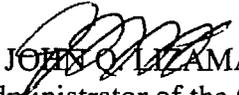


# JUDICIARY OF GUAM POLICY AND PROCEDURES

 <b>Judiciary of Guam</b>	Department: <b>ADMINISTRATIVE OFFICE OF THE COURTS</b>	
<b>Title: Amended Judiciary Of Guam Methods Of Administration For Addressing Complaints Alleging Discrimination Claims From Clients, Customers, Program Participants, Consumers, Job Applicants Or Employees Of The Judiciary Of Guam And Sub-Recipients Implementing Programs Funded By U.S. Federal Grant Programs</b>		
<b>EFFECTIVE DATE:</b> Judicial Council of Guam Approval Effective Date: January 17, 2013	<b>REVISED DATE:</b> April 20, 2018	<b>APPROVED BY:</b> <div style="text-align: right;">   <b>JOHN O. LAZAMA</b>                  Administrator of the Courts             </div>

## I. PURPOSE

The purpose of this document is to establish written procedures for employees of the Judiciary of Guam (hereinafter “JOG”) to follow when they receive a complaint that alleges one of the following:

1. Services discrimination claims from clients, customers, program participants, or consumers of JOG and/or JOG’s sub-recipients; and
2. Discrimination claims from job applicants or employees of JOG sub-recipients.

## II. POLICY

Recipients of financial assistance from Office of Justice Programs (OJP), Office on Violence Against Women (OVW), Community Oriented Policing Services (COPS) and all other federal grant programs must comply with the federal statutes and regulations that prohibit discrimination in federally assisted programs or activities.

All individuals have the right to receive services or benefits through programs and activities operated by JOG and its sub-recipients.

All job applicants and employees of programs and activities operated by JOG and its sub-recipients shall be treated equally regardless of race, color, national origin, sex, religion, age, genetic information, disability, sexual orientation, gender identity or any other protected classification under federal law.

JOG will make reasonable efforts to monitor and ensure that its sub-recipients comply with all applicable federal laws regarding nondiscrimination and are aware of the following statutes and regulations:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of ***race, color or national origin*** in programs or activities funded by OJP, OVW, or COPS (42 U.S.C. § 2000d), and the DOJ implementing regulations of 28 C.F.R. part 42, Subpart C;
- The Omnibus Crime Control and Safe Streets Act of 1968, as amended, which prohibits discrimination on the basis of ***race, color, national origin, religion, or sex in the delivery of services and employment practices*** in programs or activities funded by OJP, OVW, or COPS (42 U.S.C. § 3789(c) (1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
- Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of ***disability in delivery of services and employment practices*** in programs or activities funded by OJP, OVW, or COPS (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. part 42, Subpart G;
- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of ***disability in the delivery of services and employment practices*** in programs or activities funded by OJP, OVW, or COPS (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;
- The ADA Amendments Act of 2008 (ADAAA) which broadened the definition of “disability” under the Americans with Disabilities Act (ADA) and directed the U.S. Equal Employment Opportunity Commission (EEOC) to amend its ADA regulations to reflect the changes made by the ADAAA;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of ***sex in education programs*** funded by OJP, OVW, or COPS (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54);
- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of ***age in the delivery of services*** in programs or activities funded by OJP, OVW, or COPS (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. part 42, Subpart I;
- The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibits discrimination on the basis of ***religion in the delivery of services and prohibits organizations from using DOJ funding for inherently religious activities*** (28 C.F.R. Part 38; *see also* Executive Order 13279 and Executive Order 13559);
- The Violence Against Women Act (VAWA) of 1994, as amended, which ***prohibits discrimination on the basis of sexual orientation and gender identity*** (as defined in paragraph 249(c)(4) of title 18, United States Code) in certain programs or activities funded in whole or in part with funds made available by the Office on Violence Against Women (Title IV, sec. 40001-40703 of the Violent Crime Control and Law Enforcement Act, H.R. 3355; *see also* P.L. 103–322 codified in part at 42 U.S.C. sections 13701 through 14040);
- The Genetic Information Nondiscrimination Act of 2008, also referred to as GINA, which ***protects Americans from discrimination by health insurers and employers due to differences in their DNA that may affect their health***; and
- The Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, as amended, 42 U.S.C. §5672(b).

These laws prohibit JOG and sub-recipients from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

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### III. DEFINITIONS

- a. **‘Complaint Coordinator’** means the person who is responsible for coordinating the series of actions found in the complaint procedures. For the JOG, the Complaint Coordinator is the JOG’s Director of Policy, Planning and Community Relations.
- b. **‘Complainant’** means the person who files a complaint.
- c. **‘Discrimination’** means to act on the basis of race, color, national origin, sex, religion, age, genetic information, disability, sexual orientation, gender identity, or any other protected classification under federal law in programs, employment, and/or activities.
- d. **‘OCR’** means the Office for Civil Rights, Office of Justice Programs, DOJ.
- e. **‘EEOC’** means the U.S. Equal Employment Opportunity Commission.
- f. **‘Sub-recipient’** means any organization or agency to which JOG administers federal funds.

