

CIVIL RIGHTS 9ER

**ALLEN KNISH
CIVIL RIGHTS COORDINATOR, 9ER**

CIVIL RIGHTS POLICY

“The Coast Guard is committed to a workplace where no member of the workforce will be subject to physical or verbal harassment, abuse, violence, or discrimination based on an individual’s race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, parental status, political affiliation, or any other basis protected by law. Simply, it is committed to an environment free of harassing and discriminatory behavior.”

“Harassment is generally defined as unwelcome advances, requests for favors, and other physical and verbal conduct when such conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s service performance, or creates an intimidating, hostile, or offensive environment. This also encompasses unwelcome display or communication of sexually offensive materials. “

RESPONSIBILITIES

The Coast Guard and Auxiliary must have people who serve together effectively to accomplish missions and are responsible for enabling and ensuring this for each of its members

FAIR TREATMENT

All persons are entitled to be treated fairly and with dignity and respect. All must be allowed to serve and to enjoy an environment free from unlawful discrimination and harassment.

PROCEDURES:

Auxiliarists who believe they have been a victims of, or subject to, discrimination or discriminatory treatment within the Auxiliary because of recognized constitutionally protected status such as:

- **Race**
- **Color**
- **Religion**
- **Sex**
- **Age**
- **Sexual orientation**
- **Disability**
- **National Origin, etc.**

have the right to file a complaint

Authorization

- In accordance to the Auxiliary Manual COMDTINST M16790.1G (Series) Chapter 7, Section D.1.c. “The District Commanders are responsible to carrying out the spirit and intent of the Coast Guard’s civil rights and equal opportunity programs.”
- Section D.2 of Chapter 7 states that “Each District or region’s CGAUX-CRC will be selected from experienced Auxiliarists (preferably a past Division Commander or higher) who possess skills and desire to serve in such capacity. The CGAUX-CRC is a Director’s nomination with the concurrence of the District Commodore. The nominee’s name and qualifications will be submitted to the District Commander for approval. Upon approval, the District Commander will designate the nominee, in writing, as the CGAUX-CRC for the district or region. The Director may support CGAUX-CRC duty -related travel as resources allow.”

RESOLVING CIVIL RIGHTS ISSUES

- Any member who feels he or she has been offended shall first file an informal written complaint with his or her Flotilla Commander or a higher elected leader, if appropriate (e.g. a DCAPT may file with a DCOS).
- If the complaint is unresolved at this level, an inquiry shall be conducted to the appropriate CGAUX CRC (Civil Rights Coordinator) in an effort to resolve the complaint at the lowest level within the Auxiliary.
- **RESOLUTION** at the lowest level.

FILING A CIVIAL RIGHTS COMPLAINT

1. **The complainant's full name**
2. **Complainant's EMPLID.**
3. **Date of incident.**
4. **Statement indicating the Auxiliarist's wishes to file an informal complaint of discrimination or sexual harassment in accordance of this chapter.**
5. **A brief summary of the nature of the complaint.**

