents	239	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

Nearly a third of respondents (30% or 72 of 239 respondents) who indicated reporting or discussing the discriminatory employment action said, *yes*, they had experienced retaliation as a result of the report or discussions; slightly fewer respondents (27% or 65 of 239 respondents) said, *no*, they had not experienced retaliation; and the remainder chose *I don't know* (20% or 48 of 239 respondents), *it's too soon to say* (13% or 30 of 239 respondents), or *prefer not to say* (10% or 24 of 239 respondents) (Table 86).

**Table 86: Experience of Retaliation (Discriminatory Employment Action)**

*Q15. Did you experience any retaliation for reporting, discussing, or otherwise opposing the discriminatory employment action?*

	<i>n</i>	%
Yes	72	30%
No	65	27%
I don't know	48	20%
It's too soon to say	30	13%
Prefer not to say	24	10%
Total Responses	239	

The most common reasons given for not reporting a discriminatory employment action were that the respondent did not believe anything would be done (52% or 216 of 415 respondents); they did not trust that the process would be fair (44% or 181 of 415 respondents); they thought it might hurt their career or cause them to lose their job (43% or 177 of 415 respondents); or that they were worried about retaliation (41% or 170 of 415 respondents) (Table 87).

**Table 87: Reasons for Not Reporting or Discussing Discriminatory Employment Action<sup>a</sup>**

Q17. When you were discriminated against, why did you not report it or discuss it with anyone? Please check all that apply.

	<i>n</i>	%
1. I didn't think anything would be done.	216	52%
2. I didn't trust that the process would be fair.	181	44%
3. I thought it might hurt my career or I might lose my job.	177	43%
4. I was worried about retaliation by the person who discriminated against me and/or someone else.	170	41%
5. I was concerned about continuing to work with the person who discriminated against me after reporting the discrimination.	137	33%
6. I wanted to forget about it and move on.	122	29%
7. I didn't think I would be believed.	85	20%
8. I didn't think the action was serious enough to report.	75	18%
9. I didn't have enough information, or didn't have a way to get enough information, to report the action.	57	14%
10. I thought other people would blame me for the situation.	43	10%
11. I didn't know how or to whom to report the action.	35	8%
12. I was ashamed, embarrassed, or didn't want anyone else to know.	35	8%
13. I knew I had only a limited amount of time left in my court/employing office, so I decided not to raise the issue.	32	8%
14. Someone discouraged me from reporting the action.	17	4%
15. I didn't want to hurt the career or family of the person who discriminated against me.	17	4%
16. I haven't yet decided whether to report the discrimination against me.	15	4%
17. I confronted the person myself.	13	3%
18. The behavior stopped.	13	3%
19. I felt bound by rules of confidentiality.	7	2%
20. Other. Please describe	56	13%
21. Prefer not to say	20	5%
<b>Total Responses</b>	<b>415</b>	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

Respondents were also asked to select their main reason for not reporting or discussing the action (Table 88).<sup>31</sup> The five most commonly selected main reasons were that they did not think anything would be done (17% or 70 of 415 respondents); they thought reporting might hurt their career (13% or 54 of 415 respondents); they were worried about retaliation (13% or 53 of 415 respondents); they had a lack of trust in the process (12% or 48 of 415 respondents); and they did not think the action was serious enough to report (9% or 39 of 415 respondents).

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31. If a respondent selected only one reason in the check all that apply question, we assumed this reason was their main reason without asking them the follow-up question. These respondents are included in Table 88.

**Table 88: Main Reason for Not Discussing the Discriminatory Employment Action**

Q18. Which one of the reasons you checked was your main reason for not discussing the situation with someone who is responsible for stopping these types of discriminatory actions?

	<i>n</i>	%
1. I didn't think anything would be done.	70	17%
2. I thought it might hurt my career or I might lose my job.	54	13%
3. I was worried about retaliation by the person who committed the discrimination against me and/or someone else.	53	13%
4. I didn't trust that the process would be fair.	48	12%
5. I didn't think the action was serious enough to report.	39	9%
6. I wanted to forget about it and move on.	27	7%
7. I was concerned about continuing to work with the person who committed the discrimination against me after reporting the action.	21	5%
8. I didn't have enough information, or didn't have a way to get enough information, to report the action.	13	3%
9. I knew I had only a limited amount of time left in my court/employing office, so I decided not to raise the issue.	7	2%
10. The behavior stopped.	5	1%
11. I didn't think I would be believed.	5	1%
12. I haven't yet decided whether to report the discrimination against me.	4	1%
13. I confronted the person myself.	2	0.5%
14. I was ashamed, embarrassed, or didn't want anyone else to know.	2	0.5%
15. I didn't know how or to whom to report the action.	1	0.2%
16. Someone discouraged me from reporting the action.	1	0.2%
17. I thought other people would blame me for the situation.	1	0.2%
18. I felt bound by rules of confidentiality.	1	0.2%
19. I didn't want to hurt the career or family of the person who committed the discrimination against me.	1	0.2%
20. Other. Please describe	40	10%
21. Prefer not to say	20	5%
Total Respondents	415	

## Comments

Main themes are presented in bulleted lists in descending order of prevalence.

The 213 respondents who indicated that they had tried to discuss or report the discriminatory employment action(s) with someone other than their EDR coordinator or DWR were asked three closed-ended questions about the process and were then asked to explain their answers. Seventy-three respondents (34.3% of 213 and 0.5% of all respondents) provided a comment. No more than 29 respondents contributed to any one of the following themes, presented in descending order of prevalence.

Main themes were:

- nothing was done/no action was taken; and
- behavior continued or got worse.

These 213 respondents were asked to rate their satisfaction or dissatisfaction with their interactions with someone other than their EDR coordinator or DWR. Comments included both positive and negative themes.

Forty-one respondents (0.3% of all respondents) who indicated that they were *satisfied* or *very satisfied* provided a comment. No more than 29 respondents contributed to any one of the following satisfaction themes. Main satisfaction themes were:

- feeling validated or taken seriously;
- concrete action was taken; and
- receiving good advice.

Eighty-three respondents (0.6% of all respondents) who indicated that they were *dissatisfied* or *very dissatisfied* provided a comment. No more than 39 respondents contributed to any one of the following dissatisfaction themes. Main dissatisfaction themes were:

- nothing was done/no action was taken; and
- concerns were downplayed and not taken seriously.

The 76 respondents who indicated using the *informal advice* process in Part III were asked to explain their ratings of satisfaction and dissatisfaction with the process. Comments included both positive and negative themes.

Eighteen respondents (0.1% of all respondents) who indicated that they were *satisfied* or *very satisfied* provided a comment. No more than 10 respondents contributed to any one of the following satisfaction themes. Main satisfaction themes were:

- feeling listened to and supported;
- received helpful advice, or good information; and
- being taken seriously.



Eight respondents (0.05% of all respondents) who indicated that they were *dissatisfied* or *very dissatisfied* provided a comment. No more than four respondents contributed to any one of the following dissatisfaction themes. Main dissatisfaction themes were:

- process did not feel neutral;
- person committing the action exempted themselves from the process;
- did not receive sufficient information about the process; and
- nothing was done.

The 23 respondents who indicated using the *assisted resolution* process in Part III were asked to explain some of their responses about their use of the process. A total of 10 respondents (0.1% of all respondents) provided a comment. Comments included both positive and negative themes.

The only positive theme, mentioned by two respondents, was:

- Some satisfaction with a partial, though not complete, resolution.

No more than five respondents contributed to any one of the following main negative themes:

- belief that nothing had been done;
- impression that the process was not designed to help employees; and
- process too slow or ineffective.

The 19 respondents who indicated using the *formal complaint* process in Part III were asked to explain some of their responses about their use of the process. Seven respondents (0.005% of all respondents) provided a comment.

No positive themes were provided.

No more than four respondents contributed to any one of the following negative themes:

- no action was taken;
- process was not neutral;
- relieved of duties without discussion; and
- experiencing retaliation.

The 239 respondents who indicated the outcome of their discussion(s) or report(s) about the discriminatory employment action in Part III were asked how satisfied they were with that outcome. Comments included both positive and negative themes.

Twelve respondents (0.09% of all respondents) who indicated that they were *satisfied* or *very satisfied* provided a comment. No more than four respondents contributed to any one of the following satisfaction themes. Main satisfaction themes were:

- decided to let situation go;

- behavior stopped or the issue was resolved; and
- feeling validated, taken seriously, or heard.

Sixty-two respondents (0.4% of all respondents) who indicated that they were *dissatisfied* or *very dissatisfied* provided a comment. No more than 23 respondents contributed to any one of the following dissatisfaction themes. Main dissatisfaction themes were:

- nothing was done/no action was taken;
- issues were inadequately addressed;
- feelings of helplessness about the process;
- concerns about or experience with retaliation; and
- behavior continued.

**Discussing or Reporting Abusive Behaviors (Part IV).** Most respondents (60% or 2,440 of 4,049 respondents) who indicated experiencing at least one of the listed behaviors said they did not discuss or report the behavior (Table 89).

**Table 89: Was the Behavior Discussed or Reported?**

*Q5. When this abusive behavior happened to you, did you try to resolve it by discussing it with, or reporting it to, anyone in your court or employing office, other than to your EDR coordinator or Director of Workplace Relations (for example, to your supervisor, unit executive, a judge, Human Resources)?*

	<i>n</i>	%
Yes	1307	32%
No	2440	60%
Prefer not to say	302	7%
Total Responses	4049	

Those respondents who discussed or reported the behavior using non-EDR options most frequently chose to speak with a supervisor or manager (59% or 764 of 1,304 respondents), a colleague or friend (35% or 456 of 1,304 respondents), or a member of the human resources department (20% or 258 of 1,304 respondents) (Table 90).

**Table 90: Identity of Person the Behavior Was Discussed with or Reported To<sup>a</sup>**

Q6. With whom did you discuss, or to whom did you report, the abusive behavior? Please check all that apply.

	<i>n</i>	%
A supervisor or manager (other than a judge or unit executive)	764	59%
A colleague or friend	456	35%
The Human Resources (HR) manager or staff	258	20%
The clerk of court	137	11%
Other unit executive (other than the circuit executive, clerk of court, or federal public defender)	123	9%
Another judge	94	7%
Federal public defender	58	4%
A chief judge (other than the chief circuit judge)	49	4%
The circuit executive	35	3%
Chief circuit judge	4	0.3%
Other. Please describe	108	8%
Prefer not to say	59	5%
<b>Total Respondents</b>	<b>1304</b>	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

A total of 262 respondents (6% of 4,044 respondents) who indicated experiencing abusive behavior said they had used one or more of the options under the EDR plan (informal advice, assisted resolution, or a formal complaint); other respondents said they had not used one of these options (86% or 3,496 of 4,044 respondents) or chose *prefer not to say* (7% or 286 of 4,044 respondents) (Table 91).

**Table 91: Use of the EDR Plan to Address the Abusive Behavior<sup>a</sup>**

Q9. Did you use any of the options under the EDR plan to address the abusive behavior? Please check all that apply.

	<i>n</i>	%
Yes, Informal Advice	218	5%
Yes, Assisted Resolution	51	1%
Yes, Formal Complaint	30	1%
No	3496	86%
Prefer not to say	286	7%
Total Respondents	4044	

<sup>a</sup> Respondents could select more than one option so percentages sum to more than 100%.

The most common outcomes of discussing or reporting the abusive behavior were that no action was taken (26% or 359 of 1,368 respondents); the behavior continued (19% or 264 of 1,368 respondents); they did not know what was done (19% or 256 of 1,368 respondents); and the behavior stopped (17% or 237 of 1,368 respondents) (Table 92).

**Table 92: Outcome of Discussions or Reports of Abusive Behavior<sup>a</sup>**

Q16. What was the outcome of your discussion(s) or report(s) about the abusive behavior? Please check all that apply.

	<i>n</i>	%
1. No action was taken.	359	26%
2. The behavior continued.	264	19%
3. I don't know what was done.	256	19%
4. The behavior stopped.	237	17%
5. Someone in authority asked or told the person(s) who was being abusive to me to stop.	176	13%
6. I was made aware of my options and decided myself not to pursue the matter further.	130	10%
7. I was encouraged to drop the matter.	110	8%
8. The matter is ongoing and final action hasn't been decided or hasn't been taken.	96	7%
9. The abusive behavior of the person(s) became worse.	66	5%
10. My coworkers treated me worse, avoided me, or blamed me for the problem.	63	5%
11. My situation was changed at my request or with my agreement (for example, I was moved to a different position or unit).	62	5%
12. The person was (or persons were) moved or reassigned so that I did not have as much contact with them.	50	4%
13. Adverse or corrective action was taken against the person(s) who was being abusive to me.	46	3%
14. My supervisor punished me for bringing it up (for example, loss of privileges, denied promotion).	40	3%
15. My situation was changed without my consent (for example, I was moved to a different position or unit).	14	1%
16. I received something beneficial (for example, a raise, a higher-level position).	5	0.4%
17. Other. Please describe	236	17%
18. Prefer not to say	71	5%
Total Respondents	1368	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

Eleven percent of respondents who indicated reporting or discussing the behavior (156 of 1,374 respondents) said, *yes*, they had experienced retaliation as a result of the report or discussions; more than half of these respondents (53% or 731 of 1,374 respondents) said, *no*, they had not experienced retaliation; and the remainder chose *I don't know* (20% or 278 of 1,374 respondents), *it's too soon to say* (9% or 129 of 1,374 respondents), or *prefer not to say* (6% or 80 of 1,374 respondents) (Table 93).

**Table 93: Experience of Retaliation (Abusive Behavior)**

Q15. Did you experience any retaliation for reporting, discussing, or otherwise opposing the abusive behavior?

	<i>n</i>	%
Yes	156	11%
No	731	53%
I don't know	278	20%
It's too soon to say	129	9%
Prefer not to say	80	6%
Total Responses	1374	

The most common reasons respondents gave for not discussing or reporting an abusive behavior were that they did not feel the behavior was serious enough (41% or 946 of 2,292 respondents); they did not believe anything would be done (35% or 805 of 2,292 respondents); they wanted to forget about the situation and move on (32% or 724 of 2,292 respondents); they were concerned about continuing to work with the person after reporting them (27% or 619 of 2,292 respondents); and they were worried about retaliation (27% or 616 of 2,292 respondents) (Table 94).

**Table 94: Reasons for Not Reporting or Discussing Abusive Behavior<sup>a</sup>**

Q17. When you were subject to abusive behavior, why did you not report it or discuss it with anyone?  
Please check all that apply.

	<i>n</i>	%
1. I didn't think the behavior was serious enough to report.	946	41%
2. I didn't think anything would be done.	805	35%
3. I wanted to forget about it and move on.	724	32%
4. I was concerned about continuing to work with the person who committed the abusive behavior after reporting the behavior.	619	27%
5. I was worried about retaliation by the person who committed the abusive behavior and/or someone else.	616	27%
6. I thought it might hurt my career or I might lose my job.	536	23%
7. I didn't trust that the process would be fair.	522	23%
8. I confronted the person myself.	296	13%
9. The behavior stopped.	269	12%
10. I didn't think I would be believed.	208	9%
11. I thought other people would blame me for the situation.	146	6%
12. I was ashamed, embarrassed, or didn't want anyone else to know.	112	5%
13. I didn't want to hurt the career or family of the person who committed the abusive behavior.	112	5%
14. I knew I had only a limited amount of time left in my court/employing office, so I decided not to raise the issue.	112	5%
15. I didn't know how or to whom to report the behavior.	88	4%
16. Someone discouraged me from reporting the behavior.	58	3%
17. I didn't have enough information, or didn't have a way to get enough information, to report the behavior.	56	2%
18. I haven't yet decided whether to report the abusive behavior.	54	2%
19. I felt bound by rules of confidentiality.	28	1%
20. Other. Please describe	269	12%
21. Prefer not to say	66	3%
<b>Total Respondents</b>	<b>2292</b>	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

Respondents were also asked to select their main reason for not reporting or discussing the behavior (Table 95).<sup>32</sup> For respondents who experienced an abusive behavior but did not discuss or report it, the most commonly chosen main reasons for not doing so were that they did not think it was serious enough to report (27% or 614 of 2,282 respondents) or they did not think anything would be done (12% or 269 of 2,282 respondents).

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32. If a respondent selected only one reason in the check all that apply question, we assumed this reason was their main reason without asking them the follow-up question. These respondents are included in Table 95.



**Table 95: Main Reason for Not Discussing the Abusive Behavior**

Q18. Which one of the reasons you checked was your main reason for not discussing the situation with someone who is responsible for stopping these types of behaviors?

