



## *Governor's Community Outreach - Federal Programs Office*

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### **Lourdes A. Leon Guerrero**

Governor

### **Joshua F. Tenorio**

Lieutenant Governor

### **GCO-FPO**

Jayne T. Flores  
Administrator

Dwain P. Sanchez  
Senior Program Coordinator

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November 18, 2021

**To:** GCO-FPO Employees and Subrecipients

**From:** Federal Grants Administrator

**Subject:** Civil Rights Complaint Procedure Policy

As a direct recipient of U.S. Department of Justice (USDOJ) federal funds, the Governor's Community Outreach – Federal Programs Office (GCO-FPO) and its subgrantees must comply with federal statutes and regulations prohibiting discrimination in federally assisted programs or activities regardless of race, color, national origin, sex, religion, disability, and age. GCO-FPO staff must follow the procedures outlined below when receiving a complaint alleging discrimination in employment or in services.

#### **A. Purpose**

This document establishes written procedures for employees of the GCO-FPO to follow when complaints are received alleging the following:

- a. Services discrimination against clients, customers, program participants, or beneficiaries of GCO-FPO or of a subrecipient implementing funding from DOJ; or
- b. Employment discrimination against an employee or an applicant of either GCO-FPO or of a subrecipient implementing funding from DOJ.

#### **B. Policy**

Recipients of financial assistance from the USDOJ, OJP and Office on Violence Against Women (OVW), must comply with the federal statutes and regulations that prohibit discrimination with federally assisted programs or activities. Subrecipients of grants under the Violence Against Women Act (VAWA) are also prohibited from discriminating on the basis of sexual orientation or gender identity. All employees and subrecipients of GCO-FPO shall be treated equally regardless of race, color, national origin, sex, religion, gender identity, sexual orientation and disability<sup>1</sup>.

GCO-FPO will ensure that its employees and subrecipients comply with all applicable federal laws regarding nondiscrimination and are aware of the following provisions:

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<sup>1</sup> GCO-FPO is subject to the Personnel Rules and Regulations of the Guam Department of Administration, which contains an employment nondiscrimination policy and procedures for resolving discrimination complaints in employment. GCO-FPO is also subject to the Guam Office of the Governor's Executive Order No. 2006-16, which reestablished Guam's Equal Employment Opportunity Program

- **Section 601 of Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d) No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance. DOJ implementation regulation: Subparts C and D of 28 C.F.R. Part 42;
- **Section 504 of the Rehabilitation Act of 1973** (29 U.S.C. 794) No other qualified individual with a disability in the United States, as defined in [29 U.S.C. 705(20)], shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance. DOJ implementing regulations: Subpart G of 28 C.F.R. Part 42;
- **Section 901 of Title IX of the Education Amendments of 1972** (20 U.S.C. 1681) No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. DOJ implementing regulations: Subpart D of 28 C.F.R. Part 42, 28 C.F.R. Part 54;
- **Section 303 of the Age Discrimination Act of 1975** (42 U.S.C. 6102) No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance. DOJ implementing regulation: Subpart I of 28 C.F.R. Part 42;
- **Section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968** (34 U.S.C. 10228(c); see also 34 U.S.C. 11182(b)) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this chapter. DOJ implementing regulation: Subpart D of 28 C.F.R. Part 42.
- **Violence Against Women Act (VAWA) of 1994 (34 U.S.C. 12291(b)(13))** Prohibits discrimination on the basis of actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity in programs or activities, both in employment and in the delivery of services or benefit in any program or activity funded, in whole or in part. A limited exception for sex-specific programming, as well as a rule of construction to the effect that nothing in the condition diminishes other legal responsibilities and liabilities related to civil rights.
- **Equal Treatment for Partnerships with Faith-Based and Other Neighborhood Organizations** (28 CFR Part 38) prohibit discrimination on the basis of religion in the selection of service providers, discriminate for or against an organization's religious character or affiliation, or lack thereof or in the delivery of services. Organizations are prohibited from using DOJ funding for explicitly religious activities (28 C.F.R. Part 38; see also Executive Order 13279 and Executive Order 13559).

