

Rule 20 – Employee Conduct Policies

20.A. Purpose of All Employee Conduct Policies

20.A.1. Purpose – It is essential to the proper functioning of the Judicial Department that all employees observe high standards of conduct to maintain professionalism in the workplace and public confidence in the integrity and independence of the judicial system. Judicial Department employees must discharge their duties in a manner that creates confidence, ensuring the judicial system is fair and impartial. Judicial Department employees should always endeavor to foster respect and credibility within the Judicial Department and the communities in which they work by adhering to the following principles:

- Maintain high standards of conduct in the areas of customer service, job performance, personal integrity, and professional responsibility;
- Align behavior with the Judicial Department's mission, vision, and value statements;
- Avoid not only impropriety but the appearance of impropriety;
- Avoid misuse of their positions to obtain unauthorized benefits.

20.A.2. Provisions that Apply to All Employee Conduct Policies

20.A.2.a. Eligibility – The policies and provisions contained in Rule 20 govern the conduct of all Judicial Department employees, consistent with [Rule 3](#).

20.A.2.b. Violation – Violation of any policy and failure to comply with any policy found in Rule 20 may result in corrective or disciplinary action, which may include any disciplinary action penalty found in [Rule 29.C](#). up to and including termination of employment.

20.A.2.c. Supervisory Responsibility – It is the responsibility of all management and supervisory personnel to implement these policies, to follow these policies to ensure fair and consistent application throughout the Judicial Department and to report violations of any of these policies.

20.A.2.d. Investigation After Report of Violation – In addition to any provision related to reporting stated in other sections of this rule, a report of a violation of an employee conduct policy may result in an investigation by the Administrative Authority or the Human Resources Division.

20.A.2.e. Retaliation – The Judicial Department will not tolerate retaliation, which is a serious violation of Rule 20. Retaliation can refer to a variety of behaviors designed to punish another in the workplace who has harmed them or who they believe has harmed them. Such behaviors can include but are not limited to firing an employee in retaliation for filing a complaint, demoting an employee in retaliation for reporting

harassment, or reducing an employee's hours in retaliation for speaking out about working conditions. Reasonable supervision by a supervisor is not retaliation.

Retaliation is prohibited against any individual who has filed a report or complaint, witnessed a violation of any policy listed herein, and/or assisted or participated in any manner in an investigation, proceeding, or hearing pursuant to a policy or provision of this Rule 20. Any employee who believes they have been retaliated against under this policy should submit a report pursuant to Rule 20.A.2.f. Any act of retaliation may result in appropriate corrective or disciplinary action, which may include termination of employment.

20.A.2.f. Complaint Procedure

20.A.2.f.i. Reporting – Any violation or appearance of violation of any part of Rule 20 shall be promptly reported to any of the following individuals for filing a report: the person's own supervisor or any other supervisor; the Court Executive; the Chief Probation Officer; Chief Judge of the District, and/or the Human Resources Director, or any Human Resources Analyst of the State Court Administrator's Office.

Employees with supervisory responsibilities who become aware of violations or appearance of violation of this policy shall report the matter within 3 business days of learning of the violation to the Court Executive, the Chief Probation Officer, the Chief Judge of the District, and/or the Human Resources Director, or any Human Resources Analyst of the State Court Administrator's Office.

20.A.2.f.ii. Form of the Report – The initial report may be either written or verbal. Written reports should include the date, time, location, and a description of the event or behavior complained of, as well as the names of the parties involved and any witnesses. A written report should be signed by the complaining party ("complainant"). The recipient of a report, written or verbal, must provide copies of, or a summary of, the report (marked personal and confidential) to:

- 1) the Chief Judge, Court Executive, or Chief Probation Officer; and/or
- 2) the Human Resources Division of the State Court Administrator's Office.

If the report alleges a violation by the Chief Judge, a Judicial Officer, the Court Executive, or the Chief Probation Officer, a copy shall be provided to the Human Resources Director of the State Court Administrator's Office.

20.A.2.f.iii. Confidentiality – All reports shall be kept in confidence as much as possible, but there is no guarantee of confidentiality for any report. The investigator will share information regarding the report only as necessary to investigate the report, and the information related to a report pursuant to this policy may be shared as needed to respond to any legal and/or administrative proceedings arising out of or relating to the report. All reports made pursuant to this rule and the outcome

and findings resulting from any investigation thereof are to be kept in accordance with [Rule 2](#): Public Access to Administrative Records of the Judicial Branch.

If a report is made against a Judge or Justice, the Human Resources Division of the State Court Administrator's Office shall follow Colorado Revised Statutes and [Chief Justice Directive 22-01](#) and notify the Colorado Commission on Judicial Discipline regarding the report and the allegations made. The Human Resources Division of the State Court Administrator shall provide the Commission with all information concerning the report including information regarding the reporting party or parties and witnesses.