	<i>n</i>	%
1. I didn't think the behavior was serious enough to report.	614	27%
2. I didn't think anything would be done.	269	12%
3. I wanted to forget about it and move on.	209	9%
4. I was worried about retaliation by the person who committed the abusive behavior and/or someone else.	169	7%
5. I confronted the person myself.	165	7%
6. I thought it might hurt my career or I might lose my job.	142	6%
7. I was concerned about continuing to work with the person who committed the abusive behavior after reporting the behavior.	125	5%
8. I didn't trust that the process would be fair.	107	5%
9. The behavior stopped.	88	4%
10. I knew I had only a limited amount of time left in my court/employing office, so I decided not to raise the issue.	38	2%
11. I didn't think I would be believed.	16	1%
12. I didn't want to hurt the career or family of the person who committed the abusive behavior.	15	1%
13. I haven't yet decided whether to report the abusive behavior.	13	1%
14. I didn't have enough information, or didn't have a way to get enough information, to report the behavior.	12	1%
15. I was ashamed, embarrassed, or didn't want anyone else to know.	11	0.5%
16. I thought other people would blame me for the situation.	8	0.4%
17. I didn't know how or to whom to report the behavior.	6	0.3%
18. I felt bound by rules of confidentiality.	5	0.2%
19. Someone discouraged me from reporting the behavior.	2	0.1%
20. Other. Please describe	202	9%
21. Prefer not to say	66	3%
Total Responses	2282	

## Comments

Main themes are presented in bulleted lists in descending order of prevalence.

The 1,307 respondents who indicated they discussed or reported the abusive behavior with someone other than an EDR coordinator or DWR were asked how satisfied they were with those interactions. Comments included both positive and negative themes.

Four hundred and twenty-four respondents (3% of all respondents) who indicated that they were *satisfied* or *very satisfied* provided a comment. No more than 104 respondents contributed to any one of the following satisfaction themes. Main satisfaction themes were:

- feeling that their concerns had been validated and others agreed the behavior was wrong;
- feeling that they had been listened to or allowed to express their feelings fully,
- receiving good advice; and
- deciding not to pursue further action after the initial report or discussion.

Three hundred and six respondents (2% of all respondents) who indicated that they were *dissatisfied* or *very dissatisfied* provided a comment. No more than 118 respondents contributed to any one of the following dissatisfaction themes. Main dissatisfaction themes were:

- nothing was done/no action was taken;
- concerns were downplayed and not taken seriously;
- management was not supportive; and
- inadequacies in the EDR process.

The 1,307 respondents who indicated they discussed or reported the behavior with someone other than an EDR coordinator or DWR were asked to rate their experience and then were asked to explain their answers. A total of 429 respondents (30.9% of all respondents) left a comment. Comments included both positive and negative themes. No more than 101 respondents contributed to any one of the following themes.

The main themes that emerged in these comments were:

- feeling that the behavior was investigated insufficiently, if at all;
- behavior continuing or getting worse after the discussion or report; and
- respondents not wishing to pursue the action any further.

The 218 respondents who indicated using the *informal advice* process were asked to explain their ratings of satisfaction or dissatisfaction with the process. Comments included both positive and negative themes.

Fifty-seven respondents (0.4% of all respondents) who indicated that they were *satisfied* or *very satisfied* provided a comment. No more than 25 respondents contributed to any one of the following satisfaction themes. Main satisfaction themes were:

- received helpful advice, or good information;
- feeling listened to and supported;
- person was patient, nice, empathetic, or caring;
- issues were resolved or the behavior stopped; and
- person followed up with them.

Twenty-six respondents (0.2% of all respondents) who indicated that they were *dissatisfied* or *very dissatisfied* provided a comment. No more than 13 respondents contributed to any one of the following dissatisfaction themes. Main dissatisfaction themes were:

- nothing was done, or behavior continued;
- person they spoke with was unsupportive or said nothing could be done;
- inability of the person to provide meaningful help;
- feared retaliation, or told to change jobs;
- told not to pursue the matter further; and
- information not kept confidential.

The 51 respondents who indicated using the *assisted resolution* process in Part IV were asked to rate some statements about the process and offered the opportunity to explain their answers. Eighteen respondents (0.1% of all respondents) provided a comment. Comments included both positive and negative themes.

Only positive theme, given by two respondents, was:

- situation was resolved.

No more than 12 respondents contributed to any one of the following negative themes. Main negative themes were:

- feeling that the EDR process was not effective, supportive, or the issue did not rise to a reportable level;
- belief that nothing had been done;
- behavior got worse; and
- process was unfair or designed to benefit management.

The 30 respondents who indicated using the *formal complaint* process were asked to explain their ratings of the four statements concerning the use of the formal complaint process, and 11 respondents (0.08% of all respondents) provided comments. Comments included both positive and negative themes.

Only positive theme, given by one respondent, was:

- situation was resolved.

No more than eight respondents contributed to any one of the following negative themes. Main negative themes were:

- process not fair, protects managers, or not neutral; and
- behavior continues.

The 1,373 respondents who rated their satisfaction with the outcome of their reports or discussions of the abusive behavior were asked why they had been satisfied or dissatisfied. Comments included both positive and negative themes.

One hundred and fifty-two respondents (1% of all respondents) who indicated that they were *satisfied* or *very satisfied* provided a comment. No more than 51 respondents contributed to any one of the following satisfaction themes. Main satisfaction themes were:

- behavior stopped or the issue was resolved;
- respondent received accommodations to avoid committer; and
- no longer working with the person committing the behavior.

Two hundred and twenty-two respondents (1.6% of all respondents) who indicated that they were *dissatisfied* or *very dissatisfied* provided a comment. No more than 100 respondents contributed to any one of the following dissatisfaction themes. Main dissatisfaction themes were:

- nothing was done/no action was taken; and
- management was not supportive.

## **Retaliation (Survey Parts II, III, IV, & V)**

Retaliation is one of four types of wrongful conduct prohibited by the Model Employment Dispute Resolution Plans. It is defined as a materially adverse action taken against an employee for reporting wrongful conduct; for assisting in the defense of rights protected by the EDR Plan(s); or for opposing wrongful conduct. Retaliation against a person who reveals or reports wrongful conduct is itself wrongful conduct.<sup>33</sup>

As described above, Parts II through IV each had their own retaliation questions. Respondents who indicated they had discussed or reported harassing behavior(s), discriminatory employment action(s), or abusive behavior(s) were asked to answer additional questions about the most serious behavior or action, or series of behaviors or actions. If respondents said they had discussed or reported the behavior or action, either through EDR channels or other channels, they were asked if they experienced retaliation for doing so.

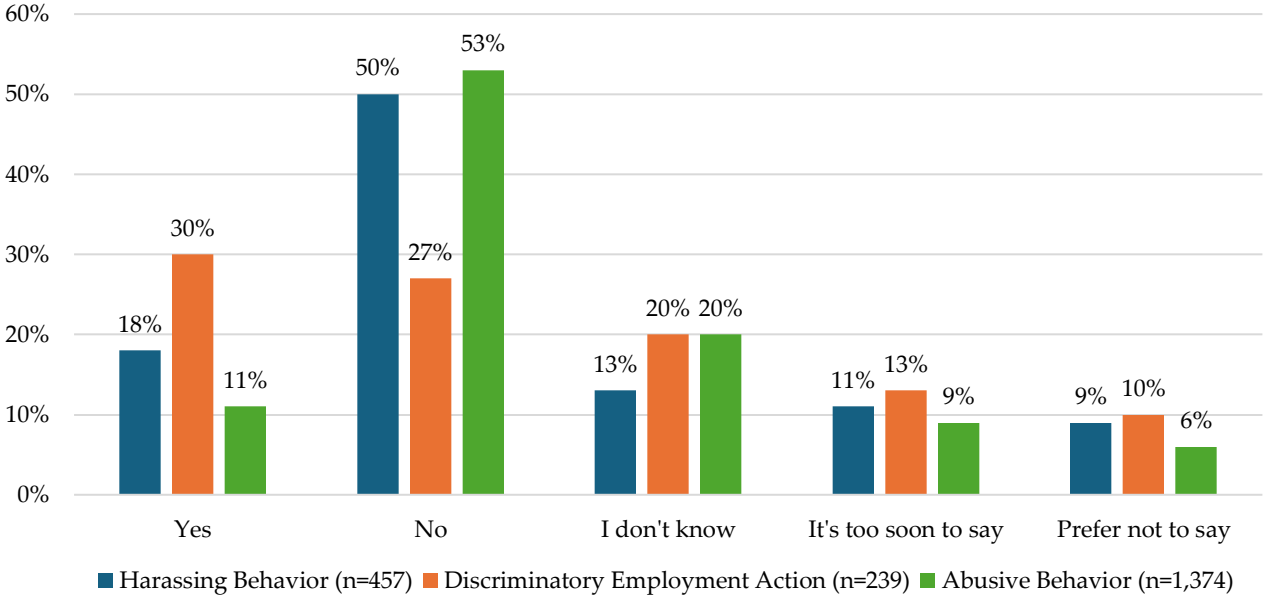
For each Part, Figure 44 below shows the percentage of respondents who said they experienced retaliation for discussing or reporting the behavior or action. Figures 45–48 show this information separately for respondents working in chambers, clerk’s offices, probation and pretrial services offices, and federal defender offices. Percentages are used for comparison due to the considerable difference in the number of respondents in each group, noted in the legend of each figure.

Some respondents indicated experiencing retaliation in more than one of these parts—216 unique respondents indicated experiencing retaliation in Parts II, III, and/or IV.

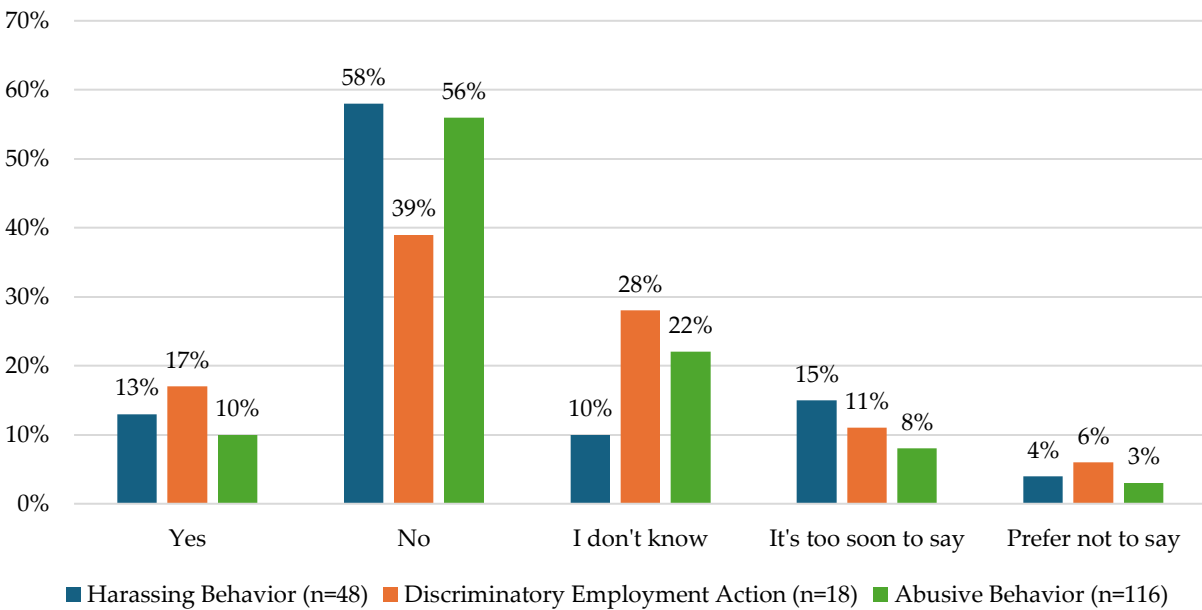
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33. Guide to Judiciary Policy, vol. 12, ch. 2, §220.10.

**Figure 44: Respondents Who Said They Experienced Retaliation in Parts II, III, and IV<sup>34</sup>**

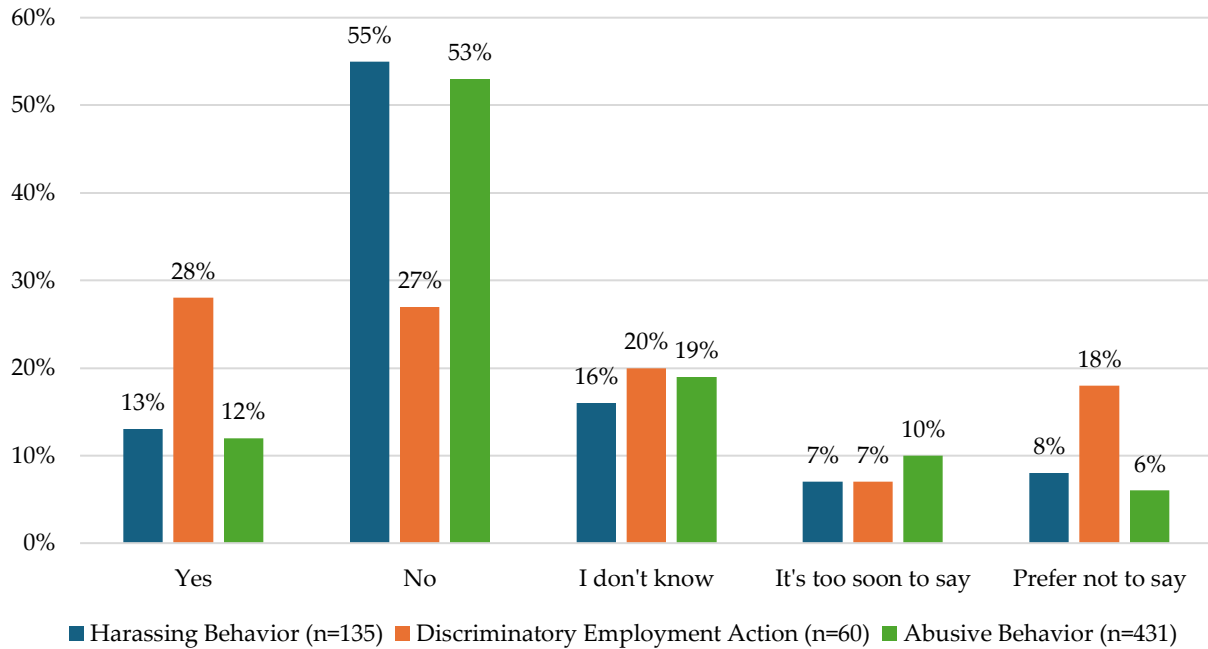


**Figure 45: Respondents Who Said They Experienced Retaliation in Parts II, III, and IV—*Chambers Respondents Only***

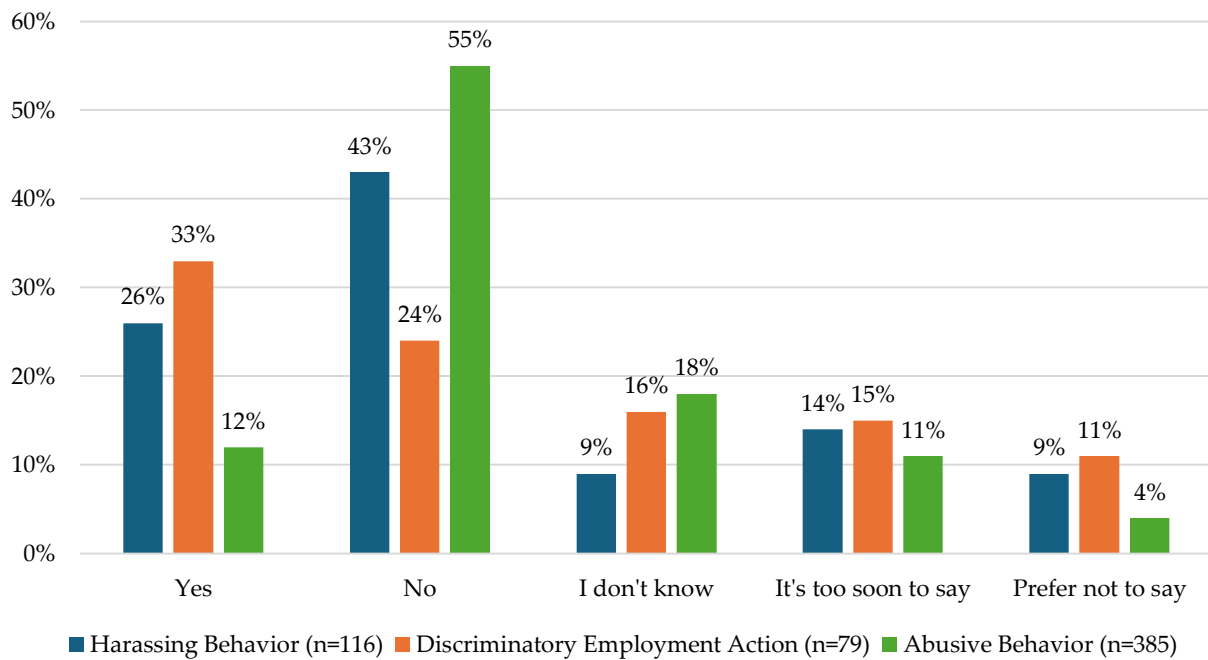


34. Percentages are of the number of respondents who said they discussed or reported a specific type of behavior or action.

