



**STATE OF CONNECTICUT
ADJUTANT GENERAL'S OFFICE
MILITARY DEPARTMENT
GOVERNOR WILLIAM A. O'NEILL ARMORY
360 BROAD STREET, HARTFORD, CONNECTICUT 06105**

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GOVERNOR
COMMANDER-IN CHIEF

FRANCIS J. EVON, JR.
MAJOR GENERAL
THE ADJUTANT GENERAL

**CONNECTICUT MILITARY DEPARTMENT (CTMD)
MILITIA DISCRIMINATION COMPLAINT PROCEDURE (MDCP)
CIRCULAR LETTER 2023-02**

CONNECTICUT MILITIA

The Connecticut militia is comprised of the National Guard, State Guard and Governor's Guard when called-up, organized and ordered to perform State military duty (commonly known as "State Active Duty") under state military command – with or without pay. Although militia members are not State employees, CTMD requires militia members to comply with state laws, policies and standards pertaining to discrimination and harassment as a matter of militia customs and courtesies, good order, and discipline. CTMD investigates complaints of discrimination and harassment made by or against militia members as provided by this MDCP. Militia members who are found to have committed a harassment of discrimination offense will be processed administratively, which may result in a dismissal for enlisted personnel or a vacated commission for officers. Because militia members are not state employees, militia members do not have the same due process that is afforded to state employees (e.g., legal remedy beyond the militia). Additionally, based on the specific allegations, militia members may also be subject to criminal prosecution for harassment-type offenses.

SUMMARY

Militia service forbids discrimination. All militia members must treat all persons with dignity and respect. Failure to abide by policies and laws governing discrimination undermines good order, discipline and is deleterious to efficient militia operations. By law, TAG enforces militia law

Through this MDCP, CTMD addresses complaints alleging discrimination, including but not limited to harassment, based upon any legally protected class, including: race; color; religious creed; age; sex; pregnancy; sexual orientation; gender identity or expression; marital status; national origin; ancestry; intellectual disability; genetic information; learning disability; physical disability (including, but not limited to, blindness); mental disability (past/present history thereof); military or veteran status; or criminal record in state employment. Retaliation complaints are also covered under the CTMD MDCP.

Any militia member or member of the public alleging discrimination in the provision of CTMD services, activities, programs or benefits related to a qualifying disability may use the CTMD MDCP. All militia members are expected to cooperate fully with all administrative complaint investigations and any actions taken by CTMD as a result of MDCP investigations.

COUNSELING

CTMD is committed to providing an environment in which all people are treated with respect and dignity. To ensure compliance and understanding, Ms. Morales-Diaz, the CTMD Designated EOO, is available to counsel militia members with questions or concerns about CTMD's discrimination and harassment policies. Any militia member requesting counseling may coordinate to meet with Ms. Morales-Diaz in a confidential setting. Issues discussed during such counseling sessions will be kept as confidential as possible, consistent with CTMD's legal obligations.

During such counseling sessions, Ms. Morales-Diaz or other subject-matter experts designated to counsel militia member will advise participating militia members of any rights they may have under state laws or CTMD policy. As militia members are not employees, most state (and federal) discrimination laws and the right to file employment discrimination complaints with the Connecticut Commission on Human Rights and Opportunities (CCHRO) or other appropriate enforcement agencies will not apply. Militia members will be provided with applicable CTMD policies. Militia members who are members of the National Guard may be subject to additional laws and regulations.