20.A.2.f.iv. Investigation - Reports of violation of this rule, including retaliation for making a complaint pursuant to this rule, shall be referred to the Human Resources Division of the State Court Administrator's Office for investigation. Any party involved in a complaint may submit any documentation they believe to be relevant to the matter at issue to the investigating authority.

If a report of a possible violation of this rule is made against a Judge or Justice, the Human Resources Division of the State Court Administrator's Office shall, at the request of the Colorado Commission on Judicial Discipline, provide copies of documentation provided by any party involved to the Colorado Commission on Judicial Discipline.

20.A.2.f.v. Recommendations and Penalties – The Human Resources Division of the State Court Administrator's Office will make findings and will recommend appropriate action to resolve the matter to the Administrative Authority. Such action may include, but is not limited to, mediation, education, corrective and/or disciplinary action for employees, up to and including termination of employment. Any investigation resulting in a finding that a person has maliciously or recklessly made false accusations against another may subject the reporting party to corrective and/or disciplinary action, up to and including termination of employment.

20.A.2.f.vi. Notice of Status of Investigation – The complainant will be advised when the investigation has been completed. If no information has been provided to the complainant within 45 days of the initial report of the complaint, the complainant may contact the Director of the Human Resources Division. The Human Resources Division will determine the status of the investigation, will begin its own investigation if necessary, and will provide a status report to the complainant. When the investigation has been completed, the investigator will notify the complainant. Investigation findings are not subject to appeal or review procedures set forth in these rules. The accused will be notified when the investigation is complete.

20.B. Anti-Harassment and Anti-Discrimination Policy

20.B.1. Purpose - The Judicial Department will not tolerate, condone, or allow harassment by any employee of the Judicial Department, contract employees, volunteers, interns, judicial officers, customers, or any other individual conducting business at or with the Judicial Department. All employees are encouraged to [report any violations of this policy](#). Supervisors are required to report any violations of this policy pursuant to the Complaint Procedure found at [Rule 20.A.2.f](#).

This policy prohibits conduct or communication that is harassing, discriminatory, or retaliatory in the workplace or during any work-related activity, as well as harassing, discriminatory, or retaliatory conduct or communication that impacts the workplace in any way, including through social media. Judicial officers are subject to the provisions of [Chief Justice Directive 08-06](#) Concerning Colorado Judicial Department Policies for Independent Contractors, Other Persons Conducting Business with the Judicial Department and Judicial Officers.

20.B.2. Definitions

20.B.2.a. Discrimination — Any treatment or distinction in favor of or against a person based on the person's actual or perceived race, color, national origin, gender, age, sexual orientation, gender identity, religion, ~~protected~~protective hairstyles, or disability. Discrimination also includes treating someone unfavorably because the person is married to or otherwise associated with a person of a certain race, color, national origin, gender, age, sexual orientation, gender identity, religion, ~~protected~~protective hairstyles, or disability.

20.B.2.b. Harassment — Any unwelcome or offensive conduct, verbal or physical, based on a person's race, color, national origin, gender, age, sexual orientation, gender identity, religion, ~~protected~~protective hairstyles, or disability if such conduct adversely affects that person's work performance or employment status, or otherwise creates an intimidating, hostile or offensive work environment. Examples of prohibited conduct include derogatory comments, remarks, gestures, or jokes, including the same contained in electronic communications and media, relating to a person's race, color, national origin, gender, age, sexual orientation, gender identity, religion, ~~protected~~protective hairstyles, or disability, racial or ethnic slurs, and negative epithets.

20.B.2.c. Sexual Harassment — Any type of unwelcome or offensive conduct based on an individual's sex, whether or not the conduct is sexual in nature, where: 1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of employment; or 2) this conduct unreasonably interferes with a person's employment or creates an intimidating, hostile or offensive work environment.

Examples of prohibited sexual harassment include: derogatory comments, remarks, gestures or jokes about a particular sex; demands for sexual favors in exchange for favorable treatment or continued employment; unwanted sexual advances or propositions; unwelcome touching; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; repeated sexual comments, sexual gestures, sexual jokes, leering, whistling, or other verbal abuse of a sexual nature; the display in the workplace of sexually suggestive objects or pictures; and using electronic media and communications to send or receive sexually suggestive messages and/or images.