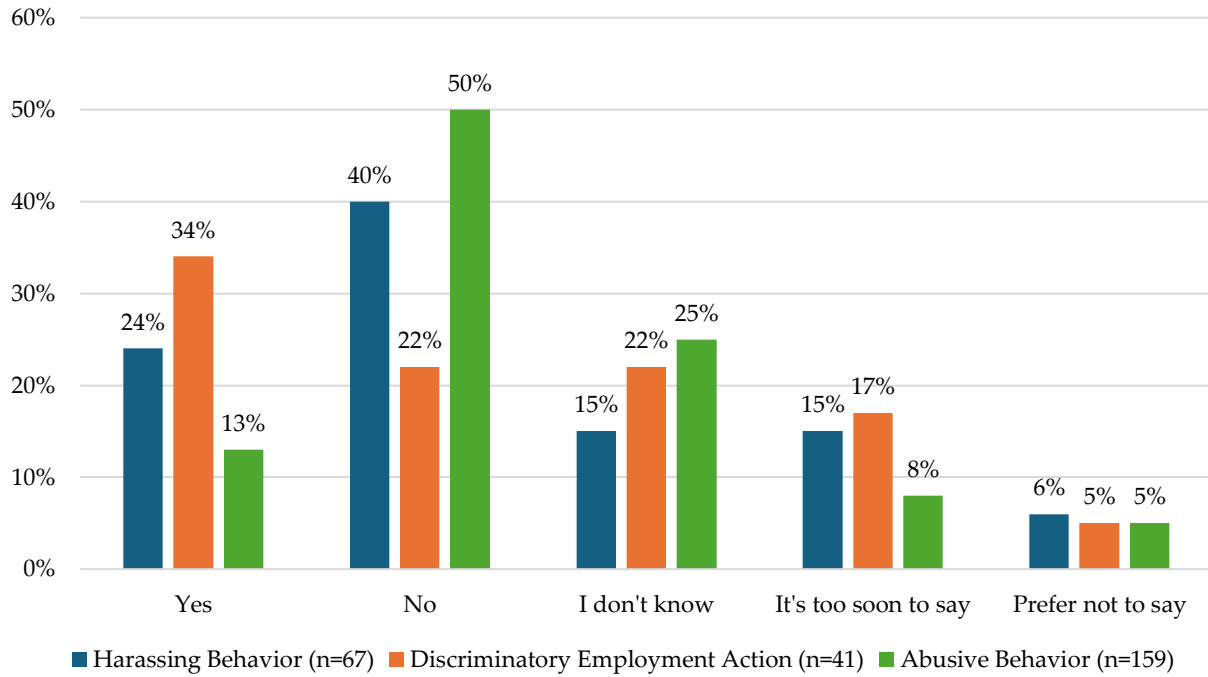
**Figure 46: Respondents Who Said They Experienced Retaliation in Parts II, III, and IV— Clerk’s Office Respondents Only**



**Figure 47: Respondents Who Said They Experienced Retaliation in Parts II, III, and IV— Probation and Pretrial Services Respondents Only**



**Figure 48: Respondents Who Said They Experienced Retaliation in Parts II, III, and IV—FDO Respondents Only**



In addition, Part V of the survey asked all respondents about any retaliation they might have experienced. This section was seen by every respondent, regardless of their prior answers in Part II, III, and IV. As shown in Table 96, most respondents (96% of respondents or 13,260 of 13,827 respondents) said *no*, they had not experienced retaliation for opposing wrongful conduct. One percent of respondents (157 of 13,827 respondents) said *yes*, they had experienced at least one of the listed types of retaliation, and 3% (410 of 13,827 respondents) chose *prefer not to say*.

Tables 97–100 show this information separately for respondents working in chambers, clerk’s offices, probation and pretrial services offices, and federal defender offices.



**Table 96: All Respondents' Experiences with Retaliation<sup>a</sup>**

Q1. Since January 1, 2020, have you experienced any retaliation for reporting wrongful conduct, assisting in the defense of another employee's rights under your EDR plan, or otherwise opposing wrongful conduct (for example, standing up for someone who experienced wrongful conduct)? Please check all that apply.

	<i>n</i>	%
Yes, for reporting wrongful conduct	91	0.7%
Yes, for participating as a witness	35	0.3%
Yes, for assisting in the defense of another employee's rights under the EDR plan	22	0.2%
Yes, for otherwise opposing wrongful conduct	75	0.5%
No	13260	96%
Prefer not to say	410	3%
Total Respondents	13827	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

**Table 97: Chambers Respondents' Experiences with Retaliation<sup>a</sup>**

Q1. Since January 1, 2020, have you experienced any retaliation for reporting wrongful conduct, assisting in the defense of another employee's rights under your EDR plan, or otherwise opposing wrongful conduct (for example, standing up for someone who experienced wrongful conduct)? Please check all that apply.

	<i>n</i>	%
Yes, for reporting wrongful conduct	8	0.3%
Yes, for participating as a witness	4	0.2%
Yes, for assisting in the defense of another employee's rights under the EDR plan	4	0.2%
Yes, for otherwise opposing wrongful conduct	6	0.3%
No	2280	98%
Prefer not to say	21	0.9%
Total Respondents	2318	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

**Table 98: Clerk’s Office Respondents’ Experiences with Retaliation<sup>a</sup>**

Q1. Since January 1, 2020, have you experienced any retaliation for reporting wrongful conduct, assisting in the defense of another employee’s rights under your EDR plan, or otherwise opposing wrongful conduct (for example, standing up for someone who experienced wrongful conduct)? Please check all that apply.

	<i>n</i>	%
Yes, for reporting wrongful conduct	22	0.5%
Yes, for participating as a witness	7	0.2%
Yes, for assisting in the defense of another employee’s rights under the EDR plan	2	0.05%
Yes, for otherwise opposing wrongful conduct	16	0.4%
No	3917	97%
Prefer not to say	98	2%
<b>Total Respondents</b>	<b>4049</b>	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

**Table 99: Probation and Pretrial Service Office Respondents’ Experiences with Retaliation<sup>a</sup>**

Q1. Since January 1, 2020, have you experienced any retaliation for reporting wrongful conduct, assisting in the defense of another employee’s rights under your EDR plan, or otherwise opposing wrongful conduct (for example, standing up for someone who experienced wrongful conduct)? Please check all that apply.

	<i>n</i>	%
Yes, for reporting wrongful conduct	36	1%
Yes, for participating as a witness	9	0.2%
Yes, for assisting in the defense of another employee’s rights under the EDR plan	6	0.2%
Yes, for otherwise opposing wrongful conduct	31	0.9%
No	3459	96%
Prefer not to say	96	3%
<b>Total Respondents</b>	<b>3615</b>	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

**Table 100: Federal Defender Office Respondents' Experiences with Retaliation<sup>a</sup>**

*Q1. Since January 1, 2020, have you experienced any retaliation for reporting wrongful conduct, assisting in the defense of another employee's rights under your EDR plan, or otherwise opposing wrongful conduct (for example, standing up for someone who experienced wrongful conduct)? Please check all that apply.*

	<i>n</i>	%
Yes, for reporting wrongful conduct	15	1%
Yes, for participating as a witness	8	0.6%
Yes, for assisting in the defense of another employee's rights under the EDR plan	6	0.5%
Yes, for otherwise opposing wrongful conduct	10	0.8%
No	1267	95%
Prefer not to say	40	3%
Total Respondents	1328	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

Eighty-one of the 216 respondents who indicated experiencing retaliation in Parts II, III, and IV also indicated experiencing at least one of the four types of retaliation listed in Part V.<sup>35</sup> Considering Parts II, III, IV, and V together, 292 unique respondents (2.1% of all 13,895 respondents) said they experienced some form of retaliation.

35. One hundred thirty-five of the 216 respondents who indicated experiencing retaliation in Parts II, III, or IV did not indicate experiencing retaliation in Part V.

## Comments

Respondents who indicated they had experienced retaliation in Parts II, III, or IV for discussing or reporting wrongful behavior were asked in each Part to describe the retaliatory action and the circumstances leading up to it. Main themes are presented in bulleted lists in descending order of prevalence.

In Part II (Harassing Behaviors), 66 of the 81 respondents (81.5% of 81 and 0.5% of all respondents) who said *yes*, they had experienced retaliation, described the retaliation and circumstances surrounding it. No more than 32 respondents contributed to any one of the following main themes:

- descriptions of who committed the retaliatory behavior, such as a manager or supervisor, a judge, or a coworker;
- being ignored, excluded from work-related events, or not given help;
- having people gossip or spread rumors about the respondent;
- facing passive aggressive behavior, gaslighting, and rude or inappropriate behaviors and comments; and
- the behavior continued or worsened, or nothing was done.

In Part III (Discriminatory Employment Actions), 53 of the 72 respondents (73.6% of 72 and 0.4% of all respondents) who said *yes*, they had experienced retaliation, described the retaliation and circumstances surrounding it. No more than 17 respondents contributed to any one of the following main themes:

- being denied a promotion, raise, training;
- being demoted; and
- being ignored or excluded even from work related events.

In Part IV (Abusive Behaviors), 121 of the 156 respondents (77.6% of 156 and 11.2% of all respondents) who said *yes*, they had experienced retaliation, described the retaliation and circumstances surrounding it. No more than 6 respondents contributed to any one of the following main themes:

- denied promotions; and
- damaging working relationships.

Part V (Retaliation and Overall Comments about Workplace Conduct) had two open-ended questions. The first one asked the 157 respondents who chose at least one of the *yes* options in Part V's retaliation question to describe the retaliatory action and the circumstances leading up to it. Seventy-eight respondents (49.6% of 157 and 0.6% of all respondents) provided a comment. No more than 49 respondents contributed to any one of the following main themes:

- descriptions of the retaliatory behavior such as being ostracized, being embarrassed, being ignored and denied assistance even for work matters, and being given more difficult or less desirable work; and
- descriptions of the circumstances leading to retaliation such as unofficially speaking up for or supporting other employees.

The second open-ended question in Part V asked all respondents if they had any additional comments regarding incidents of harassment, discriminatory employment actions, abusive behavior, or retaliation in their workplace that they had not already shared. A total of 648 respondents (5% of all respondents) provided a comment. No more than 118 respondents contributed to any one of the following main themes:

- reasons for not reporting, such as fear of retaliation, the belief that nothing would change, and difficulty determining when something rises to a reportable level;
- descriptions of inappropriate conduct that happened to themselves or others;
- positive comments such as having never experienced any of these behaviors or expressions of gratitude for good coworkers; and
- issues with management including a lack of accountability for judges, and managers who were rude, disrespectful, unprofessional, or incompetent.

## Policies, Procedures, and Resources (Survey Part VI)

Part VI of the survey asked respondents for their views about, familiarity with, and confidence in workplace conduct policies, procedures, and resources in their court or employing office. It also solicited suggestions for improving the policies and procedures. As in Part I, every respondent saw all questions in Part VI of the survey, with the exception of three closed-ended follow-up questions about EDR plan training that were only displayed to respondents who indicated they had participated in training on the EDR plan in the last year.

Respondents were asked about their familiarity with 12 items related to the EDR plan and various policies and procedures (Table 101, Figures 49 and 50). Almost three quarters (71%) of respondents indicated that they were *somewhat familiar* (44%) or *very familiar* (27%) with their court or employing office's EDR plan. Additionally, 25% of respondents indicated they were *aware of but not familiar with* their EDR plan. Thus, 96% were at least aware of their court or employing office's EDR plan, and only 4% indicated they were *unaware of [the plan] before taking this survey*.

Slightly fewer respondents (between 88% to 91%) were at least aware of specific aspects of their EDR plan and their court or employing office's webpage on workplace conduct. More specifically, between 60% and 64% said they were *somewhat familiar* (36% to 40%) or *very familiar* (23% to 24%) with the Informal Advice, Assisted Resolution, and Formal Complaint processes, and their court or office's webpage on workplace conduct; between 25% and 28% were *aware of but not familiar with* these processes.

Almost all respondents (97%) were at least aware of the Code of Conduct for Judiciary Employees, and most (85%) were either *somewhat familiar* (37%) or *very familiar* (48%) with it. Twelve percent of respondents were *aware of but not familiar with* the Code of Conduct for Judiciary Employees, and only 2% indicated they were *unaware before taking this survey*.

Respondents were not as familiar with the judiciary's 2019 Model EDR Plan on which court-specific plans are based, with 78% saying they were *somewhat familiar* (32%), *very familiar* (14%), or *aware of but not familiar* (32%). Twenty-one percent of respondents said they were *unaware of [it] before taking this survey*.

**Table 101: All Respondents’ Familiarity with Plans, Policies, And Procedures**

Q1. The plans, policies, and procedures regarding workplace conduct are listed below. Please indicate how familiar you are with them.

	Very familiar	Somewhat familiar	Aware of but not familiar with	Unaware before taking this survey	Does not apply to me	n
1. Your Employment Dispute Resolution (EDR) plan	3731 27%	6050 44%	3401 25%	560 4%	118 1%	13860
2. The Informal Advice option under the EDR plan (that is, confidential advice and guidance on workplace protections)	3307 24%	5428 39%	3516 25%	1478 11%	120 1%	13849
3. The Assisted Resolution option under the EDR plan (that is, an informal, flexible, and interactive process to resolve concerns)	3171 23%	5421 39%	3650 26%	1470 11%	130 1%	13842
4. The Formal Complaint option under the EDR plan (that is, a formal complaint process overseen by an impartial Presiding Judicial Officer who issues a written decision)	3310 24%	5588 40%	3759 27%	1038 8%	134 1%	13829
5. Your court’s or employing office’s webpage related to workplace conduct and EDR	3282 24%	4872 36%	3777 28%	1526 11%	122 1%	13579
6. JNET OJI/Workplace Conduct Page	2489 18%	4798 35%	4117 30%	2236 16%	107 1%	13747
7. The judiciary’s 2019 Model EDR Plan	1886 14%	4371 32%	4419 32%	2849 21%	227 2%	13752

	Very familiar	Somewhat familiar	Aware of but not familiar with	Unaware before taking this survey	Does not apply to me	n
8. The judiciary’s 2021 Model FPDO EDR Plan	1792 13%	4269 31%	4217 31%	2891 21%	575 4%	13744
9. The Code of Conduct for Judiciary Employees	6683 48%	5174 37%	1595 12%	254 2%	143 1%	13849
10. The Code of Conduct for U.S. Judges	2288 17%	4026 29%	4268 31%	1006 7%	2250 16%	13838
11. The Code of Conduct for Federal Public Defender Employees	1606 12%	2590 19%	4419 32%	1971 14%	3253 24%	13839
12. The Judicial Conduct and Disability Act and Rules	1840 13%	3883 28%	4755 34%	2614 19%	733 5%	13825

**Figure 49: More Familiar Policies and Procedures**

- **Code of Conduct for Judiciary Employees**  
48% *very familiar*, 37% *somewhat familiar*, and 12% *aware of but not familiar with*
- **Their court’s or employing office’s EDR plan**  
27% *very familiar*, 44% *somewhat familiar*, and 25% *aware of but not familiar with*
- **Their court’s or employing office’s webpage related to workplace conduct and EDR**  
24% *very familiar*, 36% *somewhat familiar*, 28% *aware of but not familiar with*
- **The Informal Advice option**  
24% *very familiar*, 39% *somewhat familiar*, 25% *aware of but not familiar with*
- **The Assisted Resolution option**  
23% *very familiar*, 39% *somewhat familiar*, 26% *aware of but not familiar with*
- **The Formal Complaint option**  
24% *very familiar*, 40% *somewhat familiar*, 27% *aware of but not familiar with*



**Figure 50: Less Familiar Policies and Procedures**

- **JNET OJI/Workplace Conduct Page**  
18% *very familiar*, 35% *somewhat familiar*, 30% *aware of but not familiar with*
- **Judiciary's 2019 Model EDR Plan**  
14% *very familiar*, 32% *somewhat familiar*, 32% *aware of but not familiar with*
- **Judicial Conduct and Disability Act and Rules**  
13% *very familiar*, 28% *somewhat familiar*, 34% *aware of but not familiar with*
- **Code of Conduct for Federal Public Defender Employees**  
12% *very familiar*, 19% *somewhat familiar*, 32% *aware of but not familiar with*
  - **Familiarity amongst FDO respondents:** 38% *very familiar*, 36% *somewhat familiar*, 17% *aware of but not familiar with*

Respondents were asked if they had received any training on the EDR Plan in the last year, and 71% (9,821 respondents) indicated that they had (Table 102).

