



**PROCEDURES FOR RESPONDING TO DISCRIMINATION
COMPLAINTS FROM EMPLOYEES OF THE JUDICIAL BRANCH'S
SUBRECIPIENTS IMPLEMENTING FUNDING FROM THE
U.S. DEPARTMENT OF JUSTICE (DOJ)**

I. Policy

It is the policy of the Judicial Branch that all employees and applicants of the Judicial Branch's subrecipients have the right to be treated equally regardless of actual or perceived race, color, national origin, sex, religion, physical or mental disability, age, gender identity, and sexual orientation.¹

The Judicial Branch shall make reasonable efforts to ensure that subrecipients comply with applicable federal statutes and regulations prohibiting employment discrimination, including, but not limited to, the following:

- Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d, and the U.S. Department of Justice (DOJ) implementing regulations at 28 C.F.R. pt. 42, subpts. C and D (prohibiting discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits);
- Applicable program statutes, including the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. §§ 10228 (c) and 10221 (a), and the DOJ implementing regulations at 28 C.F.R. pt. 42, subpts. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion) and E (requiring certain DOJ-funded programs subject to the administrative provisions of the statute to prepare, maintain, and submit an Equal Employment Opportunity Plan (EEOP)); the Violence Against Women Act of 1994, as amended, 34 U.S.C. § 12291 (b) (13) (prohibiting discrimination in programs either funded under the statute or administered by the Office on Violence Against Women, both in employment and in the delivery of services or benefits, based on actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity) (referring to the Safe

¹ Federal law prohibits discrimination on the grounds of gender identity and sexual orientation only where the subrecipient receives funding from the Office on Violence Against Women, or as authorized by the Violence Against Women Act.

Connecticut state law prohibits discrimination on the grounds of gender identity and sexual orientation, as well as marital status, ancestry, and status as a veteran. See, e.g., General Statutes §§ 4a-60, 4a-60a, and 46a-60. These latter classes, and the classes of gender identity and sexual orientation, where the subrecipient does *not* receive funding from the Office on Violence Against Women, or as authorized by the Violence Against Women Act, are only protected at the state level and, thus, can only be adjudicated by a state agency.

Streets Act for enforcement); the Victims of Crime Act of 1984, as amended, 34 U.S.C. § 20110 (e) and the regulation implementing the Victim of Crime Act Victim Assistance Program at 28 C.F.R. § 94.114 (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability); and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 34 U.S.C. § 11182 (b), and the DOJ implementing regulations at 28 C.F.R. §§ 31.202 and 31.403 and pt. 42, subpt. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion);

- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and the DOJ implementing regulations at 28 C.F.R. pt. 42, subpt. G (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits);
- Title II of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12132, and the implementing regulations at 28 C.F.R. § 35.171 (a) (1) (i) and (a) (3) (i) (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits);
- Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681, and the DOJ implementing regulations at 28 C.F.R. pt. 42, subpt. D, and pt. 54 (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);
- Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulations at 28 C.F.R. pt. 42, subpt. I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits); and
- Executive Order 13,559, amending Executive Order 13,279, and the DOJ implementing regulations, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits).

These laws also prohibit agencies from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

II. Purpose

The purpose of this policy is to establish written procedures for Judicial Branch employees to follow upon receipt of a complaint alleging discrimination from an employee or applicant of a Judicial Branch subrecipient implementing funding from the U.S. Department of Justice (DOJ).²

² Complaints by employees of, and applicants to, the Judicial Branch may be directed to the Human Resource Management Unit at 860-706-5280, pursuant to separate Judicial Branch policy.

III. Definitions

“Complainant” refers to the person or persons who initiate a complaint.

“Subrecipient” refers to an agency which receives a DOJ grant award that is administered by the Judicial Branch.

IV. Complaint Procedures

- A. Employees or applicants of subrecipients who wish to file a complaint of discrimination by a subrecipient may file a complaint, as applicable, directly with the subrecipient; with the Judicial Branch; with the Commission on Human Rights and Opportunities (CHRO) at 450 Columbus Boulevard, Suite 2, Hartford, CT 06103, 860-541-3400; with the U.S. Equal Employment Opportunity Commission (EEOC) at John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 800-669-4000; or with the Office for Civil Rights (OCR), Office of Justice Programs (OJP), at 810 7th Street N.W., Washington, D.C. 20531.

A discrimination complaint must be filed within either 180 days or within one year of the alleged discrimination, depending on the relevant statute.

If a complainant provides a Judicial Branch employee with a written complaint of discrimination, the Judicial Branch employee shall accept and forward the written complaint to the Judicial Branch Director of the Human Resource Management Unit (HRMU), 90 Washington Street, Hartford, CT 06106, 860-706-5280, Human.Resources@jud.ct.gov.

- B. If the complaint is filed with the Judicial Branch, it must be done in writing using the JD-ES-284 Rev. 12-18, Discrimination Complaint/Federal Grants form (www.jud.ct.gov/webforms/forms/es284.pdf).³
- C. The Judicial Branch Director of the HRMU or his designee shall provide the complainant with written notice acknowledging receipt of the complaint and notifying the complainant of other filing options, including filing a complaint directly with the OCR, OJP. The Judicial Branch Director of the HRMU or his designee shall be responsible for coordinating the series of actions described below.
- D. The Judicial Branch Director of the HRMU or his designee shall determine whether the matter should be investigated internally or referred to an appropriate external agency for investigation and resolution, such as the CHRO, the EEOC, or the OCR, OJP. All complaints shall be reviewed in an objective and impartial manner.

³ This form may be filed by mail with the Director, Human Resource Management Unit, 90 Washington Street, Hartford, CT 06106 or by e-mail to Human.Resources@jud.ct.gov.

If the complaint is referred to an appropriate external agency for investigation, the Judicial Branch HRMU shall notify the complainant and the OCR, OJP in writing.

If the Judicial Branch HRMU determines that an internal investigation is appropriate, it shall notify the complainant and the OCR, OJP of the investigation in writing. The complainant shall be notified of how correspondence will be administered throughout the investigation and shall be provided with an explanation of how the complaint will be investigated and resolved. Upon completion of the investigation, the Judicial Branch HRMU shall notify the complainant and the OCR, OJP of the outcome in writing.

- E. Judicial Branch program monitors shall ensure that subrecipients have written policies or procedures in place for responding to discrimination complaints that are filed directly with the subrecipient. Program monitors shall notate compliance with this general grant condition in executing the compliance checklist.

V. Training and Policy Dissemination

The Judicial Branch shall post these procedures on the Judicial Branch website to notify Judicial Branch subrecipients and their employees of prohibited discrimination and the procedures when an employee or applicant of a subrecipient files a complaint of employment discrimination. The policy shall be included in new employee orientation materials and Judicial Branch employees shall be trained on complaint procedures, including the employee's responsibility to refer employment discrimination complaints to the Judicial Branch Director of the HRMU.

Non-discrimination and non-retaliation clauses shall continue to be incorporated into all subrecipient contracts and agreements.