20.C. Code of Conduct

20.C.1. Standards of Conduct (On and Off Duty) – Employees shall:

- a. Uphold the constitutions and laws of the United States of America and the State of Colorado;
- b. Serve the public with respect, concern, courtesy and responsiveness in the performance of all job duties providing procedural assistance as needed without giving legal advice;
- c. Demonstrate high standards of professionalism in the workplace that includes interacting with the public, co-workers and management in a civil, courteous, and respectful manner;
- d. Demonstrate the highest standards of personal integrity, truthfulness, and honesty;
- e. Uphold state-wide and local policies and procedures including providing full cooperation, and truthfulness when participating in an internal investigation of wrongful conduct;
- f. Use state resources, time, property and funds prudently and in accordance with prescribed procedures and local policies including limiting personal use of the internet, electronic communications, media and applications while on the Judicial Department computer network, consistent with CJD 07-01, Electronic Communications Usage Policy, and limiting the personal use of personal cell phones and personal electronic media devices while on work time;
- g. Perform all duties without favoritism and without improper influence by family, social or other relationships. Avoid any involvement in the processing of any matter before the courts or probation in which the employee has a personal, business or family interest and immediately inform the Administrative Authority of the existence of such conflict of interest;
- h. Behave in a manner that promotes public confidence in the integrity and impartiality of the judicial system;
- i. Avoid impropriety or any activity that gives the appearance of impropriety;
- j. Avoid any activity that would appear to lend the prestige of the court to advance the private interests of the employee or others; and
- k. Promote the integrity of court records.

20.C.2. Confidential Information – An employee shall not:

- a. Disclose or use confidential information acquired during the performance of job duties for any purpose not connected with official duties. Confidential information includes, but is not limited to, information relating to pending cases that is not a matter of public record including, without limitation, the communications and work product of any judicial officer, law clerk, staff attorney, legal research attorney or other employee;
- b. Disclose to any unauthorized person for any purpose any confidential information acquired during the course of employment, or knowingly acquired through unauthorized disclosure of another; or

- c. Comment publicly or express personal opinions about a case or matter before the court to any person not an employee of the Judicial Department except in the performance of official duties.
- d. Disclose orally or in writing or disseminate in any manner any emails or written resources, any contents of the emails/resources or any other communications with or guidance provided to employees or judicial officers by the Executive Division Legal Team, counsel to the Chief Justice of the Colorado Supreme Court, counsel to the Chief Judge of Colorado Court of Appeals, or the Colorado Attorney General's Office to any individual or entity not employed by the Colorado Judicial Department without the written permission of a member of the Legal Team or the Attorney General's Office, respectively.

20.C.3. Conflicts of Interest – An employee shall not:

- a. Solicit or accept any fee, compensation, gift, payment or expenses, or any other thing of monetary value under circumstances in which the acceptance may appear to improperly influence the employee's job performance or the integrity of the courts. This provision shall not include the receipt of any gifts of historical or significant value donated by any person or group for the benefit of the court system provided such gift is received on behalf of the courts by the appropriate designated authority;
- b. Use authority or influence to secure anything of value for private gain, including using or attempting to use the employee's position, or the prestige of judicial affiliation, to secure an unwarranted privilege, advantage, or exemption for the employee or others;
- c. Use state time, property, equipment, or resources for private gain including, without limitation, accessing court or probation records for non-official or personal purposes;
- d. Use undue influence to gain, or attempt to gain, personal advantage or advantage for a family member or friend before the courts. A Judicial Department employee shall not influence or attempt to influence the assignment of cases, or perform any discretionary or ministerial function of the court in a manner that improperly favors any litigant or attorney, nor shall a Judicial Department employee imply that they are in a position to do so;
- e. Obtain a contract with the Judicial Department in which the employee, a member of the employee's family, or a business, organization, or person with which the employee is associated has an interest, unless granted in the same manner applied to other interested contractors;
- f. Contract for services with defendants or probation clients;
- g. Attempt to influence an official decision of the Judicial Department from which the employee, a family member, or a business or organization with which the employee is associated may derive a benefit; or
- h. Engage in any activity or business, which creates a conflict of interest or has an adverse effect on the confidence of the public in the integrity of the judicial system.

20.C.4. Outside Activities – Employees shall conduct any activities outside normal working hours in a manner that avoids any negative impact on the courts and/or the employee's ability to perform assigned duties. If an outside activity involves regular appearances or interactions with the courts, or if the activity concerns the law, the legal system or administration of justice, the employee shall first consult with the Administrative Authority to determine whether the proposed activity is consistent with this provision. Any volunteer activities and outside employment must be approved pursuant to [Rule 22.B.](#)

20.C.5. Improper Use of Judicial Department Applications – Employees are strictly prohibited from using Judicial applications, including JPOD and Eclipse, to access information for which they have no legitimate business purposes including information related to court cases or probation records for individuals with whom an employee has a personal relationship, such as spouses or family members, or on individuals who are well known to the public, whether the information is publicly available or not. Any use of Judicial Department applications that is not related to an employee's job duties is an improper use of Judicial Department applications and a violation of the [Rule 20.C as well as CJD 07-01](#). For the purpose of this provision, Judicial Department applications are defined as any application created or maintained by the Office of the State Court Administrator's Information Technology Division, and which contains information used by Judicial Department employees to maintain and access the records of the Judicial Department related to court and probation customers, or Judicial Department employees.