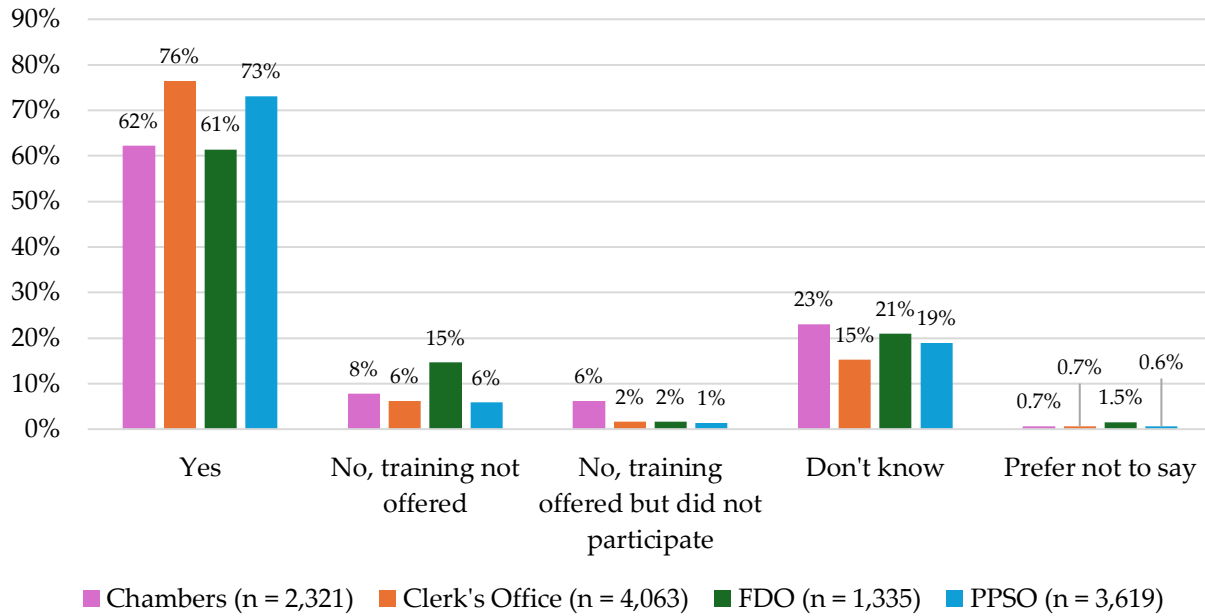
**Table 102: All Respondents' Indication on Whether They Had Received EDR Training Since January 1, 2022**

Q2. Did you receive training on the EDR Plan in the last year, that is, since January 1, 2022?

	<i>n</i>	%
Yes	9821	71%
No, training not offered	1023	7%
No, training offered but did not participate	332	2%
Don't know	2555	18%
Prefer not to say	133	1%
Total Responses	13864	

The percentage of respondents who said they had received training in the past year varied somewhat by the type of office in which respondents work (Figure 51). It was 61% and 62% for federal defender office and chambers respondents compared to 73% and 76% for probation and pretrial services office and clerk's office respondents. Across employee groups, 15% to 23% said they didn't know if they had received training in the last year.

**Figure 51: Respondents’ Answer as to Whether they Received Training on the EDR Plan Since January 1, 2022, by Office Type**



Of those who had received training, most (88% or 8,638 out of 9,807 respondents) indicated it had been mandatory (Table 103). Most of the others (10%) said they did not know if it was mandatory. Compared to other employees, slightly fewer chambers (80%) and federal defender office respondents (82%) said the training was mandatory, and a higher percentage of them said they didn’t know (17% in chambers, 15% in federal defender offices).

**Table 103: Mandatory Nature of Training Received by Respondents**

Q2a. Was the training mandatory?

	<i>n</i>	%
Yes	8638	88%
No	221	2%
Don’t know	937	10%
Prefer not to say	11	0.1%
Total Responses	9807	

About equal percentages of respondents said training was provided by the EDR Coordinator (28% or 2,686 out of 9,783 respondents) and Human Resources (24% or 2,337 out of 9,783 respondents). However, over a quarter of respondents (29% or 2,789 out of 9,783 respondents) did not know who provided the training (Table 104). Clerk’s office

respondents were more likely to know who provided the training (78%) compared to other employee groups (61% to 68%).

**Table 104: Position That Provided Training to Respondents<sup>a</sup>**

Q2b. Who provided the training? Select all that apply

	<i>n</i>	%
Director of Workplace Relations	1673	17%
Office of Judicial Integrity	1385	14%
EDR Coordinator	2686	28%
Human Resources	2337	24%
Other, please specify	663	7%
Don't know	2789	29%
Prefer not to say	46	0.5%
Total Respondents	9783	

<sup>a</sup> Respondents could select more than one option, so percentages sum to more than 100%.

Overall, 63% of respondents said that the training helped them understand the policies and procedures *very much* (49% or 4,750 out of 9,795 respondents) or *extremely* (14% or 1,333 out of 9,795 respondents), and another 30% (2,900 out of 9,795 respondents) said the training was *moderately* helpful (Table 105). Across offices, between 58% and 67% said the training was *very much* or *extremely* helpful (Figure 52).

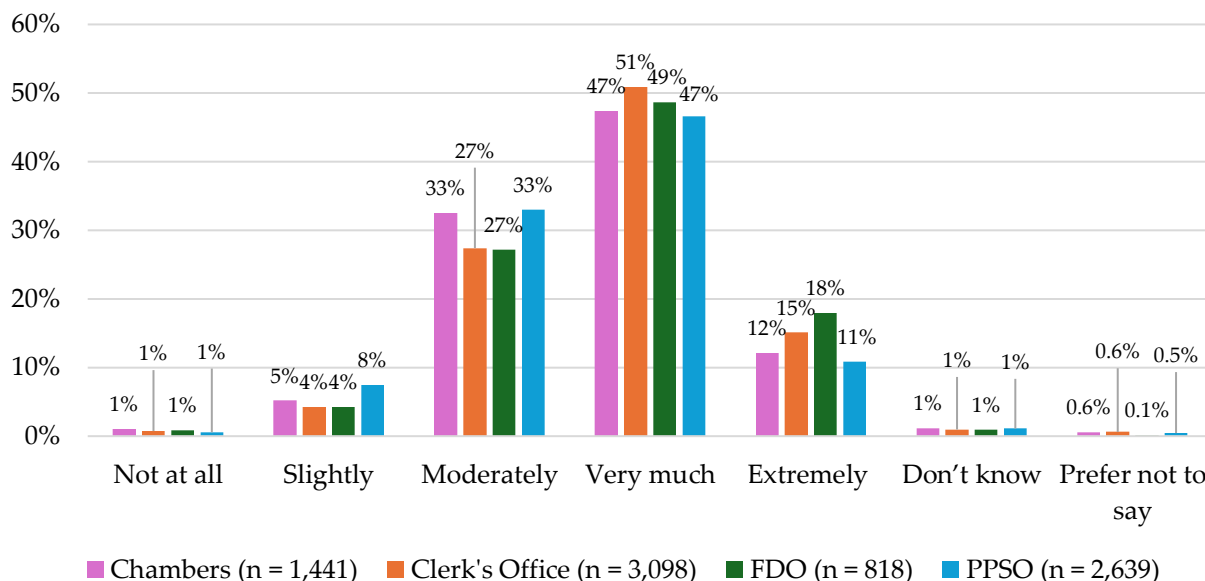
**Table 105: Extent to Which Training Helped Respondents Understand Policies and Procedures**

Q2c. To what extent did the training help you understand your court's or employing office's policies and procedures?

	<i>n</i>	%
Not at all	81	1%
Slightly	549	6%
Moderately	2900	30%
Very much	4750	49%
Extremely	1333	14%
Don't know	112	1%
Prefer not to say	70	1%
Total Responses	9795	

**Figure 52. Training Effectiveness by Office Type**

Q2c. To what extent did the training help you understand your court’s or employing office’s policies and procedures?



Next, all respondents, regardless of whether they had participated in EDR training, were shown 13 types of personnel they could contact if they believed someone experienced wrongful conduct and were asked to rate how comfortable they would be in turning to each for assistance. As shown in Table 106 and Figures 53 and 54, the majority of respondents indicated they would be comfortable contacting their Human Resources manager (25% *somewhat comfortable*, and 41% *very comfortable*) or another type of supervisor (27% *somewhat comfortable* and 32% *very comfortable*) with an issue related to wrongful conduct. Fewer respondents were comfortable contacting a chief circuit judge (8% *somewhat comfortable* and 7% *very comfortable*) or a chief judge other than the chief circuit judge (15% *somewhat comfortable* and 15% *very comfortable*).

**Figure 53: More Comfort in Contacting**

- **Human Resources manager or staff**  
41% *very comfortable* and 25% *somewhat comfortable*
- **Another supervisor or manager**  
32% *very comfortable* and 27% *somewhat comfortable*
- **EDR coordinator**  
31% *very comfortable* and 23% *somewhat comfortable*
- **Clerk of court**  
25% *very comfortable* and 17% *somewhat comfortable*
  - **Comfort amongst Clerk’s Office Respondents:** 43% *very comfortable* and 22% *somewhat comfortable*

**Figure 54: Less Comfort in Contacting**

- **Chief circuit judge**  
7% *very comfortable*, 8% *somewhat comfortable*, 20% *does not apply to me*
  - **Comfort amongst Judges’ Chambers Respondents:** 8% *very comfortable*, 9% *somewhat comfortable*, 11% *does not apply to me*
- **Chief judge other than the chief circuit judge**  
15% *very comfortable*, 15% *somewhat comfortable*, 14% *does not apply to me*
  - **Comfort amongst Judges’ Chambers Respondents:** 20% *very comfortable*, 19% *somewhat comfortable*, 4% *does not apply to me*
- **The circuit executive**  
11% *very comfortable*, 11% *somewhat comfortable*, 20% *does not apply to me*

Most respondents (84% or 11,630) said they were either *somewhat comfortable* or *very comfortable* turning to **at least one** of the listed persons. Conversely, 6% of respondents (836 respondents) indicated that they were *very uncomfortable*, *somewhat uncomfortable*, *not aware of [the option]*, or that the option *did not apply* to them for **every person** listed.

These percentages vary somewhat according to the type of office in which respondents work—90% of chambers respondents said they would be *very comfortable* or *somewhat comfortable* with **at least one person** listed, compared to 81% of federal defender office and probation and pretrial service office respondents. Compared to 4% for clerk’s office respondents and 4% for chambers respondents, 8% of federal defender office respondents and 7% of probation and pretrial services office respondents said they were *very uncomfortable*, *somewhat uncomfortable*, the option *does not apply*, or they were *not aware* of the option for **every person** listed.

**Table 106: All Respondents' Comfort in Turning to Different Personnel for Assistance in Addressing Workplace Conduct Matters**

Q3. Listed below are persons you could contact if you thought you or another person experienced wrongful conduct. How comfortable are you in turning to the people listed below for assistance in addressing such concerns?

	Very uncomfortable	Somewhat uncomfortable	Neither comfortable nor uncomfortable	Somewhat comfortable	Very comfortable	Prefer not to say	Unaware of this option	Does not apply to me	<i>n</i>
1. Chief circuit judge	3598 26%	1516 11%	2375 17%	1095 8%	963 7%	182 1%	1252 9%	2780 20%	13761
2. A chief judge (other than the chief circuit judge)	3123 23%	1839 13%	2102 15%	1991 15%	1997 15%	189 1%	659 5%	1859 14%	13759
3. A judge who is your supervisor	1678 12%	886 6%	1224 9%	1397 10%	2979 22%	163 1%	327 2%	5122 37%	13776
4. A judge who is not your supervisor	2458 18%	1738 13%	1976 14%	2329 17%	2057 15%	174 1%	524 4%	2499 18%	13755
5. The circuit executive	2497 18%	1449 11%	2570 19%	1475 11%	1478 11%	177 1%	1307 10%	2771 20%	13724
6. A clerk of court	2085 15%	1503 11%	1822 13%	2324 17%	3456 25%	154 1%	414 3%	2012 15%	13770
7. Federal public defender	1708 13%	960 7%	1981 15%	1138 8%	1451 11%	134 1%	950 7%	5356 39%	13678

	Very uncomfortable	Somewhat uncomfortable	Neither comfortable nor uncomfortable	Somewhat comfortable	Very comfortable	Prefer not to say	Unaware of this option	Does not apply to me	<i>n</i>
8. A unit executive other than circuit executive, clerk of court, or federal public defender	1671 12%	1387 10%	2611 19%	2285 17%	2344 17%	158 1%	961 7%	2300 17%	13717
9. Another type of supervisor or manager	1120 8%	1279 9%	2086 15%	3671 27%	4372 32%	137 1%	269 2%	848 6%	13782
10. Your Human Resources (HR) manager or staff	1402 10%	1213 9%	1533 11%	3481 25%	5642 41%	134 1%	75 1%	303 2%	13783
11. Your Employee Dispute Resolution (EDR) coordinator	970 7%	1004 7%	2768 20%	3172 23%	4264 31%	156 1%	1172 9%	279 2%	13785
12. Your Circuit Director of Workplace Relations (DWR)	859 6%	973 7%	3393 25%	2206 16%	2379 17%	153 1%	2637 19%	1140 8%	13740
13. The National Judicial Integrity Officer (AO)	1160 8%	1271 9%	3811 28%	1960 14%	1696 12%	167 1%	2735 20%	948 7%	13748
14. Other, please specify:	120 3%	83 2%	780 17%	187 4%	305 7%	157 3%	536 12%	2447 53%	4615

All respondents were asked if they had used any of five different approaches to address workplace conduct issues. Most respondents indicated that they had not used any of the listed approaches. The approach most frequently used to address workplace conduct matters was reporting concerns to someone in their court or employing office other than an EDR coordinator or DWR (12% selected *yes*), followed by seeking Informal Advice under the EDR plan (5% selected *yes*) (Table 107).

**Table 107: Respondents' Use of Given Approaches to Address Workplace Conduct Matters**

*Q4a. Have you ever used any of the following approaches to address workplace conduct matters?*

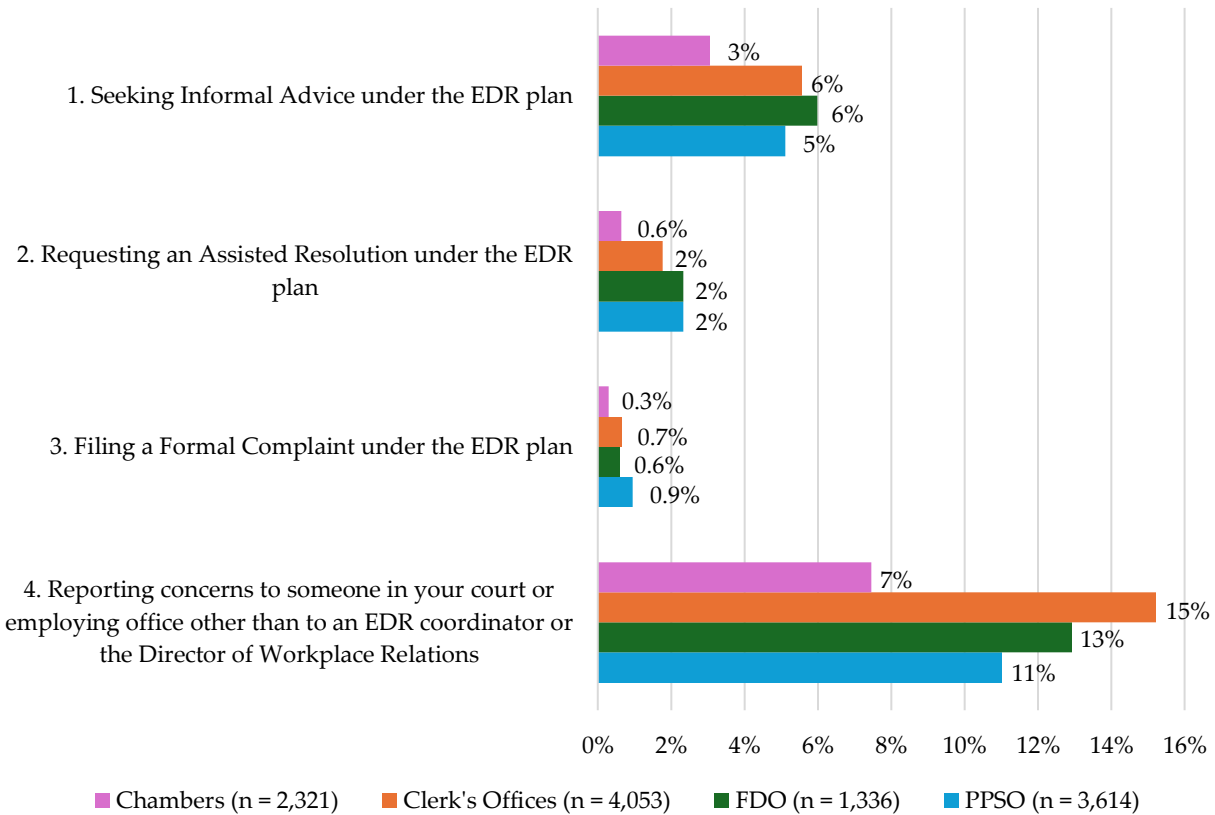
	Yes	No	Prefer not to say	<i>n</i>
1. Seeking Informal Advice under the EDR plan (that is, confidential advice and guidance on workplace protections)	714 5%	12855 93%	263 2%	13832
2. Requesting an Assisted Resolution under the EDR plan (that is, an informal, flexible, and interactive process to resolve concerns)	246 2%	13329 97%	232 2%	13807
3. Filing a Formal Complaint under the EDR plan (that is, a formal complaint process overseen by an impartial Presiding Judicial Officer who issues a written decision)	98 1%	13503 98%	207 2%	13808
4. Reporting concerns to someone in your court or employing office <b>other than</b> to an EDR coordinator or the Director of Workplace Relations (for example, to your supervisor, unit executive, a judge, Human Resources)	1696 12%	11848 86%	271 2%	13815
5. Filing a complaint under the Judicial Conduct and Disability Act	38 0.3%	13559 98%	189 1%	13786

Figure 55 shows the percentage of respondents who have used the approach for each office type.<sup>36</sup> For example, 3% of the 2,321 chambers respondents indicated they had used informal advice under the EDR plan.