### C. Definitions

- a. *Beneficiary* means the person who ultimately receives federal assisted services or benefits.
- b. *Complainant* means the person who files a complaint.
- c. *Complaint Coordinator* means the person who is responsible for coordinating the series of actions found in the complaint procedures.
- d. *Discrimination* means to act on the basis of (i) race, color, national origin, sex, religion, disability, gender identity, sexual orientation or age in programs and/or activities or (ii) race, color, national origin, sex, religion, sexual orientation, gender identity or disability in employment.
- e. *EEOC* means the U.S. Equal Employment Opportunity Commission.
- f. *Gender Identity* means actual or perceived gender-related characteristics.
- g. *OCR* means the Office for Civil Rights, Office of Justice Programs, DOJ.
- h. *Recipient* means the organization or agency receiving federal financial assistance.
- i. *State Administering Agency (SAA)* means a component of a state government that receives financial assistance from the Justice Department and then makes subawards.
- j. *Subrecipient* means any organization or agency to which GCO-FPO administers DOJ funds.

### D. Complaint Procedures

#### Services discrimination

The following procedures will be applied to beneficiaries of services when accepting and responding to a services discrimination complaint from a client, customer, or program participant, or a customer of GCO-FPO or of a subrecipient (at any tier).

1. Under the GCO-FPO process, any individual may file a complaint of discrimination generally within **180** days or 1 year from the date of the alleged discrimination, depending on the terms of the relevant statute. Any employee of GCO-FPO who receives a complaint of **services discrimination** subject to this policy should send the complaint to the designated GCO-FPO Complaint Coordinator within **15** work days of receiving the complaint.
2. The designated GCO-FPO Complaint Coordinator is **Jayne T. Flores**, Administrator and her contact information is as follows:

Physical Location:	Office of the Governor <b>Governor's Community Outreach – Federal Programs Office (GCO-FPO)</b> 513 West Marine Corps Drive Ricard J. Bordallo Complex Hagatña GU 96910
Mailing Address:	GCO-FPO P.O. Box 2950 Hagatña GU 96910
Phone:	671-475-9162
Fax:	671-477-4826
Email:	<a href="mailto:jayne.flores@guam.gov">jayne.flores@guam.gov</a>

3. Within **15** work days of receiving a services discrimination complaint (in a letter, in an email, in person, or over the phone) subject to this policy, the designated GCO-FPO Complaint Coordinator will provide a

written acknowledgement of the complaint to the complainant. This written acknowledgement will explain how GCO-FPO will correspond with the complainant throughout the investigation, and provide an explanation of how GCO-FPO will conduct an internal investigation of the complaint, or whether it will refer the complaint to an appropriate external agency for investigation, such as a local or state human rights commission, or forwarded it to Office for Civil Rights (OCR).

4. Also, within **15** work days of a complaint referral, the GCO-FPO Complaint Coordinator will provide written notice to a complainant that GCO-FPO received the complaint and has notified the OCR of receipt of the complaint. Through its subrecipient monitoring process, GCO-FPO will ensure that subrecipients have procedures in place for responding to discrimination complaints that clients, customers, program participants, or consumers file directly with them.
5. If a subrecipient receives a complaint alleging services discrimination, the subrecipient may investigate the complaint and respond directly to the complaining party in writing, or refer the complaint to OCR and notify the complainant and GCO-FPO of the referral.
6. Through its subrecipient monitoring process, GCO-FPO will also ensure that subrecipients notify their clients, customers, program participants, and consumers of prohibited discrimination and the procedures for filing a services discrimination complaint. GCO-FPO will also notify its subrecipients of prohibited discrimination and its procedures for filing a services discrimination complaint by providing a copy of its policy.
7. Potential complainants filing a complaint of services discrimination must be as specific as possible in providing the following information:
  - Date(s) and time(s) of the discrimination;
  - Name(s) and contact information of the alleged discriminatory actor(s);
  - Name(s) and contact information of witness(es) to the discrimination;
  - Name(s) and contact information of similarly situated individuals of a different race, sex, or other protected class who received preferential treatment;
  - Records or other documentary evidence; and
  - A detailed accounting of the discrimination in the order in which it took place.
8. If GCO-FPO's procedures involve investigating the complaint itself or referring the complaint to another agency or agencies for investigation and resolution, it will clearly explain the necessary steps for making this referral and notify the OCR in writing. If the services discrimination cannot be resolved through mediation, then the GCO-FPO Complaint Coordinator will refer that complaint to OCR for investigation. In addition, OCR will be notified of the complaint(s) regardless of which agency conducts the investigation. The GCO-FPO Complaint Coordinator will then follow up with the original complainant regarding the outcome of the complaint.
9. The complainant will also be notified that he or she may file a complaint directly with the OCR and given the necessary information if they choose to do so.
10. Through its subrecipient monitoring process, GCO-FPO will also ensure that subrecipients notify their clients, customers, program participants, and employees of prohibited discrimination and the procedures for filing a services discrimination complaint.