20.D. Drug Free Workplace Policy

20.D.1. Purpose – The Judicial Department has a vital interest in maintaining a safe, productive and efficient working environment for its employees, clients, and the public. When employee performance is impeded by alcohol or other drugs, including prescription and non-prescription medications, it can have a negative impact on the efficient operation and integrity of the courts and probation departments and may pose safety and health risks. This policy is enacted to address those issues in compliance with the provisions of the Drug-Free Workplace Act of 1988 as well as these Rules.

20.D.2. Policy – To ensure a safe, effective, productive, and efficient working environment, as well as to comply with federal and state law, it is the policy of the Judicial Department that during work hours all employees of the Judicial Department are prohibited from using or being under the influence of illegal drugs, including marijuana, or any medically unauthorized prescription drugs while at any Judicial Department work site, state owned parking lot, at any off-site location during work related activities or other state business or in any state owned/leased vehicle. The unlawful possession, manufacture, dispensation, use, sale, purchase, storage or transfer of controlled substances, or drug paraphernalia, at any Judicial Department work site, at any off-site location during work related activities or other state business or in any state owned/leased vehicle also is prohibited.

“Controlled substances” are those substances listed in Schedules I-V of Section 202 of the Controlled Substance Act, 21 U.S.C. § 812, as amended. “Drug paraphernalia” is any equipment, product or material primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.” The use of illegal drugs off-duty also is strictly prohibited as is the off-duty abuse of over the counter or prescription drugs, state authorized marijuana, or alcohol where such use adversely affects job performance.

Any employee taking over the counter or prescribed medications is responsible for consulting with the prescribing treatment provider to determine whether the medication might interfere with their performance on the job. If the use of a medication could compromise the employee’s performance or safety at work, or compromise the safety of co-workers or the public, it is the employee’s responsibility to take leave consistent with local policy practices rather than report to, or remain, at work in an impaired state.

This policy permits the responsible use of alcohol in moderation by persons of legal drinking age while attending work functions at which alcohol is served after normal work hours and which Judicial Department employees are expected or encouraged to attend. Judicial Department employees who attend an after-hours work function where alcohol is served are expected to maintain professional conduct and behavior throughout the function in accordance with Rule 20. Any behavior that does not meet the requirements of professional conduct consistent with this Rule will be subject to discipline, up to and including termination.

20.D.3. Reasonable Suspicion – If an employee's behavior or performance supports a reasonable suspicion of impairment, the employee may be asked to submit to a drug and/or alcohol test. Supervisors who suspect such impairment must advise their Administrative Authority immediately. (See Judicialnet – [Reasonable Suspicion Report](#)). The Administrative Authority will determine whether to request testing. If testing occurs during working hours, the employee must be transported to an approved offsite testing facility. All test results arising from this policy shall ensure privacy, proper chain of custody, and remain confidential. Any testing where the outcome is a positive result shall be verified through a confirmatory method. If a positive test is verified through a confirmatory test, the employee will be deemed in violation of this policy.

Reasonable suspicion may be established if an employee exhibits any physical symptoms of intoxication or drug use; the employee is observed in possession of or using drugs or alcohol; an employee exhibits a pattern of abnormal conduct or erratic behavior; or reliable reports of drug or alcohol use are received from credible sources, or the employee admits to such use. (See Judicialnet – [Reasonable Suspicion Report](#) for an inclusive list of examples)

If reasonable suspicion is established based on the information above, it is considered a violation of this policy for an employee to refuse to submit to testing. Refusal may result in referral to mandatory treatment and/or in corrective or disciplinary action up to and including termination of employment. In the case of mandatory treatment, it is the employee's responsibility to verify compliance to their Administrative Authority. For employees paid from federal funds, where federal laws or regulations are more stringent than those contained in this policy, the federal regulations and procedures supersede this policy.

20.D.4. Duty to Report – Each employee is required to inform their Administrative Authority in writing within 3 calendar days of being arrested or charged with any offense involving drugs or alcohol. Failure to report may result in corrective or disciplinary action, up to and including termination of employment. The Administrative Authority shall immediately notify the Judicial Department's Human Resources Division. A felony conviction of any criminal drug statute will result in termination of employment.