36. Due to the heightened risk of identification from the small number of respondents who reported using the Judicial Conduct and Disability Act (item 5), this item was not broken down by office type.



**Figure 55: Percentage of Respondents That Used Each Approach by Office Type**



Regardless of whether they had used them, respondents were asked to rate their confidence in the five approaches to address workplace conduct matters (Table 108). Between 50% and 58% of respondents indicated they were **at least moderately confident** in each of the approaches listed. The approach respondents were the most confident in using was reporting concerns to someone in their court or employing office other than to an EDR coordinator or the DWR. Figures 56a–56e show respondents’ confidence in each approach by office type.

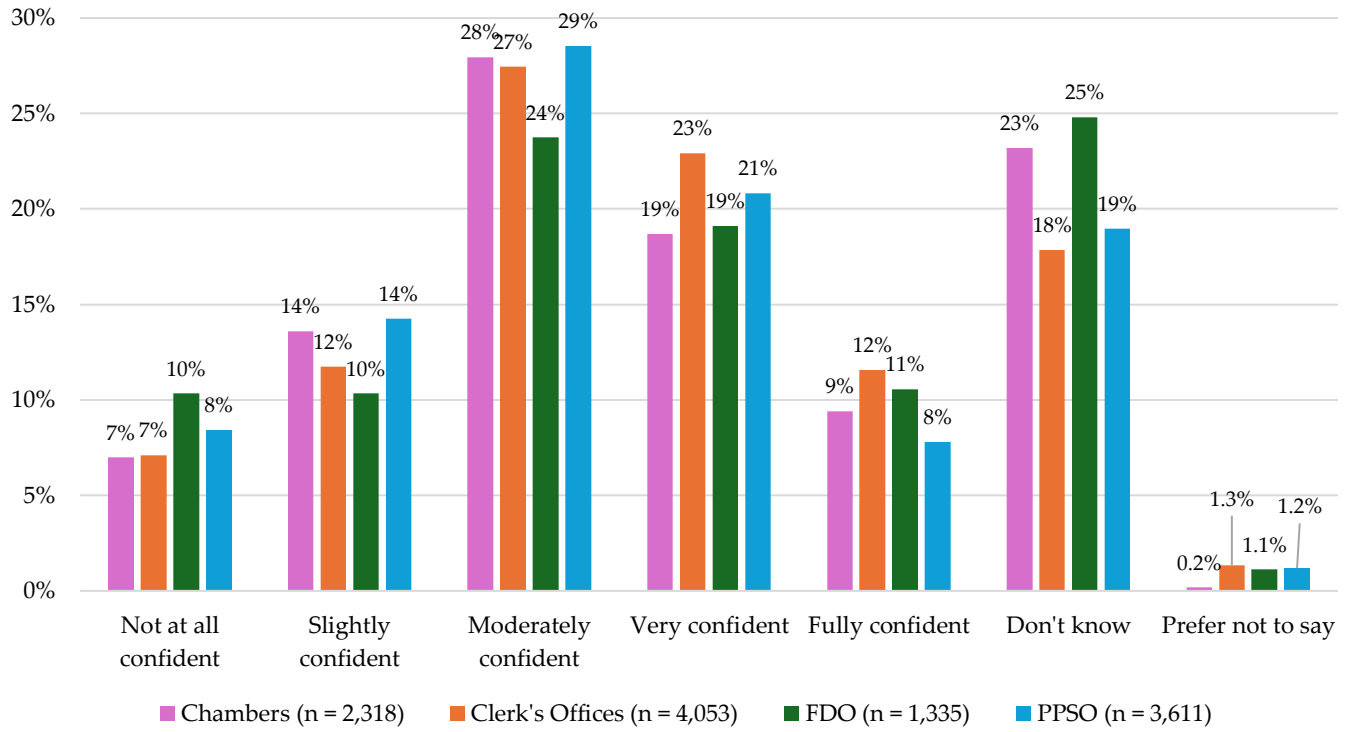
**Table 108: All Respondents’ Confidence in Different Approaches to Address Workplace Conduct Matters**

*Q4b. How confident are you that the following approaches would help address workplace conduct matters an employee might experience?*

	Not at all confident	Slightly confident	Moderately confident	Very confident	Fully confident	Don’t know	Prefer not to say	<i>n</i>
1. Seeking Informal Advice under the EDR plan (that is, confidential advice and guidance on workplace protections)	1192 9%	1791 13%	3742 27%	2754 20%	1332 10%	2789 20%	219 2%	13819
2. Requesting an Assisted Resolution under the EDR plan (that is, an informal, flexible, and interactive process to resolve concerns)	1255 9%	1670 12%	3666 27%	2775 20%	1292 9%	2904 21%	232 2%	13794
3. Filing a Formal Complaint under the EDR plan (that is, a formal complaint process overseen by an impartial Presiding Judicial Officer who issues a written decision)	1405 10%	1637 12%	3335 24%	2897 21%	1385 10%	2894 21%	247 2%	13800
4. Reporting concerns to someone in your court or employing office <b>other than</b> to an EDR coordinator or the Director of Workplace Relations (for example, to your supervisor, unit executive, a judge, Human Resources)	1539 11%	1846 13%	3397 25%	2973 22%	1510 11%	2300 17%	229 2%	13794
5. Filing a complaint under the Judicial Conduct and Disability Act	1357 10%	1526 11%	2983 22%	2534 18%	1309 10%	3773 27%	282 2%	13764

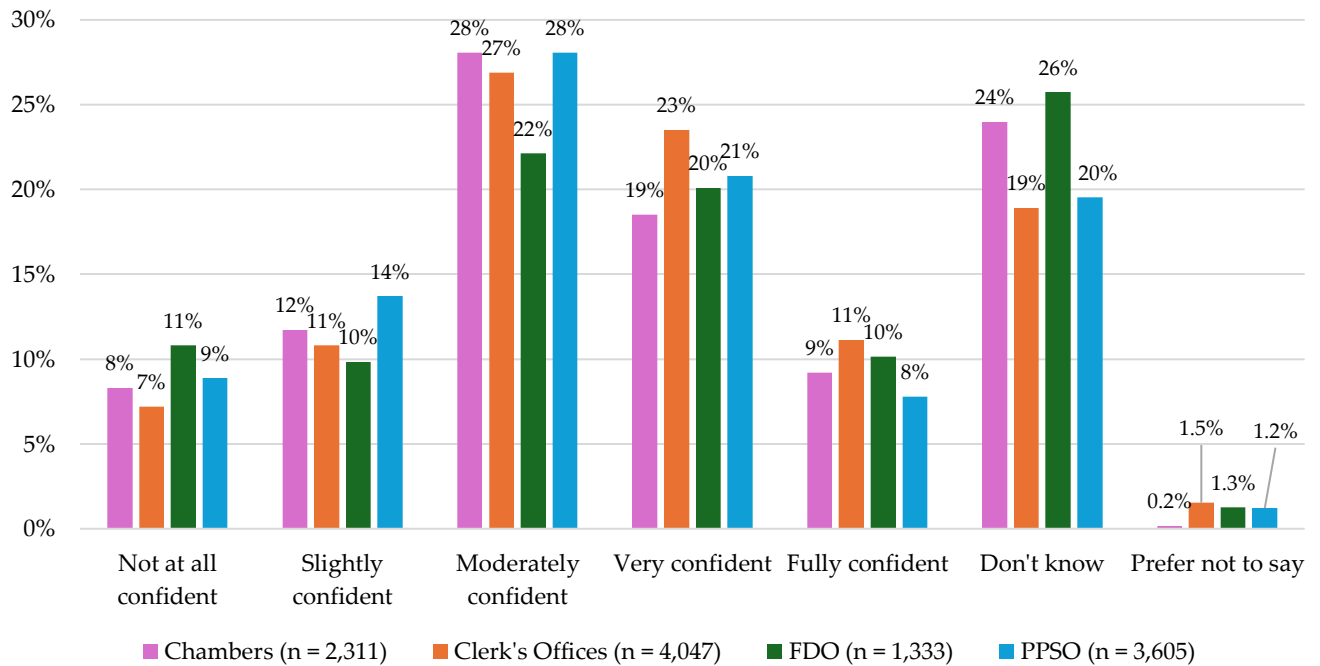
**Figure 56a: Respondents' Confidence in Informal Advice by Office Type**

*Item 1. Seeking Informal Advice under the EDR plan*



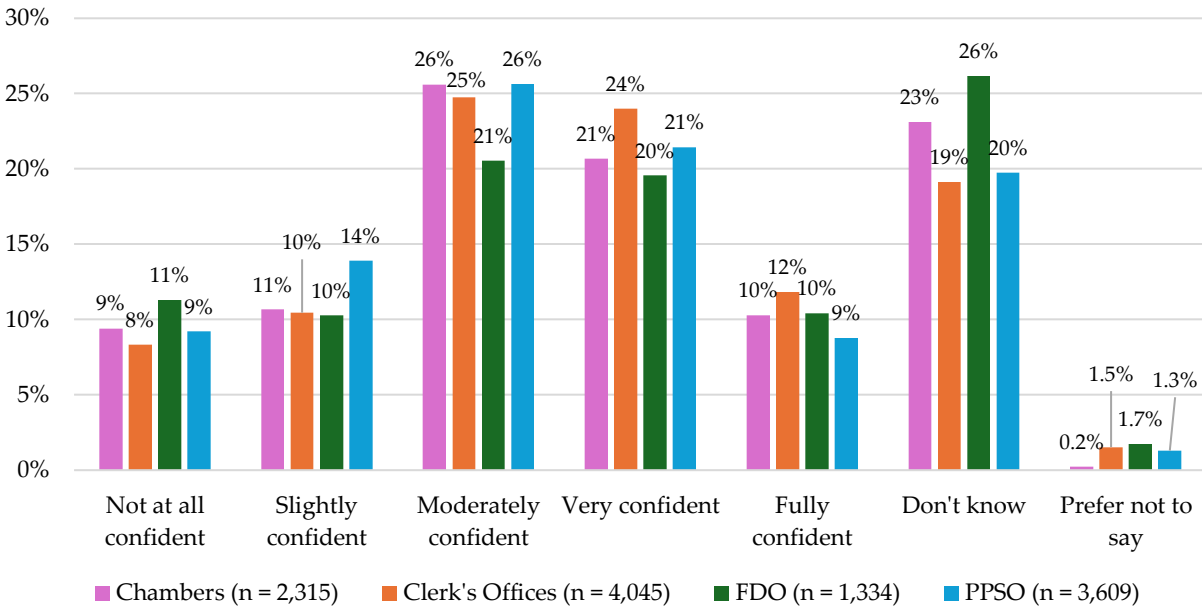
**Figure 56b: Respondents' Confidence in Assisted Resolution by Office Type**

*Item 2. Requesting an Assisted Resolution under the EDR plan*



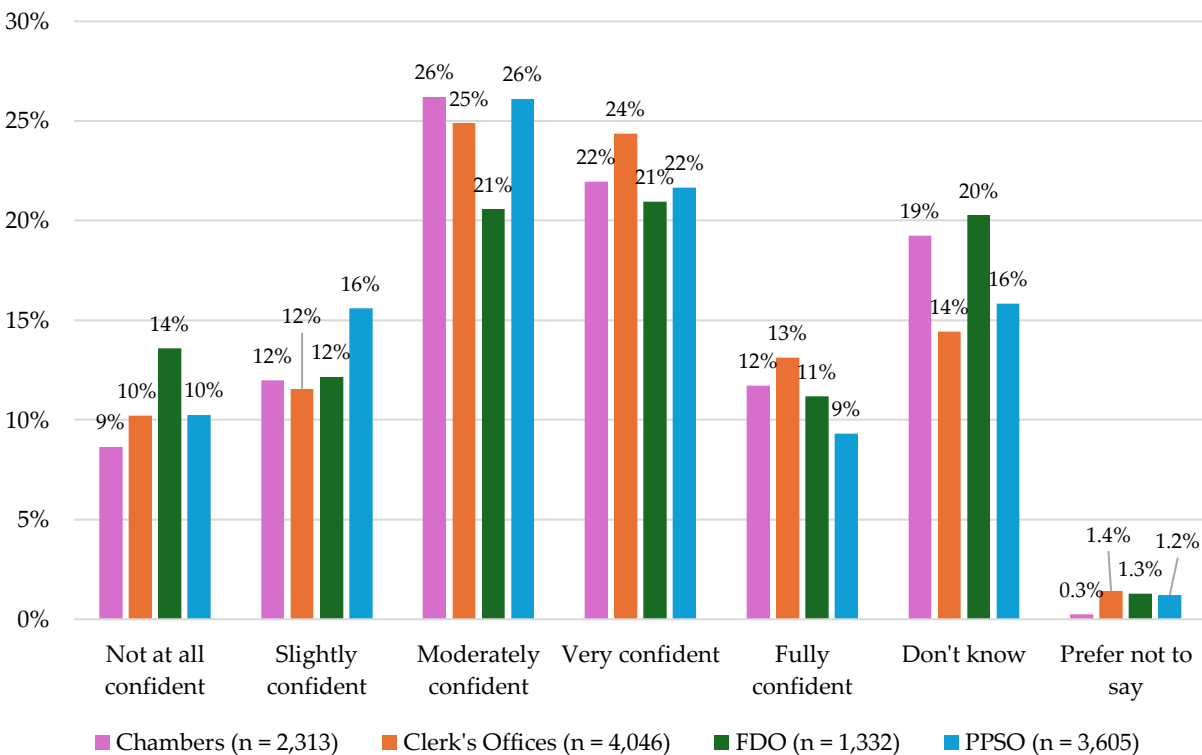
**Figure 56c: Respondents' Confidence in the Formal Complaint Process by Office Type**

*Item 3. Filing a Formal Complaint under the EDR plan*



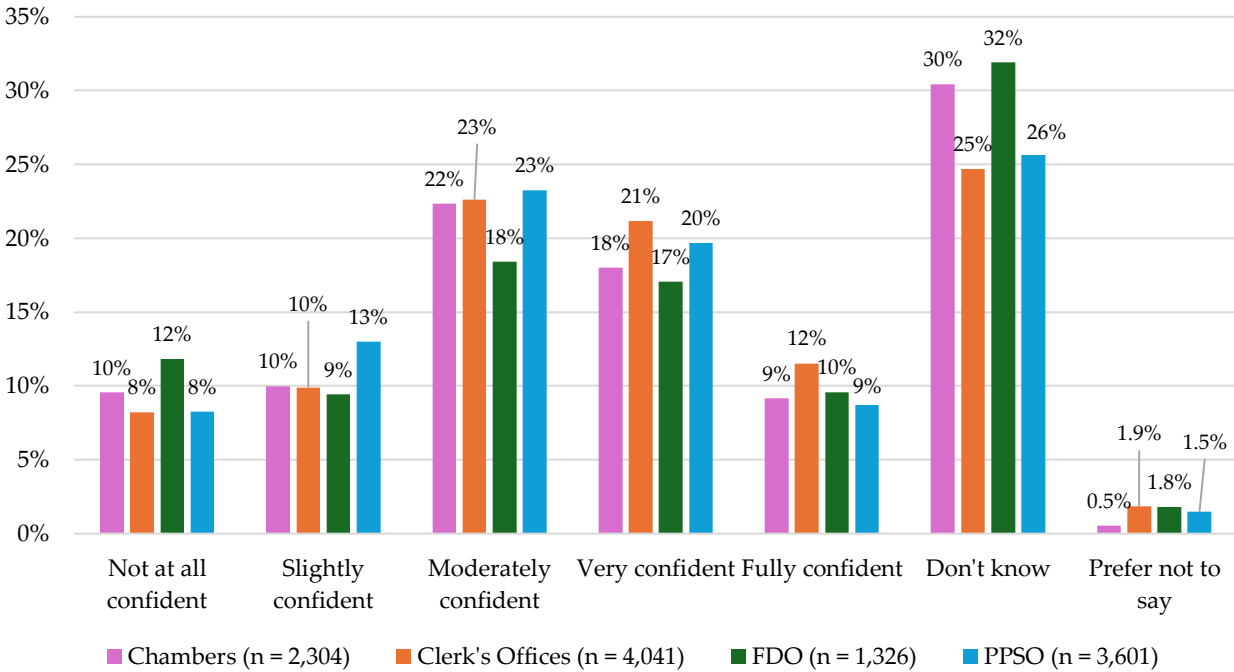
**Figure 56d: Respondents' Confidence in Non-EDR or DWR Processes by Office Type**

*Item 4. Reporting concerns to someone in your court or employing office other than to an EDR coordinator or the Director of Workplace Relations*



**Figure 56e: Respondents' Confidence in the Judicial Conduct and Disability Act by Office Type**

Item 5. Filing a complaint under the Judicial Conduct and Disability Act



In general, compared to those who had not used a given approach, respondents who had used an approach were less likely to say they *[didn't]* know if the approach would be effective and more likely to say they were *not at all* confident in it (Table 109).<sup>37</sup> Conversely, respondents who had not used a given approach were more likely to say they *[didn't]* know if the approach would be effective and were less likely to say they were *not at all* confident in it (Table 110). Figures 57a–57d show confidence ratings for each approach according to respondents' experience with it.<sup>38</sup> Percentages are used for comparison due to the considerable difference in the number of respondents in each group, noted in the legend of each figure.

