

# Twelfth Judicial District Attorney's Office Client Grievance Policy

## **I. Purpose:**

The purpose of this policy is to establish a written process for Twelfth Judicial District Attorney's Office employees to follow when they receive a grievance or complaint from clients, customers, or VAWA/VOCA grant program clients alleging discrimination, retaliation, or conduct issues on the part of an employee.

## **II. Policy:**

Twelfth Judicial District Attorney's Office employees in the delivery of services must follow all personal and business policies in place and will not discriminate against any prospective employee or other persons having business with the District Attorneys on the basis of race, age, religion color, national origin, ancestry, sex, physical or mental handicap, serious medical condition, spousal affiliation, sexual orientation, or gender identity, national origin, religion, age, disability or retaliate in compliance with policies, procedures and federal civil rights statutes and regulations which prohibit any agency from retaliating against an individual for taking action or participating in action to secure rights protected by them.

## **II. Complaint/Grievance Procedures:**

Any client who has reason to believe that they have been unlawfully discriminated against or experienced discriminatory harassment based on race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, serious medical condition, spousal affiliation, sexual orientation, or gender identity, national origin, disability, or retaliation in the delivery of services from an employee with the Twelfth Judicial District Attorney's Office may file an oral or written complaint directly to the employee regarding the complaint, a Victim Advocate, the District Office Manager, any Attorney, or directly to the District Attorney. VAWA/VOCA program clients may also file an oral or written complaint against an employee directly with the New Mexico Crime Victims Reparation Commission (CVRC) at <http://www.cvrc.state.nm.us/> or by telephone to (505) 841-9435.

## **III. Reporting the Complaint:**

- A. A client may make an oral complaint. The individual taking the complaint must ensure he/she receives at a minimum:
  - a. The name, address, phone number, e-mail address, and authorized representative filing the complaint, as appropriate.
  - b. The names of all parties involved, including witnesses and any contact information.

- c. A specific and detailed description of the conduct or action that the complainant believes is discriminatory or retaliatory.
  - d. The location of the remedy the complainant desires.
- B. The client may file a written complaint that must contain at a minimum:
  - a. The name, address, phone number, e-mail address, signature of the complainant and authorized representative filing the complaint, as appropriate.
  - b. The names of all parties involved, including witnesses and any contact information.
  - c. A specific and detailed description of the conduct or action that the complainant believes is discriminatory or retaliatory.
  - d. The location of the remedy the complainant desires.
- C. An oral or written complaint must be submitted to the Twelfth Judicial District Attorney's Office by the complainant as soon as possible, but no later than 180 calendar days after the alleged act of discrimination or retaliation. However, the complainant is solely responsible for any expiration of the statute of limitations for filing the complaint.
- D. The employee, Victim Advocate, District Office Manager, Attorney, or Victim Advocate will notify the District Attorney immediately upon receipt of any oral or written client complaint made against an employee. The District Attorney, District Office Manager, Victim Advocate Coordinator or designated representative will notify CVRC immediately upon receipt of any VAWA/VOCA grant program client oral or written complaint against an employee.
- E. The Twelfth Judicial District Attorney's Office staff will fully cooperate with CVRC regarding VAWA/VOCA grant program client complaints filed directly through CVRC.
- F. The District Attorney or designated representative will provide the complainant written acknowledgment of the complaint within five (5) business days of receiving the complaint. The acknowledgment will explain to the complainant the timeframe for resolution as detailed in "H" below.
- G. All efforts will be made to resolve the complaint to include but not limited to, meeting with the complainant to discuss all aspects of resolving the complaint, mitigation, and depending on the findings, considering a formal apology or disciplinary action on the part of the employee.
- H. The District Attorney or designated representative shall provide a final written resolution within twenty (20) business days from the acknowledgment or inform the complainant if additional time is needed to investigate and resolve the complaint. A written resolution shall be binding and final. The client will not be retaliated against for utilizing this grievance procedure.

#### **IV. Resources:**

- The New Mexico District Attorney's Personnel and Compensation Plan.
- Twelfth Judicial District Attorney Policy and Procedures ("Handbook")
- Crime Victims with Disabilities Awareness Act of 1998, Pub.L. 105-301.
- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §12132 and the DOJ implementing regulations at 28 C.F.R. Part 35.
- Stop Violence Against Women Act (VAWA) of 1994, 42 U.S.C. §13701 through §14040.
- Section 1407 of the Victims of Crime Act (VOCA) of 1984, 42, U.S.C. §10604.
- The Age Discrimination Act of 1975, 42 U.S.C. §6102 and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I.
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G.
- The Omnibus Crime Control and Safe Streets Act of 1968, Executive Order 13166.
- Title VI of the Civil Rights Act of 1964, 42, U.S.C. §2000D and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C.