20.D.5. Self-Referral – Employees, or a family member acting on the employee's behalf, wishing to obtain assistance for the treatment of an alcohol or drug-related problem are encouraged to talk to their supervisor, the Administrative Authority, a member of the Human Resources Division, or seek assistance from the Colorado State Employee Assistance Program (C-SEAP). C-SEAP can provide short-term, confidential counseling free of charge as well as treatment referrals based upon available resources, area of residence, and cultural background. Should an employee undergo voluntary or mandatory alcohol/drug treatment any absence from work will be handled in accordance with existing leave policies and benefit plans, if applicable. It remains the responsibility of the employee to meet established work standards and perform the essential functions of their position. Individuals recovering from alcohol or drug problems may be eligible for reasonable accommodation under the Americans with Disabilities Act.

20.E. Mandatory Education Policy

20.E.1. Purpose – The Colorado Judicial Department is committed to lifelong learning and education of employees. While the type of education and training may vary from person to person within the Department, certain training and education is essential for all Judicial Department employees. Education and training are essential to keep pace with changes to the business practice and technology of the court system as well as to increase knowledge and improve relationships with people both within and outside the Department.

The education requirements listed in this policy are mandatory for all employees unless otherwise directed by the Chief Judge. For new employees, the following courses should be completed within the first 30 days of employment but shall be completed no later than 6 months after employment unless otherwise specified.

20.E.2. Training Required for All Employees – All Judicial Department employees shall attend:

Employees:

- a) Code of Conduct;
- b) Equity, Diversity and Inclusion; and
- c) Anti-Harassment and Anti-Discrimination for Employees

Employees who Supervise:

- a) Code of Conduct;
- b) Equity, Diversity and Inclusion for Supervisors; and
- c) Anti-Harassment and Anti-Discrimination for Supervisors

The Anti-Harassment and Anti-Discrimination for Employees/Supervisors and Code of Conduct training courses offered by the Division of Human Resources must be repeated by all employees within 3 years of the previous training so that all employees are aware of updates and changes to the training and to Judicial Department policies.

20.E.3. Additional Training Required for All Supervisors – In addition to the trainings listed in [Rule 20.E.2](#), All Judicial Department employees who supervise employees shall attend the following classes within the first 2 years of employment as a supervisor:

- a) Disciplinary Process for Supervisors
- b) Personnel Rules
- c) Hiring Manager
- d) Human Resource Law
- e) Performance Management for Supervisors
- f) Basic Management Skills

20.E.4. Employees who are reinstated in accordance with [Rule 30.E](#) shall receive credit for mandatory training previously taken. Employees who have had a break in service of more than 180 days shall be treated as a new employee for the purposes of establishing mandatory education and shall be required to retake all mandatory education pursuant to [Rule 20.E](#).

20.F. Policy for Maintaining a Non-Violent Workplace

20.F.1. Purpose – The Judicial Department strives to maintain a work environment that is free from intimidation, threat, or acts of violence including domestic violence. It is with this commitment in mind that this policy is developed and enforced. Employees should review local safety and security policies in addition to this policy.

The Judicial Department will not tolerate violent behavior or the threat of violent behavior at any Judicial work site, at any off-site location during work-related activities or other state business, or in any state owned/leased vehicle. Violent behavior directed by anyone toward clients, members of the public, vendors, co-workers, contract workers, volunteers, interns, employees, supervisors, managers, or any other person is unacceptable and will not be tolerated. Further, the Judicial Department will not tolerate prohibited behaviors conducted off-duty where the behavior arises from the workplace, has a negative impact on the workplace, and/or has a negative impact on the individual's ability to perform assigned duties. Violent behavior will not be tolerated against a work site or any state owned/leased property.

20.F.2. Prohibition on Weapons – Weapons are prohibited from being brought into any judicial department work site, state or county owned/leased parking lot, any off-site location during work related activities or other state business, or any state owned/leased vehicle.

A "weapon" includes any firearm or facsimile, whether operable or not, and any device, instrument, material, or substance capable of inflicting injury when used either offensively or defensively.

20.F.3. Exceptions to Prohibition on Weapons

20.F.3.a. Judicial Officer Exception to Firearms Prohibition – Judicial officers are prohibited from possessing firearms at any judicial department work site during work related activities or other state business and in any state owned/leased vehicle, except as permitted in writing by the Chief Judge or Chief Justice. A judicial officer with appropriate legal authority to carry a firearm may request permission from the Chief Judge or Chief Justice who has Administrative Authority over the judicial officer. Any permission granted must be in writing for a specific time and for a specific reason or purpose. Such permission may be revoked at any time without reason. [CJD 08-06](#)

20.F.3.b. Administrator of Judicial Security Exception to Firearms Prohibition – The Administrator of Judicial Security is permitted to carry a firearm at all judicial department work sites, during work-related activities or other state business and in any state owned/leased vehicle.