37. Whether a respondent had used a given approach refers to their answers to Q4a (Table 107).

38. Due to the heightened risk of identification from the small number of respondents who indicated using the Judicial Conduct and Disability Act (item 5), this item was not broken down by experience level.

**Table 109: Confidence in Workplace Conduct Approaches for Those Who Have Used the Listed Approach<sup>a</sup>**

Q4b. How confident are you that the following approaches would help address workplace conduct matters an employee might experience?

	Not at all confident	Slightly confident	Moderately confident	Very confident	Fully confident	Don't know	Prefer not to say	<i>n</i>
1. Seeking Informal Advice under the EDR plan (that is, confidential advice and guidance on workplace protections)	140 20%	127 18%	193 27%	115 16%	83 12%	40 6%	14 2%	712
2. Requesting an Assisted Resolution under the EDR plan (that is, an informal, flexible, and interactive process to resolve concerns)	54 22%	48 20%	54 22%	37 15%	35 14%	12 5%	5 2%	245
3. Filing a Formal Complaint under the EDR plan (that is, a formal complaint process overseen by an impartial Presiding Judicial Officer who issues a written decision)	20 20%	13 13%	20 20%	22 22%	11 11%	10 10%	2 2%	98
4. Reporting concerns to someone in your court or employing office <b>other than</b> to an EDR coordinator or the Director of Workplace Relations (for example, to your supervisor, unit executive, a judge, Human Resources)	365 22%	301 18%	416 25%	317 19%	146 9%	128 8%	16 1%	1689

<sup>a</sup> Item 1 gives the confidence in *Informal Advice* addressing workplace issues for respondents who have used *Informal Advice*. Item 2 gives the confidence in *Assisted Resolution* addressing workplace issues for respondents who have used *Assisted Resolution*, and so on.

**Table 110: Confidence in Workplace Conduct Approaches for Those Who Have Not Used the Listed Approach<sup>a</sup>**

Q4b. How confident are you that the following approaches would help address workplace conduct matters an employee might experience?

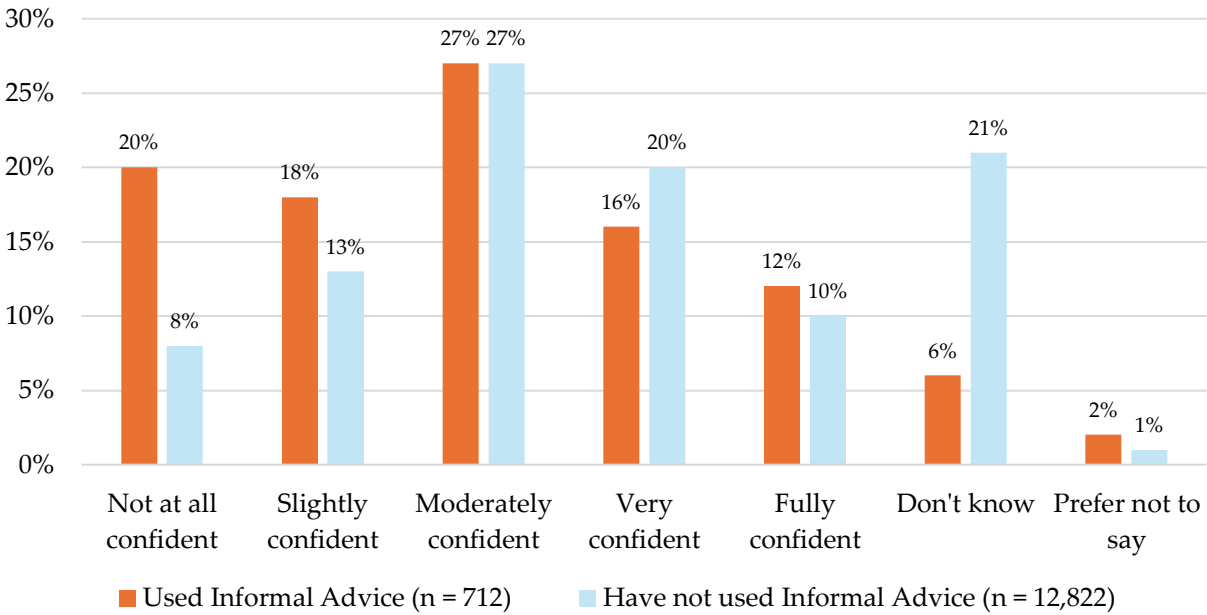
	Not at all confident	Slightly confident	Moderately confident	Very confident	Fully confident	Don't know	Prefer not to say	<i>n</i>
1. Seeking Informal Advice under the EDR plan (that is, confidential advice and guidance on workplace protections)	1010 8%	1635 13%	3505 27%	2615 20%	1243 10%	2704 21%	110 1%	12822
2. Requesting an Assisted Resolution under the EDR plan (that is, an informal, flexible, and interactive process to resolve concerns)	1163 9%	1594 12%	3566 27%	2716 20%	1250 9%	2848 21%	135 1%	13272
3. Filing a Formal Complaint under the EDR plan (that is, a formal complaint process overseen by an impartial Presiding Judicial Officer who issues a written decision)	1347 10%	1604 12%	3285 24%	2851 21%	1365 10%	2848 21%	152 1%	13452
4. Reporting concerns to someone in your court or employing office <b>other than</b> to an EDR coordinator or the Director of Workplace Relations (for example, to your supervisor, unit executive, a judge, Human Resources)	1122 10%	1513 13%	2931 25%	2632 22%	1353 11%	2127 18%	119 1%	11797

<sup>a</sup> Item 1 gives the confidence in *Informal Advice* addressing workplace issues for respondents who have **not** used *Informal Advice*. Item 2 gives the confidence in *Assisted Resolution* addressing workplace issues for respondents who have **not** used *Assisted Resolution*, and so on.

**Figure 57: Respondents' Confidence in Approach to Address Workplace Conduct by Experience**

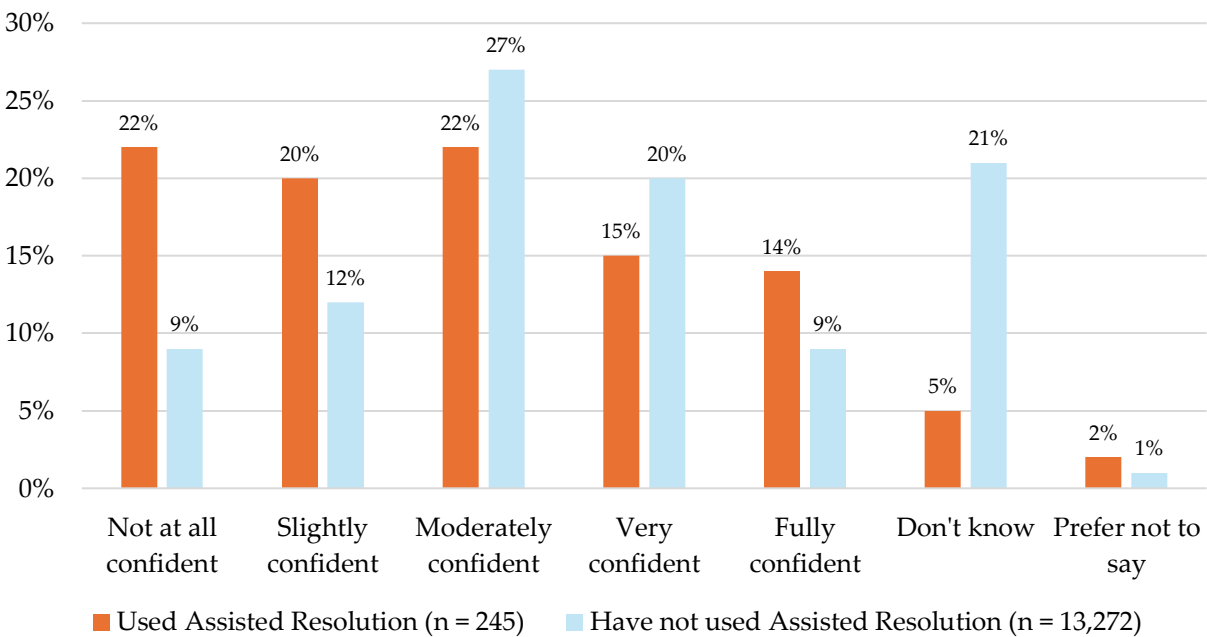
**Figure 57a**

*Item 1. Seeking Informal Advice under the EDR plan*



**Figure 57b**

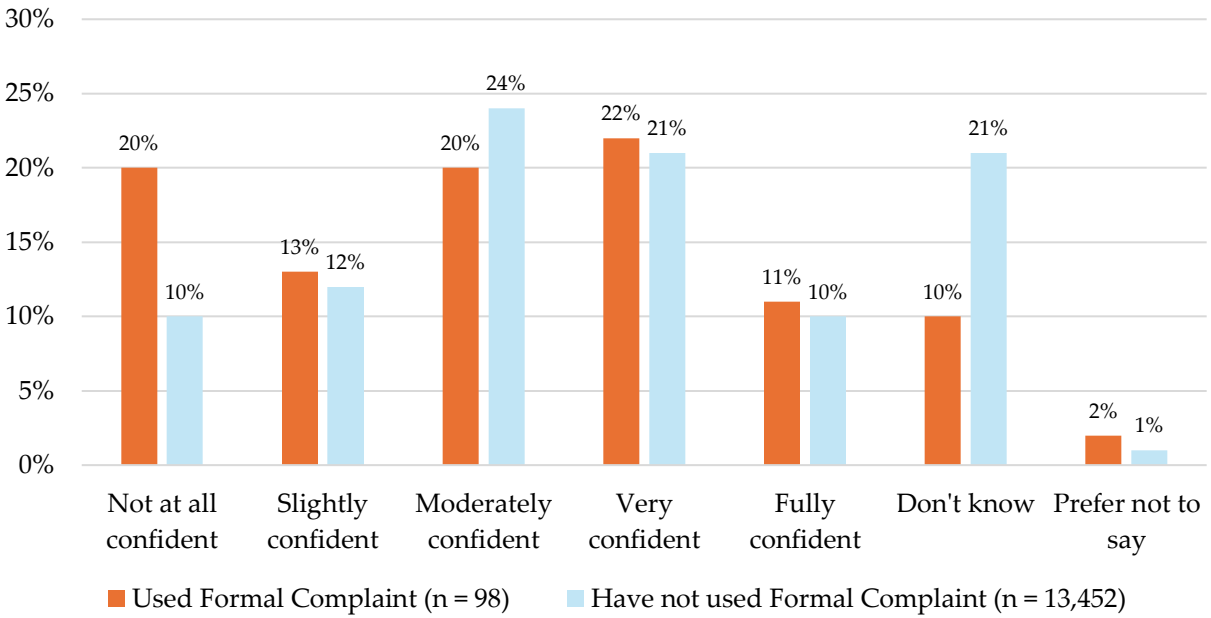
*Item 2. Requesting an Assisted Resolution under the EDR plan*





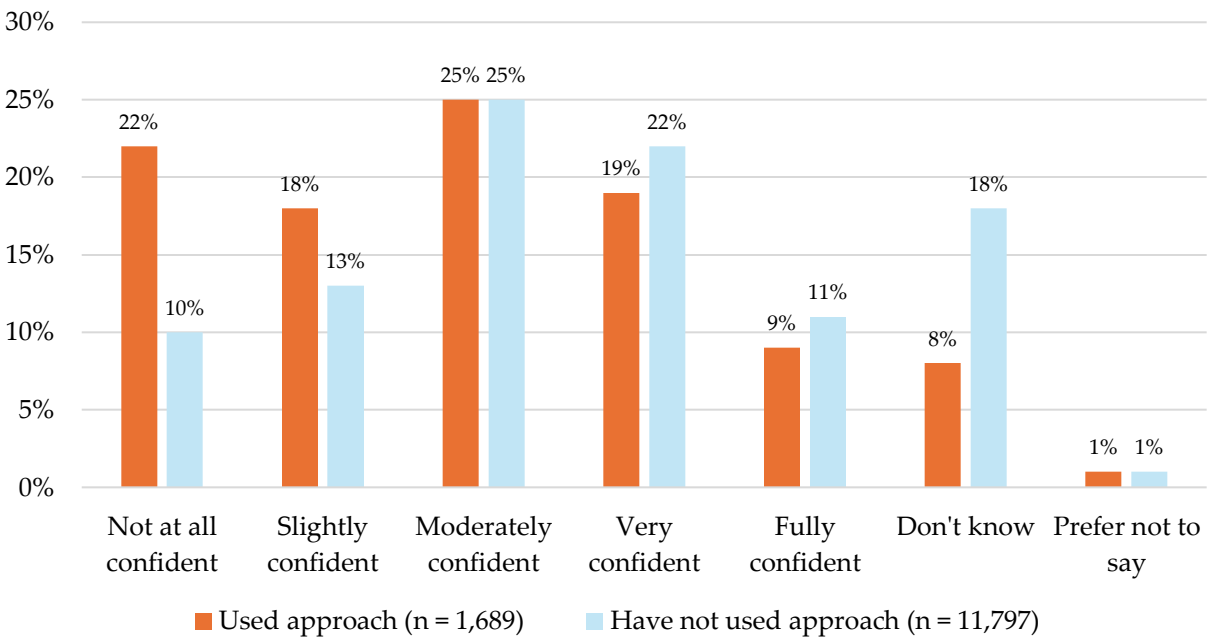
**Figure 57c**

Item 3. Filing a Formal Complaint under the EDR plan



**Figure 57d**

Item 4. Reporting concerns to someone in your court or employing office other than to an EDR coordinator or the Director of Workplace Relations



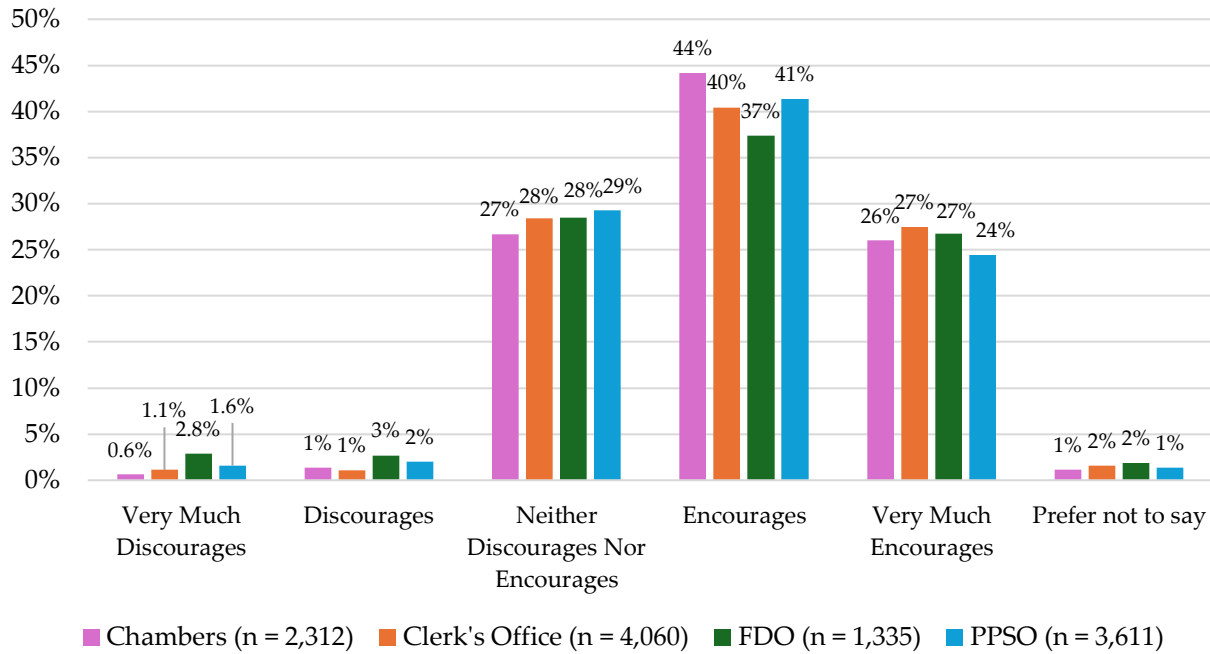
Next, respondents were asked to what extent their court or employing office encourages employees to report wrongful conduct. Almost two-thirds (65%) of respondents indicated that their court or employing office encourages employees to report wrongful conduct (25% *very much encourages* and 40% *encourages*), with most of the rest saying their court or employing office *neither discourages nor encourages* employees to report (Table 111). Figure 58 shows this information separately for chambers, clerk’s office, federal defender office, and probation and pretrial services office respondents.