These procedures should include:

- Investigating the complaint internally, or forwarding the complaint to GCO-FPO's assigned Complaint Coordinator or to the OCR;
- Notifying the GCO-FPO Complaint Coordinator of any discrimination complaint that is not referred to the OCR;
- Notifying the complainant that he/she may file a complaint directly with the GCO-FPO Complaint Coordinator or the OCR;
- Subrecipients (at any tier) must provide public notice of these complaint procedures, such as, but not limited to, posting signage in places of public contact, bulletin boards, website, referencing the procedures in program materials, and providing clients, customers, program participants, and employees with a copy of these complaint procedures (upon request); and
- Staff is trained on civil rights policies to ensure that civil rights protections are in effect for their clients and employees.

11. Under the GCO-FPO process, any individual may file a complaint of discrimination generally within **180** days or 1 year from the date of the alleged discrimination, depending on the terms of the relevant statute.

Examples of discrimination in the delivery of services

*An example of discrimination in the delivery of services based on disability would be the failure of a funded victim services provider to provide interpreter services to persons with vision or hearing-impairments. An example of discrimination in the delivery of services based on race would be a funded police department's practice of stopping and interrogating, without cause, all Asian males driving on a particular highway.*

Employment discrimination

The following procedures will be applied to any complaints that GCO-FPO receives from employees or job applicants that alleges employment discrimination by either GCO-FPO or of a subrecipient (at any tier).

1. Under the GCO-FPO process, any individual may file a complaint of discrimination generally within **180** days or 1 year from the date of the alleged discrimination, depending on the terms of the relevant statute. Any employee of GCO-FPO who receives a complaint of employment discrimination subject to this policy should send the complaint to the GCO-FPO Complaint Coordinator within 15 work days of receiving the complaint.
2. The designated GCO-FPO Complaint Coordinator for **employment** discrimination is **Jayne T. Flores** and her contact information is as follows:

Physical Location:	Office of the Governor <b>Governor's Community Outreach – Federal Programs Office (GCO-FPO)</b> 513 West Marine Corps Drive Ricard J. Bordallo Complex Hagatña GU 96910
Mailing Address:	GCO-FPO P.O. Box 2950 Hagatña GU 96910

Phone: 671-475-9162  
Fax: 671-477-4826  
Email: [jayne.flores@guam.gov](mailto:jayne.flores@guam.gov)

3. Potential complainants filing a complaint of employment discrimination must be as specific as possible in providing the following information:
  - Date(s) and time(s) of the discrimination;
  - Name(s) and contact information of the alleged discriminatory actor(s);
  - Name(s) and contact information of witness(es) to the discrimination;
  - Name(s) and contact information of similarly situated individuals of a different race, sex, or other protected class who received preferential treatment;
  - Records or other documentary evidence; and
  - A detailed accounting of the discrimination in the order in which it took place.
4. Within **20** work days of receiving an employment discrimination complaint subject to this policy, the complaint coordinator will refer that complaint to the EEOC and the Government of Guam Department of Administration (DOA) Human Resource Division (HRD) to conduct an external investigation of the complaint.
5. Within **30** work days of a complaint referral, the Complaint Coordinator will provide written notice to the complainant that GCO-FPO received the complaint and forwarded it to EEOC and to the Government of Guam DOA HRD.
6. If GCO-FPO's procedures involve investigating the complaint itself or referring the complaint to another agency or agencies for investigation and resolution, it will clearly explain the necessary steps for making this referral and notify the OCR in writing. If the employment discrimination cannot be resolved through mediation, then the GCO-FPO Complaint Coordinator will refer that complaint to OCR for investigation. In addition, OCR will be notified of the complaint(s) regardless of which agency conducts the investigation. The GCO-FPO Complaint Coordinator will then follow up with the original complainant regarding the outcome of the complaint.
7. The complainant will also be notified that he or she may file a complaint directly with the OCR and given the necessary information if they choose to do so.
8. Through its subrecipient monitoring process, GCO-FPO will also ensure that subrecipients notify their clients, customers, program participants, and employees of prohibited discrimination and the procedures for filing an employment discrimination complaint.