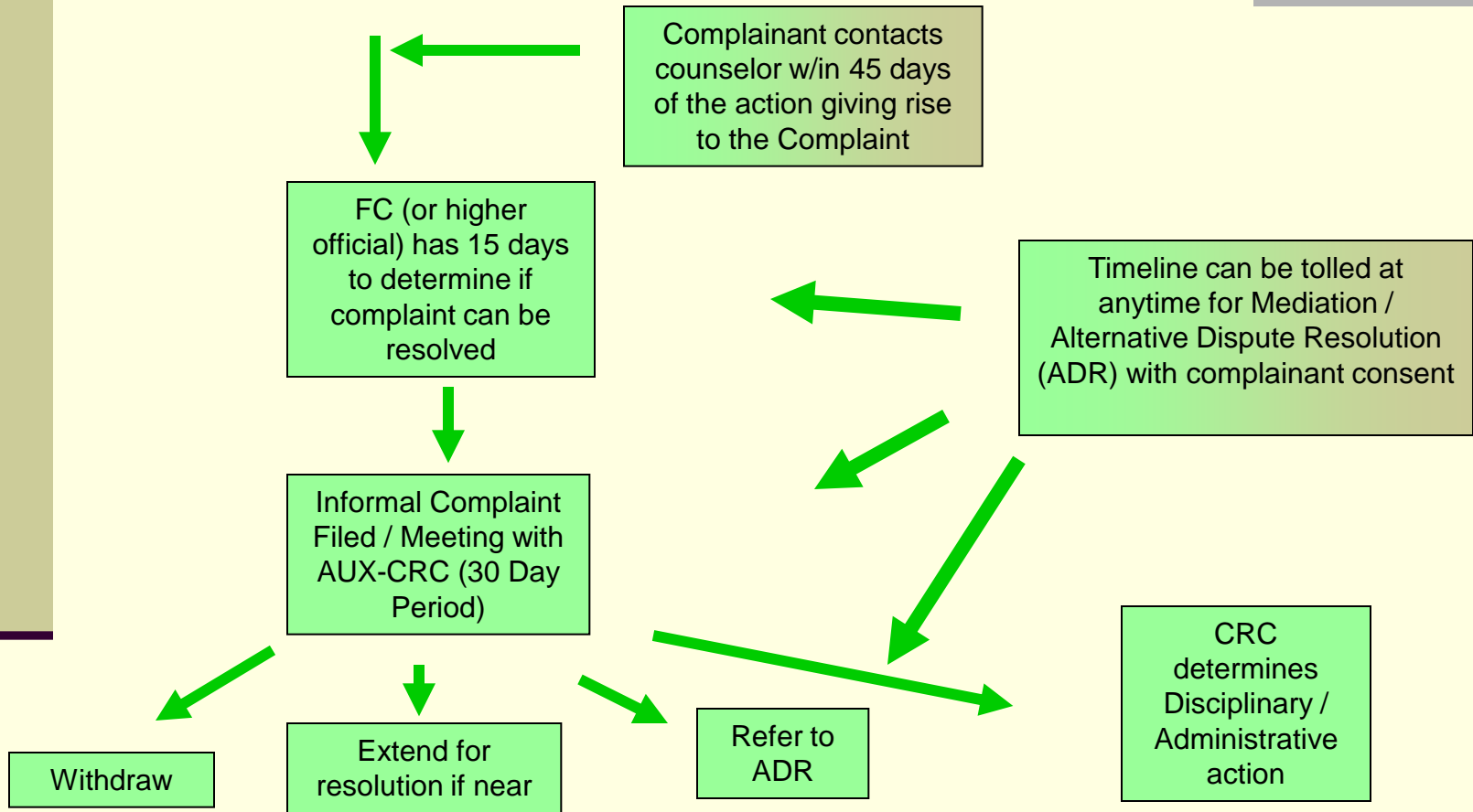
FILING A CIVIAL RIGHTS COMPLAINT

Written complaints must be submitted to the FC or other higher Auxiliary elected leader, if appropriate, within **forty-five (45) days** of the alleged incident or from the date that one is made aware of such incident having occurred. Electronic mail submission that clearly includes the above elements satisfies the requirements for written submission.

The FC has **fifteen (15) days** to determine whether or not the complaint can be resolved at that level

If the complaint is resolved at this level then the FC or higher elected leader shall keep the written complaint and a written record of the agreed upon resolution in the flotilla files for one year.

Auxiliary Complaint Process



UNABLE TO RESOLVE COMPLAINT

- All Auxiliarists are entitled to communicate informally and directly with the CGAUX-CRC instead of their FC or higher elected leader.
- Only written complaints mailed to the CRC within in **forty-five(45) days** of the alleged incident or from the date that one is made aware that such incident has occurred will be considered.
- If the complainant exceeds the **forty-five (45) day** time limit the CRC must notify the complainant the formal complaint may be dismissed as untimely.

UNABLE TO RESOLVE COMPLAINT

Upon the CRC's acknowledging the receipt of a complaint the CRC will have **thirty (30) days** to investigate and determine whether or not the complaint can be resolved at that level.

If a complaint is submitted directly to the CRC, the CRC will advise the complainant's Flotilla commander and other appropriate higher elected leaders. The CRC shall do the following:

1. Inform the FC or higher elected leader a complaint has been filed and the nature of the complaint without identifying the complainant or offender.
2. Whether or not the complaint may have merit.
3. An internal inquiry is being conducted in an effort to informally resolve the complaint at the lowest level.
4. Date the complaint was received.

ALLEGED OFFENDERS RIGHTS

The alleged offender is a witness and is entitled to no more rights than any other witness. This does not imply that the alleged offender has the right to be provided a copy of the complaint or be notified of the name of any witness without the complainant's written permission.

He or she has the right to have a representative of his or her choosing at his or her own expense at any stage in the complaint process.

CONFIDENTIAL INFORMATION

Any and all oral or written information provided to the CRC by the complainant during the complaint process as well as the identity of the complainant is confidential and will not be shared with others not directly involved unless the CRC is **provided written permission from the complainant.**

The exception to this rule includes situations where it is **believed bodily harm or destruction of property is imminent.**

RESOLUTION

The acceptance note will state:

“I hereby certify, upon execution of the terms agreed herein, that I consider my complaint resolved and hereby withdraw my complaint of (Subject), Date _____.”

NON-RESOLUTION

- The complainant may withdraw the complaint from further process. If this is pursued then the complainant will prepare and sign a written acknowledgement of the withdrawal. The withdrawal note will state, “**I hereby certify and consider my complaint of subject withdrawn, dated _____.**” Such a withdrawal statement may be filed by the complainant at any stage of the complaint process.
- If a resolution appears probable within a reasonable period of time, the complainant may voluntarily make a time extension agreement. The written extension agreement cannot exceed an additional **sixty (60) days.**
- The complaint may be referred to the Alternative Dispute Resolution (ADR) process. Coast Guard and Auxiliary mediators will be made available during the entire process upon request.
- If the CRC determines that **administrative disciplinary action** is appropriate for the involved party, then such a determination shall be noted in the summary report submitted to the Director. A copy shall be made available to the Flotilla commander and other appropriate elected officers. **They shall retain this report on file for three years.**

NOTIFICATION

Upon reaching or failing to reach an informal solution to the complaint, the CRC shall notify the complainant's FC and other appropriate higher leader, Coast Guard District Civil rights Officer, and appropriate Director of the details and results of the efforts made.

DISCIPLINE

Auxiliarists who have been found to have violated the Coast Guard Policy at the conclusion of the procedures outlined in chapter seven may be subject to administrative discipline in accordance to the provisions of Chapter three of the Auxiliary Manual.

Payment of damages and/or attorney fees is not authorized through the process described in the section as this is not a civil action.

9ER CIVIL RIGHTS COORDINATOR

Allen J Knish
DSO/CRC, 9ER
515 Market ST NE
Navarre, Ohio 44662-1049
PH: 330-791-7055
Cell: 216-407-0537
allieknish2@aol.com