INTERNAL COMPLAINT PROCESS

All complaints alleging discrimination or retaliation should be filed as soon as possible after the alleged act of discrimination or retaliation, and, absent extenuating circumstances, no later than thirty (30) days from the date of the alleged act. Complaints may be made verbally or in writing to Ms. Morales-Diaz-Diaz, CTMD's Designated EOO or to the CTMD Military Administrative & Programs Officer (MAPO). If the MAPO receives any complaint alleging discrimination or retaliation, the complaint will be promptly forwarded to the EOO for processing. If a militia supervisor or officer receives a discrimination complaint, the supervisor or officer must immediately forward the complaint to the MAPO or EOO and inform the militia member to immediately contact the EOO. Accommodations to the filing process will be made available for persons with disabilities upon request. The filing date of the complaint is the day the complaint is presented to or otherwise received by the MAPO or EOO. The MAPO or EOO must properly record the date (date-time stamp or memo).

Each complaint must contain the following.

- The full name and work address of the person against whom the complaint is made.
- A brief description of the alleged act(s) of discrimination and location(s)
- The date(s) of the alleged act(s)
- The complainant's protected class(es)
- The complainant's signature and date

1) The EOO shall notify the respondent (person(s) against whom the complaint is filed) that a complaint has been filed.

2) The EOO shall notify TAG, and when appropriate the supervisor(s) of the parties, of necessary details of the allegations.

- 3) The EOO or a mediator designated by TAG shall try to facilitate conciliation between the complainant and the respondent where there is an indication that both parties are willing to work together towards a resolution.
- 4) If no conciliatory agreement is possible, the EOO shall continue with the investigatory process, keeping TAG informed.
- 5) The EOO (or someone appointed by TAG to assist the EOO) shall investigate all complaints and prepare a summary of the findings for administrative review. The discrimination complaint process includes time frames not exceeding ninety (90) days for filing, processing and resolution of such matters.
- 6) The EOO will notify the complainant and the respondent of the final determination in writing.
- 7) If the investigation of the complaint indicates a policy violation occurred, the findings will be reviewed with the TAG, who will determine appropriate disciplinary action. If necessary, TAG will direct the determination to the proper militia officer for processing administrative actions.
- 8) The EOO shall maintain all records of affirmative action complaints, investigations, outcomes, and their disposition. Records so retained shall be confidential, except where disclosure is required by law. These records may be subject to examination by other state agencies, including CCHRO. CTMD will notify the CCHRO annually, through its Affirmative Action Plan, of all discrimination complaints and any remedial actions taken. The EOO will review all records of complaints and their dispositions annually to discern any pattern(s) of discrimination.

AGENCY POINT OF CONTACT (POC)

Any militia member who believes he/she has been the subject of any act of unlawful discrimination or harassment may file a written complaint with the following entities to initiate the process to investigate and/or resolve the matter.

Primary POC:
Equal Opportunity Officer
Ms. Maria Morales-Diaz
Connecticut Military Department
360 Broad Street
(860) 524-4995, maria.morales-diaz@ct.gov

Alternate POC:
Military Administrative & Programs Officer
Russell Bonaccorso
Connecticut Military Department
360 Broad Street – Room #113
Hartford, CT 06105
(860) 524-4968, russell.bonaccorso@ct.gov

PROTECTION FROM RETALIATION

CTMD strictly forbids retaliation against militia members who have reported acts of harassment or discrimination or who participate in internal or external investigations. Militia members shall not retaliate against, coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying his or her rights under State or Federal laws, regulations, or policies. They also shall not retaliate against a member aided or encouraged any other individual in the exercise of rights granted or protected by State or Federal laws, regulations, or policies. CTMD will take any appropriate administrative actions necessary to prevent and/or correct any retaliatory measures.

All militia members are strongly urged to report all instances of retaliation to Ms. Maria Morales-Diaz, CTMD Designated Equal Opportunity Officer, via phone at (860) 524-4995 or email at maria.morales-diaz@ct.gov. Militia members may also write or visit Ms. Morales-Diaz at the Hartford Armory, 360 Broad Street, Hartford, Connecticut 06105.

FOR THE GOVERNOR, STATE OF CONNECTICUT, IAW C.G.S., 27-20.

Francis J. Evon, Jr.
Major General
The Adjutant General

Date

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CTMD Website - Policies