These procedures should include:

- a. Investigating the complaint internally, or forwarding the complaint to GCO-FPO's assigned Complaint Coordinator or to the Office for Civil Rights (OCR);
- b. Notifying the GCO-FPO Complaint Coordinator of any discrimination complaint that is not referred to the OCR;
- c. Notifying the complainant that he/she may file a complaint directly with the GCO-FPO Complaint Coordinator or the OCR;

- d. Subrecipients (at any tier) must provide public notice of these complaint procedures, such as, but not limited to, posting signage in places of public contact, bulletin boards, website, referencing the procedures in program materials, and providing clients, customers, program participants, and employees with a copy of these complaint procedures (upon request); and
  - e. Staff is trained on civil rights policies to ensure that civil rights protections are in effect for their clients and employees.
9. Under the GCO-FPO process, any individual may file a complaint of discrimination generally within 180 days or 1 year from the date of the alleged discrimination, depending on the terms of the relevant statute.

*Example of discrimination in employment practices*

*An example of discrimination on the basis of sex in the employment practices of a funded law enforcement agency is having a policy preferring males over females in recruiting entry-level investigators.*

**E. Filing a Complaint with U.S. EEOC**

A complainant may file a complaint of employment discrimination directly with Equal Employment Opportunity Commission (EEOC) online or the EEOC Los Angeles District Office or online at. The location, contact number, fax number, and TTY are as follows:

Location:	Roybal Federal Building 255 East Temple St., 4th Floor Los Angeles, CA 90012 United States
Phone:	1-800-669-4000
Fax:	213-894-1118
TTY:	1-800-669-6820
ASL Video Phone:	844-234-5122
Online:	<a href="https://publicportal.eeoc.gov/Portal/Login.aspx">https://publicportal.eeoc.gov/Portal/Login.aspx</a>

**F. Filing a Complaint with Office for Civil Rights**

A complainant may file a complaint of discrimination against GCO-FPO or a subrecipient of DOJ funding directly with OCR. The procedures for filing a discrimination complaint with OCR are available at its Web site at <https://www.ojp.gov/program/civil-rights/filing-civil-rights-complaint>. To file a civil rights complaint, complete a 1) Complaint Verification Form and 2) an Identity Release Statement, which are available at <https://www.ojp.gov/program/civil-rights/filing-civil-rights-complaint> and mail both forms to OCR at the following address:

Office for Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, D.C. 20531

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://www.ojp.gov/program/civil-rights/filing-tips>

#### **G. Training on Discrimination Complaint Procedures**

GCO-FPO will provide periodic training for agency employees on prohibited discrimination and its services and employment discrimination complaint procedures, including an employee's responsibility to promptly refer to the Complaint Coordinator pertinent discrimination complaints from or potential discrimination issues involving GCO-FPO or a subrecipient. As part of OCR's training to federal financial assistance recipients, GCO-FPO employees may utilize the online training at <https://www.ojp.gov/program/civil-rights/online-training>.

This policy shall be immediately disseminated to existing and new employees of GCO-FPO, as well as subgrantees. Employees and subgrantees of GCO-FPO are obliged to acknowledge receipt of this policy and keep it on file in their relevant personnel and subgrantee project folders.

Employees and subgrantees of the GCO-FPO must complete the online training outlined in Item G and submit a certification. This training must be completed by December 30, 2021.

Your acknowledgement and compliance to this matter is greatly appreciated. If you have any questions or comments regarding this policy, please let me know.

Sincerely,

Jayne T. Flores

Enclosure: Office for Civil Rights Online Training Certification Form