20.F.3.c. Weapons may be permitted:

- i. When authorized by department rule, policy, or by the Administrative Authority with the approval of the Chief Justice;
- ii. When possessed for the purpose of carrying out necessary, legitimate duties and functions of a person's job;
- iii. When the weapon is a knife or other cutting instrument designed and possessed for kitchen use;
- iv. When the Administrative Authority has adopted a policy permitting the possession of a material agent designed and carried for personal defense.

20.F.4. Reporting Requirements

20.F.4.a. Employee Convicted of Crime Involving Violent Behavior or Restrained Party to a Protection Order – Any employee who is convicted of a crime involving violent behavior or is the restrained party to a temporary or permanent protection order shall immediately, but not later than the next business day, notify their Administrative Authority and/or the Human Resources Division.

20.F.4.b. Employee Victim of Domestic Violence or Recipient of Protection Order – Any employee who is a victim of domestic violence or who is the protected party to a protection order is encouraged to report the incident/situation to their supervisor or the Administrative Authority and to the Human Resources Division so that precautionary measures can be taken for workplace safety. Use of paid time off or leave without pay may be available in accordance with state law for purposes of seeking a civil protection order, obtaining medical care or mental health counseling, securing a home away from the perpetrator, and/or seeking legal assistance to address the domestic violence.

20.G. Policy Concerning Personal Relationships in the Workplace

20.G.1. Purpose – The Judicial Department strives to provide and maintain a professional, supportive work environment for all of its members. Supervisors shall maintain objectivity in their supervision of subordinate employees. Probation officers shall maintain objectivity in the supervision of probation clients.

20.G.2. Prohibited Relationships Between Employees – Personal relationships of a romantic and/or sexual nature between supervisors and their subordinates can create problems in the workplace including conflicts of interest, the appearance of favoritism or preferential treatment, and an increased potential for claims of harassment, coercion or retaliation.

It is therefore the policy of the Judicial Department that:

Where employees and/or judicial officers are married to each other, living together, or otherwise engaged in a romantic and/or sexual relationship, they shall not hold a position in which:

- a. One party would directly or through the chain of command:
 - i. Exercise supervisory, appointment or dismissal authority over the other person,
 - ii. Be in a position to take disciplinary action against the other person, or
 - iii. Otherwise have a direct effect on the terms and conditions of the employment of that person;
- b. One party audits, verifies, receives or is entrusted with money handled by the other, or has access to confidential information, including payroll; or
- c. One party is a justice, judge or magistrate working within the same court or judicial district of the other party who is employed in that court or judicial district.

Where a romantic and/or sexual relationship exists between two persons as described in sections a-c above, both parties involved shall immediately notify the Administrative Authority or the Human Resources Director. The Administrative Authority shall, within 30 days of the notification or otherwise becoming aware of a relationship, attempt to accommodate the relationship, if necessary and practical, by altering the reporting structure or by transferring or reassigning one or both persons so that the conflict of interest no longer exists. If no opportunity exists for reassignment, voluntary demotion, or transfer, one of the parties shall be requested to resign from their employment with reinstatement rights as provided by the Colorado Judicial System Personnel Rules.

20.G.3. Prohibition on Relationships Between Probation Officer and Probation Clients – Personal relationships of a romantic and/or sexual nature between probation staff members and probationer clients can also create problems in the workplace including conflicts of interest, impropriety or the appearance of impropriety, and an increased potential for claims of harassment, coercion or retaliation. Therefore, it is the policy of the Judicial Department that probation staff are prohibited from entering into a romantic or sexual relationship with any probation client supervised in that same district

while the individual is on probation and for a period of 6 months following termination of probation by the court. Should the probation staff member have supervised the client, directly or indirectly, this restriction shall apply for the entire period the probationer client remains on probation, whether in that same district or in another district, and for a period of 1 year following termination of probation by the court.

Should an individual with whom an employee has an existing personal romantic and/or sexual relationship be sentenced to probation, in that district or in another district, the employee shall immediately inform the Administrative Authority so that appropriate accommodations may be considered to avoid any conflict of interest and/or appearance of impropriety, including transferring supervision of the probation client to another district as practicable and ensuring the probation staff member is aware of the [Rule 20.C](#) restrictions on accessing the file and/or otherwise influencing probation supervision of the client. The Administrative Authority shall notify Legal Counsel and the Director of Human Resources of the SCAO prior to taking action in relation to this policy.

20.H. Policy on the Use of Social Media

20.H.1. Purpose – The purpose of this policy is to:

- a. Recognize the use of social media by the Judicial Department and its employees;
- b. Recognize the value of social media networks as a means for data gathering in furthering the business needs of the courts and probation;
- c. Address the risks of social media activity and the need to adhere to the Colorado Judicial Department Code of Conduct and other applicable Department policies when using social media both at work and off duty in order to preserve public confidence in the integrity, propriety and impartiality of the judiciary; and
- d. Avoid loss of productivity and distraction from employees' job performance and duties.