**Table 111: Extent to Which Respondents’ Court or Employing Office Encourages Employees to Report Wrongful Conduct**

Q5. *To what extent does your court or employing office encourage employees to report wrongful conduct?*

	<i>n</i>	%
Very much discourages	188	1%
Discourages	219	2%
Neither discourages nor encourages	4041	29%
Encourages	5580	40%
Very much encourages	3504	25%
Prefer not to say	286	2%
Total Responses	13818	

**Figure 58: Respondents’ Belief That Their Court or Employing Office Encourages Employees to Report Wrongful Conduct by Office Type**



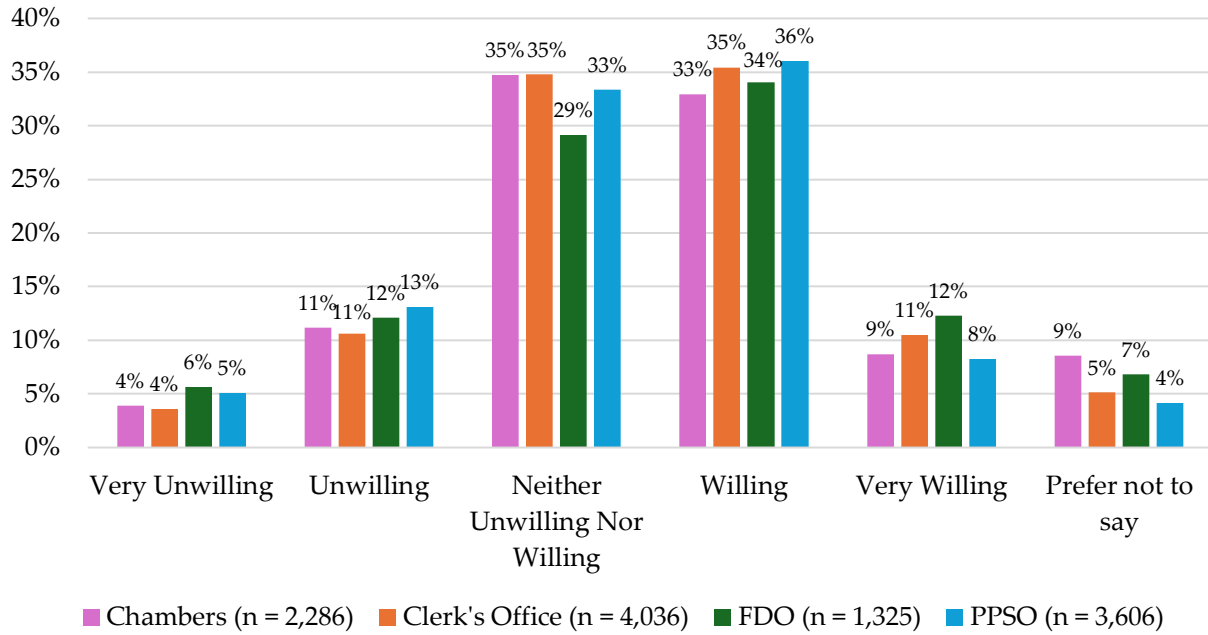
Finally, respondents rated the extent to which they believe employees are willing to report wrongful conduct. Fewer than half of respondents (42%) indicated that employees are willing to report wrongful conduct (9% *very willing* and 33% *willing*) (Table 112). Figure 59 shows this information separately for chambers, clerk’s office, federal defender office, and probation and pretrial services office respondents.

**Table 112: Extent to Which Employees Are Willing to Report Wrongful Conduct**

Q6. To what extent are employees willing to report wrongful conduct?

	<i>n</i>	%
Very unwilling	637	5%
Unwilling	1703	12%
Neither unwilling nor willing	4645	34%
Willing	4552	33%
Very willing	1240	9%
Prefer not to say	960	7%
Total Responses	13737	

**Figure 59: Respondents' Belief That Employees Are Willing to Report Wrongful Conduct by Office Type**



## Comments

In Part VI, respondents were asked three open-ended (comment) questions. Main themes are presented in bulleted lists in descending order of prevalence.

The first question asked respondents to explain why they were or were not confident in workplace procedures and suggestions for improving them, and 1,908 respondents provided comments (14% of all respondents). No more than 366 respondents contributed to any one of the following main themes:

- issues or problems with how workplace conduct matters are handled;
- lack of experience with the EDR process;
- concerns about judges (e.g., not being held accountable, believing the process will work for other positions but not judges);
- issues not being resolved or no action being taken;
- concerns about retaliation or damage to careers;
- believing the process will work but not having experience with it; and
- suggestions to improve the process for workplace conduct matters.

The next question asked respondents if they had any suggestions to improve the reporting process, and 1,363 respondents provided comments with their suggestions (10% of all respondents). No more than 237 respondents contributed to any one of the following main themes:

- suggestions to increase awareness or information about the reporting process;
- concerns about retaliation and suggestions to increase protection from retaliation;
- issues with the personnel involved in the reporting process and suggestions that the reporting process should be handled by an outside third party;
- lack of trust in the reporting process;
- anonymity and confidentiality being critical to the reporting process; and
- judges not being held accountable for behaving in an inappropriate manner for the workplace or their position.

The third question asked respondents if they had any other information or feedback that would be helpful to the judiciary's policy makers and 1,084 respondents provided comments with their feedback (8% of all respondents). No more than 262 respondents contributed to any one of the following main themes:

- issues with the reporting process;
- issues in their workplace or how to improve their workplace;
- issues with personnel involved in the reporting process;
- positive feedback about their workplace, their job, or the reporting process; and
- suggestions to improve the reporting process.

## Appendices

Appendix A: Survey Instrument

(available at <https://www.fjc.gov/sites/default/files/Questionnaire-2023-Federal-Judiciary-Workplace-Survey.pdf>)

Appendix B: Summary Figures (Survey Parts II, III, and IV)

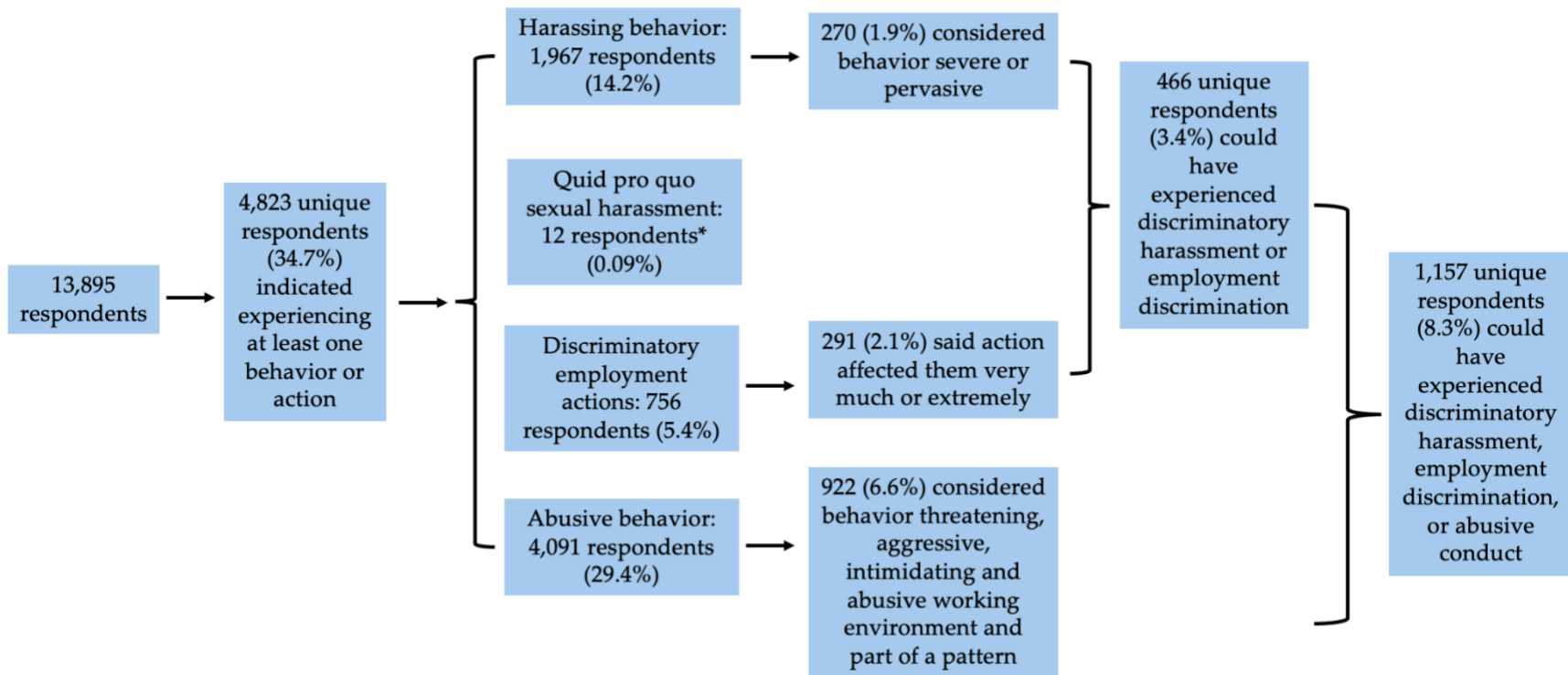
Appendix C: Glossary of Terms

Appendix D: References

## Appendix B

### Summary Figures (Survey Parts II, III, and IV)

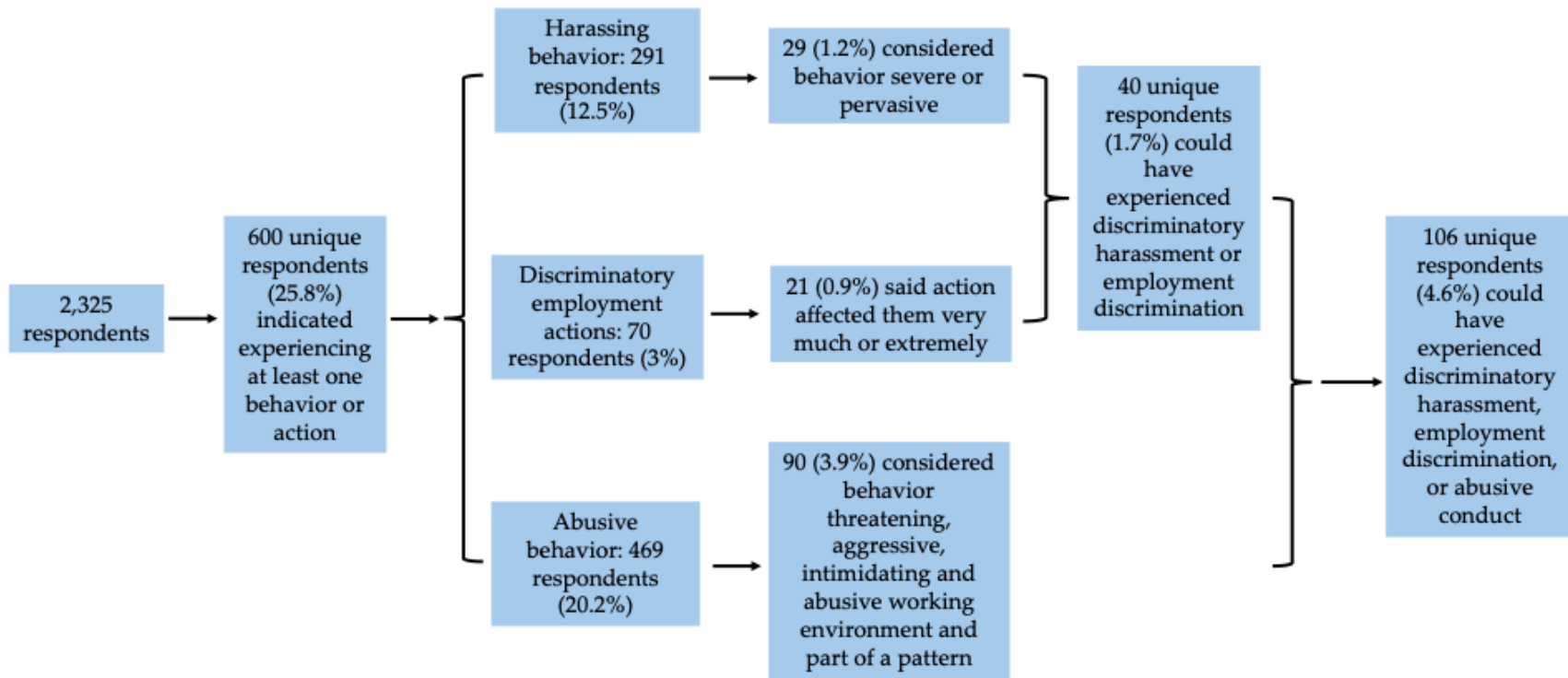
**Figure B-1: Respondents Indicating Inappropriate Behavior/Actions and Wrongful Conduct (Survey Parts II, III, and IV)—All respondents<sup>39</sup>**



\*Survey considered *quid pro quo* sexual harassment a policy violation, without follow-up questions.

39. The number of respondents presented in Figures B-2 through B-5 do not add up to the numbers presented in Figure B-1 because some respondents were in employing offices other than the ones included in Figures B-2 through B-5 (e.g., staff attorneys office), some respondents selected *prefer not to say* for their employing office, and some respondents chose not to answer the questions about their court or employing office.

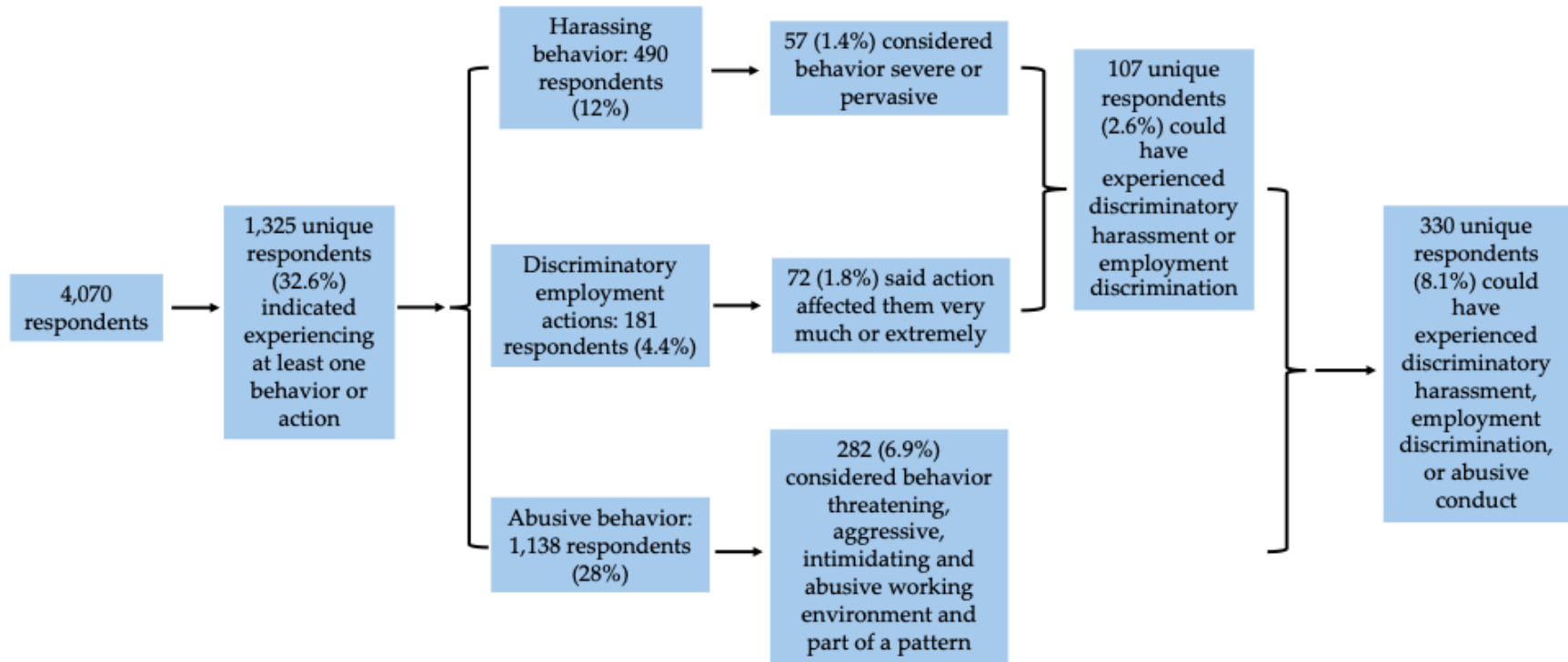
**Figure B-2: Respondents Indicating Inappropriate Behavior/Actions and Wrongful Conduct (Survey Parts II, III, and IV)—Chambers Respondents**



Note: The number of respondents that indicated experiencing *quid pro quo* sexual harassment are not presented for the office breakdown because of the heightened risk of identification from the small number of respondents. However, they are included in the number of unique respondents who could have experienced discriminatory harassment or employment discrimination.