### IV. COMPLAINT PROCEDURES

#### A. Services discrimination

1. PROCEDURES. The following procedures should be used when responding to a complaint of services discrimination from a client, customer, program participant, or consumer of JOG or of a sub-recipient:

- a. Any employee of JOG who receives a complaint of services discrimination subject to this policy should send the complainant to the JOG Complaint Coordinator, the Director of Policy, Planning and Community Relations, within fifteen (15) working days of receiving the complaint. The Complaint Coordinator may be contacted at (671) 300-9282 or (671) 475-3544;
- b. Within fifteen (15) working days of receiving a services discrimination complaint subject to this policy, the JOG Complaint Coordinator will seek to resolve the services discrimination complaint filed. If the services discrimination complaint cannot be resolved through informal methods such as mediation, then the JOG Complaint Coordinator will refer the complaint to OCR; and
- c. Within fifteen (15) working days of a complaint referral, the JOG Complaint Coordinator will provide written notice to a complainant, that JOG received the complaint and forwarded it to OCR.

2. SUB-RECIPIENT MONITORING PROCESS. Through its sub-recipient monitoring process, JOG will make reasonable efforts to monitor and ensure that sub-recipients have procedures in place for responding to discrimination complaints that clients, customers, program

participants, or consumers file directly with them. If a sub-recipient receives a complaint alleging services discrimination, the sub-recipient may investigate the complaint and respond directly to the complaining party in writing or refer the complaint to OCR, and notify the complainant and JOG of the referral. Through its sub-recipient monitoring process, JOG will also ensure that sub-recipients notify their clients, customers, program participants, and consumers of prohibited discrimination and the procedures for filing a services discrimination complaint. JOG will also notify its clients, customers, program participants, and consumers of prohibited discrimination and its procedures for filing a services discrimination complaint by posting the policy on the Judiciary of Guam website. The website address is [www.guamcourts.org](http://www.guamcourts.org).

**B. Employment discrimination**

1. JOG. The JOG is an Equal Employment Opportunity employer and has a separate discrimination complaint process and related forms. The process and forms can be found on the Internet at <http://www.guamcourts.org/EEO/Equal-Employment-Opportunity.html>. Employees or job applicants alleging discrimination can file their complaints directly with the JOG EEO Officer, who may be reached at (671) 475-3374 or (671) 475-3544.

2. SUB-RECIPIENT MONITORING PROCESS. Through its sub-recipient monitoring process, JOG will make reasonable efforts to monitor and ensure that sub-recipients have procedures in place for responding to discrimination complaints that employees or job applicants file directly with the sub-recipient. If a sub-recipient receives a complaint alleging employment discrimination, the sub-recipient may investigate the complaint and respond directly to the complaining party in writing or refer the complaint to EEOC or the Guam Department of Labor Fair Employment Practice Office, and notify the complainant and JOG of the referral. Through its sub-recipient monitoring process, JOG will also ensure that sub-recipients notify their employees of prohibited discrimination and the procedures for filing an employment discrimination complaint.

**V. FILING A COMPLAINT WITH OCR**

A complainant may file a complaint of services or employment discrimination against JOG or a sub-recipient of JOG directly with OCR. The procedures for filing a services discrimination complaint with OCR are available at its website at <https://ojp.gov/about/ocr/complaint.htm>. To file a civil rights complaint, complete a Complaint Verification Information Form and Complainant Consent/Identity Release Form, which are available at <https://ojp.gov/about/ocr/complaint.htm>, and return both forms to OCR at the following address:

Office for Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 7<sup>th</sup> Street, N.W.  
Washington, D.C. 20531

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Copies of these forms (Complaint Verification Information Form and Complainant Consent/Identify Release Form) are attached to this policy for reference.

If you believe that you have been the target of discrimination, you should file a complaint with OCR as soon as possible. In most circumstances, you may have no longer than one year from the date of the discriminatory incident to file a complaint. Additional tips for filing a complaint are available at <https://ojp.gov/about/ocr/complainttips.htm>.

## VI. TRAINING ON DISCRIMINATION COMPLAINT PROCEDURES

JOG will provide periodic training for agency employees on prohibited discrimination and its complaint procedures, including an employee's responsibility to promptly refer complainants to the JOG's Complaint Coordinator, ***Director of Policy, Planning and Community Relations, (671) 300-9282 or (671) 475-3544***, pertinent discrimination complaints from or potential discrimination issues involving JOG or a sub-recipient. JOG will disseminate these procedures to agency employees by posting the procedures on the JOG's intranet site, an in-house electronic communication network, and the agency website at [www.guamcourts.org](http://www.guamcourts.org).