20. H.2. Definitions – For the purpose of this policy, the term social media will be given broad interpretation and includes without limitation:

- a. Electronic, web-based technologies that allow instant, widespread and interactive communication; and
- b. Activities on the internet that involve posting by the employee, examples include, but are not limited to: blogging; podcasting; hosting or updating any form of website; posting comments, photos, other graphics, documents, links, status updates, or multimedia materials to a third party hosted website; saving website bookmarks to a public site; filling out surveys; sharing or participating in any other way on a social networking or a micro blogging site; developing or contributing to a wiki or a virtual world.

20.H.3. Risks of Social Media Activity – Online communications may be perceived by court customers, vendors and the public generally as a representation of the communicator's character, judgment and values and could have an adverse effect on the confidence of the public in the integrity, professionalism and impartiality of the judiciary regardless of intent.

20.H.3.a. Social Media posts should be presumed public and permanent. Social media posts can be copied, forwarded or subpoenaed. Such posts are easily reproduced, can be difficult to eradicate, and may be seen by wide and unintended audiences.

20.H.3.b. Once posted, there is little to no control over a post's dissemination or ultimate use. Posting some types of information on social media may be misleading (even though it is not so intended) and may jeopardize the person's professional image or reputation and, by extension, the Colorado Judicial Department. Employees should be especially careful when posting or sharing photographs and personal information, and be similarly cautious when sharing political, religious or social opinions.

20.H.3.c. Employees are personally responsible for comments posted on social media and can expose themselves to liability and/or corrective or disciplinary action for comments that are defamatory, obscene, discriminatory or otherwise offensive or unlawful.

20.H.3.d. Employees should be careful to comply with all copyright laws and reference or cite sources appropriately as laws against plagiarism can apply to online postings.

20.H.4. Compliance with Other Policies – Social media shall never be used in a way that violates the constitution and laws of the United States and the State of Colorado, court rules, or any Judicial Department policy, including the Code of Conduct, Anti-Harassment and Anti-Discrimination Policy, the Electronic Communications Usage Policy, or [Rule 23](#).

20.H.5. Official Business and Employment Related Use of Social Media – Use of social media for official Judicial Department business related purposes is permitted only when approved by the Administrative Authority, State Court Administrator, Chief Information Officer or Director of Human Resources. Employees shall have no expectation of privacy associated with use of social media related to official business or employment purposes even where private technology resources are used.

20.H.6. Personal Use of Social Media on Personal Time

20.H.6.a. The Colorado Judicial Department respects the right of employees to use social media as a vehicle for self-expression and public conversation. However, employees are required to comply with the following restrictions when using social media on personal time both at work and while off duty: When posting on social media an employee may identify themselves as an employee of the Colorado Judicial Department generally but may not post information or express opinions regarding employees, managers, Judges, clients or customers of the courts and probation, cases, policies or procedures of the Judicial Department.

20.H.6.b. Employees shall be responsible for regularly reviewing the social media and websites they create or host and promptly remove third-party posts that (1) compromise court security or the safety of judges or employees; (2) reveal non-public court records or other confidential judicial information or (3) contain information that the employee could not have posted personally under this policy or [Rule 20.C](#).

20.H.6.c. Employees must obey the law and the rules of the website or social network site in which they participate. Further, even if not explicitly directed by this policy, they should obey other applicable legal and ethical rules.

20.H.7. Prohibited Activities – Notwithstanding any other provision of this policy, employees are prohibited from engaging in the following social media activities, whether the activity is done on or off duty and whether the activity is using personal or Colorado Judicial Department technology resources and regardless of whether Colorado Judicial Department employment is identified.

20.H.7.a. Confidential or Non-Public Court or Probation Information – Disclosure of sensitive, confidential or non-public court or probation information, to include photos, for any purpose not connected with official duties, including disclosure of information relating to a pending case that is not a matter of public record.

20.H.7.b. Comment about Public Information – Posting personal opinions about a case or matter before the courts or probation; making statements which create, or give the appearance of, a conflict of interest as set forth in [Rule 20.C](#); and making statements which negatively reflect on the professionalism of the courts and probation or which otherwise have an adverse effect on the confidence of the public in the integrity, propriety and impartiality of the judicial system and/or probation departments.

20.H.7.c. Political Activities – Making statements on social media which violate the Judicial Department's restrictions on political activities. Employees must comply with the requirements of [Rule 23](#).

20.H.7.d. Seal and Logos – The seal, logos, trademarks or service marks of the Colorado courts collectively, and any Individual court or judicial department or committee, may not be used in any manner without express permission from the Administrative Authority or State Court Administrator.

20.H.7.e. Job Performance – Use of Social Media at work must not take time or focus away from work assignments, customer service or professional interactions with clients, customers or coworkers or create the perception thereof.

