
Section D. Civil Rights Program

Introduction The Coast Guard Auxiliary is committed to ensuring protection of all Auxiliarists' civil rights. This section describes the provisions for the Auxiliary's Civil Rights Program.

D.1. Responsibilities The Commandant is responsible for providing overall leadership and direction to ensure all policies and procedures contained in this section are in effect throughout the Coast Guard and Auxiliary.

D.1.a. Chief Director The Chief Director is responsible for Coast Guard civil rights administration within the Auxiliary.

D.1.b. Director of Civil Rights (CG-00H) The Director of Civil Rights (CG-00H) is responsible for establishing and maintaining effective liaison between Coast Guard officials and elected and appointed Auxiliary leaders to ensure knowledge of, and compliance with, the intent and spirit of the Coast Guard's civil rights

D.1.c. District Commanders District Commanders are responsible for carrying out the spirit and intent of the Coast Guard's civil rights programs.

D.2. Coast Guard Auxiliary Civil Rights Coordinator (CGAUX-CRC) Each District or region's CGAUX-CRC will be selected from experienced Auxiliarists (preferably past Division Commanders or higher) who possess the skills and desire to serve in such capacity. The CGAUX-CRC is a Director's nomination with concurrence of the DCO. 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 that district or region. The Director may support CGAUX-CRC duty-related travel as resources may allow.

D.3. Procedures The following procedures apply when addressing civil rights issues:

D.3.a. Right to File Auxiliarists who believe they have been victims of, or subjected to, discrimination or discriminatory treatment within the Auxiliary because of recognized constitutionally protected status such as race, color, religion, sex, age, national origin, or disability have the right to file a complaint.

D.3.b.
Resolution

Complaints of discrimination shall first be filed informally in writing with the Auxiliarist's FC or other higher Auxiliary 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 by the appropriate CGAUX-CRC in an effort to resolve the complaint at the lowest possible level within the Auxiliary.

**D.4. Filing
Complaint**

Complaints by Auxiliarists shall be processed according to the following procedures:

D.4.a. Written
Request to File
Complaint

The complainant shall submit a dated, written request to the FC or other higher Auxiliary elected leader, if appropriate (e.g., a DCAPT may file with a DCOS). The complaint must contain, as a minimum, the following elements:

- (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 in accordance with this chapter.
- (5) A brief summary of the nature of the complaint.

Written complaints must be submitted to the FC or other higher Auxiliary elected leader, if appropriate, within forty-five 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 requirement for a written submission.

D.4.b. Meeting
with FC or Other
Higher Elected
Leader

Most problems can, and should, be resolved between the involved parties themselves and at the lowest organizational level. Upon acknowledged receipt of an Auxiliarist's complaint, the FC or other higher elected leader has fifteen days to determine whether or not the complaint can be resolved at that level. Accordingly, within that time period, the FC or other higher elected leader shall meet with the complainant. If a meeting is impractical for either individual, then, as a minimum, the FC or other higher elected leader shall verbally contact the complainant to discuss the complaint. Additionally, the FC or other higher elected leader shall then meet separately with the alleged offender. If a meeting is impractical for either individual, then, as a minimum, the FC or other higher elected leader shall verbally contact the alleged offender to discuss the complaint. The FC or other higher elected leader shall then facilitate communication between the complainant and the alleged offender as necessary in order 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 other higher elected leader shall keep the written complaint and a written record of the agreed upon resolution in the flotilla file for one year.
D.4.c. Meeting with CGAUX-CRC	If the complaint cannot be resolved by the FC or other higher elected leader within fifteen days of acknowledged receipt of the written submission by the FC or other higher elected leader, then the FC or other higher elected leader will verbally notify the CGAUX-CRC of the complaint, forward all associated correspondence and materials, and arrange for the complainant to meet with the CGAUX-CRC. If a meeting is impractical for either individual, then, as a minimum, the CGAUX-CRC shall verbally contact the complainant to discuss the complaint. All Auxiliarists are entitled to communicate informally and directly with the CGAUX-CRC instead of the FC or other higher elected leader if so desired.
D.4.d. Time Requirements	The CGAUX-CRC will only consider written complaints filed within forty-five days of an alleged incident or from the date that one is made aware of such incident having occurred. If the forty-five-day time limit is exceeded, the CGAUX-CRC must advise the complainant that, if a formal complaint is filed, it may be dismissed as untimely. Upon acknowledged receipt of notification, the CGAUX-CRC has thirty days to investigate and determine whether or not the complaint can be resolved at that level.
D.4.e. CGAUX-CRC Report to Complainant's FC	If submitted directly to the CGAUX-CRC, the CGAUX-CRC shall advise the complainant's FC and other appropriate higher elected leader of the following: (1) That a complaint has been filed and the nature of the complaint, without identifying the complainant or discriminator. (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.
D.4.f. Alleged Offender's 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 names of the witnesses 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.

D.4.g.
Safeguarding of
Confidential
Information

Any oral or written information provided to the CGAUX-CRC by the complainant during the complaint process, as well as the complainant's identity, is considered confidential and may not be shared with others not directly involved unless the complainant gives permission. Exceptions to the rule include situations where it is believed bodily harm or destruction of property is imminent.

D.4.h.
Resolution

When resolution of a complaint has been reached within the thirty-day period from acknowledged receipt of notification of the CGAUX-CRC, and administrative discipline is not a recommended course of action, then a complaint summary report shall be completed by the CGAUX-CRC. The Auxiliarist making the complaint will prepare and sign a written acceptance of the 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), dated ____." The CGAUX-CRC will attach it to the accepted resolution document and forward the entire report to the Director (copy to the FC and other appropriate elected officers) who shall retain the report on file for three years.

D.4.i.
Non-Resolution

If the complaint cannot be resolved within the prescribed thirty days from acknowledged receipt of notification of the CGAUX-CRC, there are four courses of action.

- (1) 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 actually be filed by a complainant at any stage of the complaint process.
 - (2) 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 days.
 - (3) The complaint may be referred to the Alternative Dispute Resolution (ADR) process. Coast Guard and Auxiliary mediators will be made available during this entire process upon request.
 - (4) If the CGAUX-CRC determines that administrative disciplinary action is appropriate for any involved party, then such determination shall be noted in the summary report submitted to the Director (copy to the FC and other appropriate elected officers) who shall retain the report on file for three years.
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D.4.j.
Notifications

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

D.5. Discipline

Auxiliarists who have been found to have violated Coast Guard policy at the conclusion of the procedures outlined in this chapter may be subject to administrative discipline in accordance with provisions of Chapter 3. Payment of damages and/or attorney fees is not authorized through the processes described in this section as this is not a civil action.