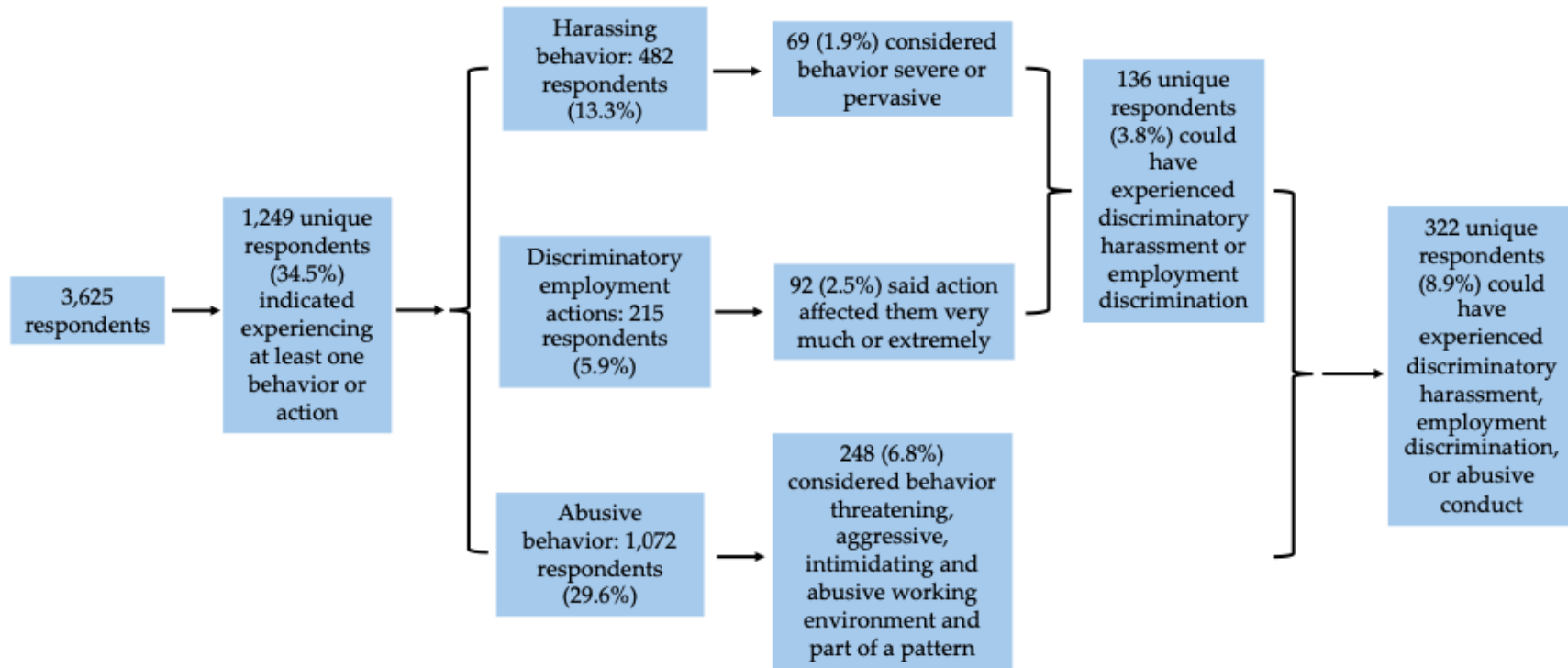


**Figure B-3: Respondents Indicating Inappropriate Behavior/Actions and Wrongful Conduct (Survey Parts II, III, and IV)— Clerk's Office Respondents**



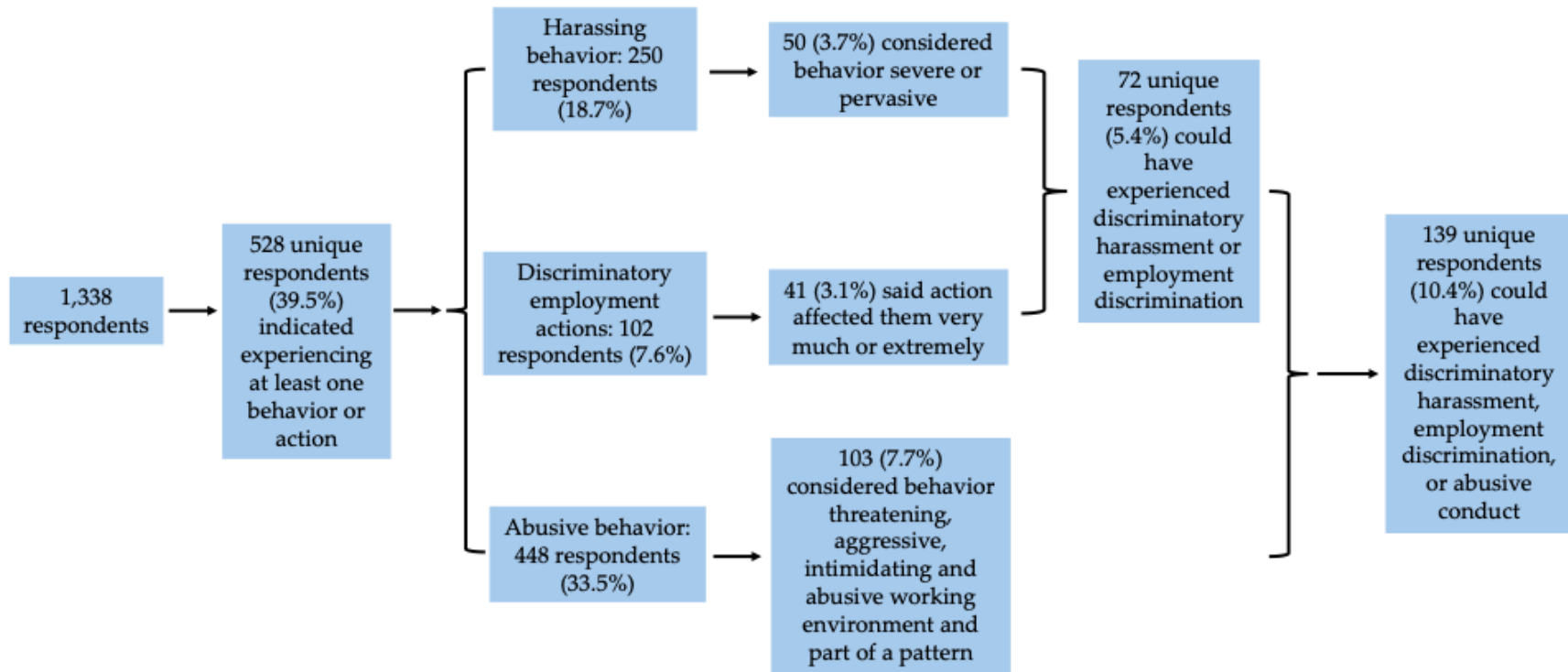
Note: The number of respondents that indicated experiencing *quid pro quo* sexual harassment are not presented for the office breakdown because of the heightened risk of identification from the small number of respondents. However, they are included in the number of unique respondents who could have experienced discriminatory harassment or employment discrimination.

**Figure B-4: Respondents Indicating Inappropriate Behavior/Actions and Wrongful Conduct (Survey Parts II, III, and IV)—  
Probation and Pretrial Services Respondents**



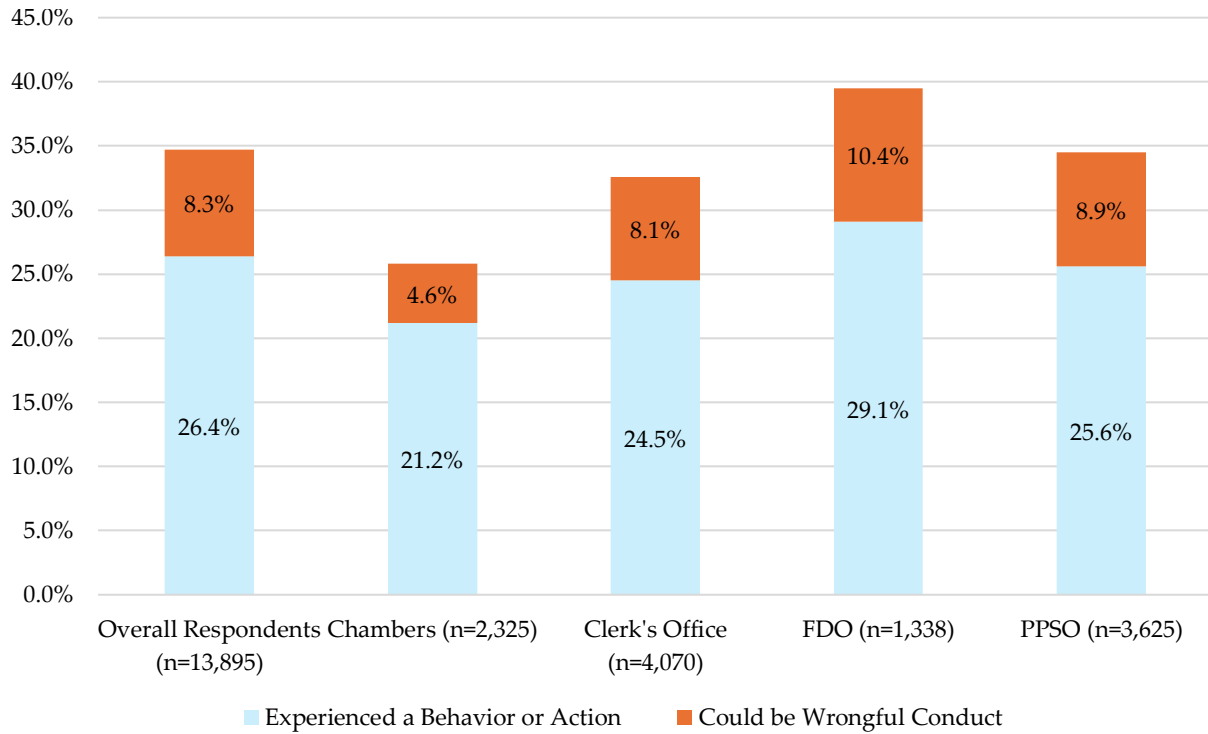
Note: The number of respondents that indicated experiencing *quid pro quo* sexual harassment are not presented for the office breakdown because of the heightened risk of identification from the small number of respondents. However, they are included in the number of unique respondents who could have experienced discriminatory harassment or employment discrimination.

**Figure B-5: Respondents Indicating Inappropriate Behavior/Actions and Wrongful Conduct (Survey Parts II, III, and IV)—Federal Defender Office Respondents**



Note: The number of respondents that indicated experiencing *quid pro quo* sexual harassment are not presented for the office breakdown because of the heightened risk of identification from the small number of respondents. However, they are included in the number of unique respondents who could have experienced discriminatory harassment or employment discrimination.

**Figure B-6: Respondents Who Experienced Any Type of Inappropriate Behavior or Action by Office Type**



*A note about reading the figure:* The height of the combined blue and orange bar represents the percentage of respondents who said they experienced a behavior or action, and the orange bar is the subset of respondents who answered follow up questions indicating that at least one of these behaviors could be wrongful conduct.

## Appendix C

### Glossary of Terms

**Abusive Conduct:** a pattern of demonstrably egregious and hostile conduct not based on a protected category that unreasonably interferes with an employee’s work and creates an abusive working environment. Abusive conduct is threatening, oppressive, or intimidating.

*Abusive conduct does not include communications and actions reasonably related to performance management, including but not limited to: instruction, corrective criticism, and evaluation; performance improvement plans; duty assignments and changes to duty assignments; office organization; progressive discipline; and adverse action.*

**Circuit Director of Workplace Relations (DWR):** a circuit employee who coordinates workplace conduct issues and the implementation of all court EDR Plans within the circuit. The scope of duties may vary by circuit, but generally, a Circuit Director of Workplace Relations may: provide Informal Advice and Assisted Resolution under any EDR Plan within the circuit; assist in training the EDR Coordinators within the circuit; provide or arrange for training throughout the circuit on workplace conduct, discrimination, and sexual harassment; and collect and analyze statistical data and other information relevant to workplace conduct matters.

**Employment Discrimination:** an adverse employment action that materially affects the terms, conditions, or privileges of employment (such as hiring, firing, failing to promote, or a significant change in benefits) based on the following protected categories: race, color, sex, gender, gender identity, pregnancy, sexual orientation, religion, national origin, age (40 years and over), or disability. The age discrimination provision does not apply to hiring, retirement, or separation of probation and pretrial services officers under 5 U.S.C. chapters 83 and 84.

**Discriminatory Harassment:** occurs when a workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the employment and create an abusive working environment. Discriminatory harassment includes sexual harassment.

- *Examples of conduct that may give rise to discriminatory harassment:* racial slurs; derogatory comments about a person’s ethnicity, culture, or foreign accent; or jokes about a person’s age, disability, or sexual orientation.
- *Examples of conduct that may give rise to sexual harassment:* suggestive or obscene notes, emails, text messages, or other types of communications; sexually degrading comments; display of sexually suggestive objects or images;

unwelcome or inappropriate touching or physical contact; unwelcome sexual advances or propositions; inappropriate remarks of a sexual nature or about physical appearance; or employment action affected by submission to, or rejection of, sexual advances.

**Employing Office:** the office of the Court, or Federal Public Defender Office, that is responsible for providing any appropriate remedy. The Court is the Employing Office of judges and chambers employees.

**Employment Dispute Resolution (EDR):** the Judicial Conference adopted a model EDR plan<sup>40</sup> for courts in 2019 and for federal defender offices<sup>41</sup> in 2021. Each court and federal defender office was encouraged to adopt the model plan or a locally developed plan based on the model plan.

**EDR Coordinator:** a court employee, other than a judge or unit executive, designated by the chief judge to coordinate all of the options for resolution provided in the plan. The EDR coordinator provides confidential advice and guidance (see Model Employment Dispute Resolution Plan § IV.B.1) if an employee seeks Informal Advice; coordinates the Assisted Resolution process, including any necessary investigation; accepts complaints under the plan; and assists the Presiding Judicial Officer in the complaint proceeding, as directed. The EDR Coordinator maintains and preserves all court files pertaining to matters initiated and processed under the EDR plan. The EDR Coordinator assists the court in meeting its obligations under the plan to train and advise employees of their rights under the plan, and to post the plan as directed. Additional information on the EDR Coordinator's responsibilities may be found in the EDR Interpretive Guide and Handbook.

**Protected Category:** Race, color, sex, gender, gender identity, pregnancy, sexual orientation, religion, national origin, age (40 years and over), or disability. The age discrimination provision does not apply to hiring, retirement, or separation of probation and pretrial services officers under 5 U.S.C. chapters 83 and 84.

**Retaliation:** a materially adverse action taken against an employee for reporting wrongful conduct; for assisting in the defense of rights protected by the EDR plan; or for opposing wrongful conduct. Retaliation against a person who reveals or reports wrongful conduct is itself wrongful conduct.

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40. <https://www.uscourts.gov/sites/default/files/guide-vol12-ch02-appx2a-model-eeo-plan.pdf>.

41. <https://www.uscourts.gov/sites/default/files/guide-vol12-ch02-appx2b.pdf>.

**Unit Executive:** includes the circuit executive, clerk of court, district court executive, chief probation officer, chief pretrial services officer, federal public defender, bankruptcy administrator, bankruptcy appellate panel clerk, senior staff attorney, chief pre-argument/conference attorney, circuit mediator, or circuit librarian.

## Appendix D References

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