20.H.7.f. Judicial Process – Employees must refrain from discussing any of the Judicial Department's internal processes and procedures, whether they are confidential or not, including scans, photos, or reproductions of emails or text messages.

20.H.7.g. Dishonest Communications – Employees must avoid deceptive behavior and misrepresentations online. This provision does not apply to the routine and accepted practice on the internet of employing a nickname or other opaque username to create an account or make a posting, provided the username is not misleading or deceptive in the context used or would not otherwise violate any provision of this policy had the employee's true identity been disclosed.

20.H.8. Monitoring Employees' Use of Social Media – The Colorado Judicial Department reserves the right to visit and monitor public social media sites to ensure that employees are not violating this or other Judicial Department policies. As a condition of continued employment, the Colorado Judicial Department may request employees to cooperate in any investigation regarding a complaint alleging a violation of this policy.

20.I. Policy on the Use of Recording Devices by Judicial Department Employees

20.I.1. Purpose – The purpose of this policy is to protect the safety and privacy of Judicial Department Employees, and to protect the integrity of Judicial Department business, by prohibiting the inappropriate use of recording devices.

20.I.2. Prohibition on Recording – Judicial Department Employees are prohibited from using any recording device in their capacity as a Judicial Department employee or while performing duties on behalf of the Judicial Department. This includes recording, photographing, or filming the voice, movements, actions or property of any person, papers or property in an electronic, magnetic, digital or any other format without authorization to do so from each person recorded.

20.I.3. Authorized Recordings Pursuant to Policy – Recording devices are authorized in the following circumstances:

20.I.3.a. By Human Resources during the formal disciplinary process – Employees from the Human Resources Division of the Office of the State Court Administrator will use overt recording devices to record meetings held during the formal disciplinary process found in [Rule 29](#) of the Colorado Judicial System Personnel Rules, including during Pre-Disciplinary Action Notice meetings and Pre-Corrective Action Notice meetings. Human Resources may also record meetings between employees and administrative authorities to deliver Corrective Actions or Disciplinary Actions.

20.I.3.b. By Human Resources as part of an investigation – Employees from the Human Resources Division of the Office of the State Court Administrator will use overt recording devices to record interviews with employees as part of an investigation pursuant to Judicial Department policy.

20.I.3.c. By Human Resources as part of informal discipline – Employees from the Human Resources Division of the Office of the State Court Administrator may, at the request of the meeting participants, use overt recording devices to record meetings between supervisors and employees being held to discuss performance issues, or to discuss possible discipline.

20.I.3.d. By Probation Employees as Part of Training and Educational Opportunities – Probation employees, as a part of official training and educational opportunities within their district may use overt recording devices to record interactions with defendants and/or other staff after the approval of all involved parties has been obtained. It is best practice to obtain the stated approval of parties involved on the recording itself in addition to any necessary consents. Specific examples include probation officer appointments with defendants, mentor appointment with mentees, coach appointments with staff being coached and supervisor appointments with staff.

20.1.3.e. For ADA Accommodations – An individual who has requested and received an accommodation pursuant to the Americans with Disabilities Act to record conversations to enable them to perform the essential function(s) of their job, may record communications at work as an accommodation, but all such recording must be overt.

20.1.3.f. Training – The creation and delivery of training or training content by Judicial Department Employees may be recorded for the purpose of making this training or training content available at a later time or as a reference. Training provided by outside vendors or subject matter experts but sponsored by the Judicial Department and for the benefit of Judicial Employees may also be recorded subject to the vendor or subject matter expert's prior written authorization. Any recording must be agreed to by the meeting organizer(s) prior to the start of the meeting, and all meeting participants should be made aware that the recording is taking place.

20.1.3.g. Meetings – Meetings conducted by and between Judicial Department Employees may be recorded for legitimate business purposes such as making the meeting available at a later time or as a reference. Any recording must be agreed to by the meeting organizer(s) prior to the start of the meeting, and all meeting participants should be made aware that the recording is taking place prior to the start of the meeting.

20.1.3.h. Performance Evaluations – Judicial Department Employees may use recording devices for purposes of performance evaluation and/or feedback when agreed to by the person being recorded.

20.1.3.i. Legitimate Business Purpose – Judicial Department Employees may use recording devices for legitimate business purposes when agreed to by the person(s) being recorded and when approved in advance by the Administrative Authority.

20.1.4. Process to Request Copy of Recording – An employee subject to a corrective or disciplinary action may request a copy of a recording of a meeting held pursuant to [Rule 29.C.5](#) from Human Resources. The employee must make the request in writing, and the request must be sent to the Director of Human Resources. Witnesses may not request copies of interviews given in relation to an investigation. Employees may not request copies of any other recordings by Human Resources.