

Subject: Procedures for Responding to Discrimination Complaints from Clients, Customers, Program Participants, or Consumers of the Oregon Department of Justice, Crime Victims' Services Division and the Oregon Department of Justice, Crime Victims' Services Division Subrecipients

Effective Date: January 1, 2014

I. Purpose

The Oregon Department of Justice, Crime Victims' Services Division (DOJ/CVSD), receives federal financial assistance and serves as the State Adminstrating Agency (SAA) for the Victims of Crime Act (VOCA) funds and the Violence Against Women Act (VAWA) funds. As a recipient of federal financial assistance awarded directly from the Office of Justice Programs, DOJ/CVSD must comply with the federal statutes and regulations that prohibit discrimination in federally assisted programs or activities.

The purpose of this policy is to establish written procedures for DOJ/CVSD employees to follow when they receive a complaint alleging discrimination or retaliation from clients, customers, program participants, or consumers of DOJ/CVSD or of a DOJ/CVSD subrecipient implementing funding from the U.S. Department of Justice.

This policy does not apply to complaints of employment discrimination. Complaints alleging employment discrimination by a DOJ/CVSD subrecipient are covered by the *Procedures for Responding to Employment Discrimination Complaints from Employees of the Oregon Department of Justice, Crime Victims' Services Division and the Oregon Department of Justice, Crime Victims' Services Division Subrecipients under U.S. Department of Justice Grant Programs*. Complaints alleging employment discrimination by DOJ/CVSD are covered by Oregon Department of Justice Policy 3-21.

II. Policy

In using and administering federal grant funds, neither DOJ/CVSD nor any subrecipient may discriminate in the delivery of services or benefits on the basis of race, color, national origin, religion, sex, disability, or age or retaliate against any person for having engaged in protected activity. DOJ/CVSD, including its employees and subrecipients, must comply with the following federal civil rights statutes and regulations:

1. Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in the delivery of services (42 U.S.C. § 2000d), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C;
2. The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;

3. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G;
4. Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;
5. Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in educational programs (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54; and
6. The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I.
7. The U.S. Department Of Justice (U.S. DOJ) regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using U.S. DOJ funding on inherently religious activities (28 C.F.R. Part 38).

Subrecipients must have procedures in place to respond to discrimination and retaliation complaints that clients, customers, program participants, or consumers of a subrecipient report directly to the subrecipient. At a minimum, these procedures should include forwarding the complaint to DOJ/CVSD, the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights (OCR), or a local human rights commission; notifying the DOJ/CVSD Complaint Coordinator of any discrimination or retaliation complaints that the subrecipient does not refer to DOJ/CVSD; and notifying the complainant that he or she may file a complaint of discrimination or retaliation directly with DOJ/CVSD or OCR.

DOJ/CVSD Fund Coordinators will inquire about and review complaint procedures during subrecipient site reviews utilizing the civil rights compliance checklist included in the Phone Review & Site Visit Monitoring Instrument.

III. Definitions

For the purposes of this policy, the terms cited in this policy are defined as follows.

Complainant: A client, customer, program participant, or consumer of DOJ/CVSD or a DOJ/CVSD subrecipient allegedly subjected to unlawful discrimination or retaliation by DOJ/CVSD or a DOJ/CVSD subrecipient based on or because of a federally protected class status, who submits a complaint to DOJ/CVSD pursuant to this policy.

Complaint Coordinator: The individual designated by the Oregon Department of Justice, Crime Victims' Services Division to oversee this policy, listed in Appendix B of this policy.

Person: A client, customer, program participant, or consumer of DOJ/CVSD or a DOJ/CVSD subrecipient.

Retaliation: Any adverse employment action toward a person(s) engaged in an activity protected under federal law, such as making a charge, testifying, assisting or participating in any charge of unlawful discrimination.

Subrecipient: An entity that expends federal grant funds received from the Oregon Department of Justice, Crime Victims' Services Division as the state SAA to perform all or a portion of the scope of work or objectives of the federal award received by the SAA.

IV. Complaint Procedures

A. Reporting a Complaint

1. A person who thinks he or she has been discriminated against by an employee of DOJ/CVSD or a subrecipient of DOJ/CVSD in the delivery of services or benefits on the basis of race, color, national origin, religion, sex, disability, or age, or thinks he or she has been retaliated against by DOJ/CVSD or a DOJ/CVSD subrecipient for having engaged in protected activity, may file a written complaint alleging such discrimination or retaliation with the Complaint Coordinator listed in Appendix B.
 - a. Written complaints must be submitted on the DOJ/CVSD *Allegation of Discrimination* form which is attached as Appendix A and is available on the DOJ/CVSD website.
 - b. A complainant may file a complaint orally by contacting the Complaint Coordinator if a disability impairs the complainant's ability to file a written complaint.
2. The complaint should contain the following:
 - a. The name, address, phone number and signature of the complainant, and authorized representative, as appropriate, filing the report;
 - b. The names of all parties involved, including witnesses;
 - c. A specific and detailed description of the conduct or action that the complainant believes is discriminatory or retaliatory;
 - d. The location and date or time period in which the alleged conduct occurred; and
 - e. A description of the remedy the complainant desires.
3. A complaint must be submitted as soon as possible, but no later than 180 calendar days after the alleged act of discrimination or retaliation. DOJ/CVSD will forward a complaint submitted more 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.

4. An employee of DOJ/CVSD, other than the Complaint Coordinator, who receives a complaint that an employee of DOJ/CVSD or a subrecipient has allegedly engaged in discriminatory or retaliatory conduct covered by this policy shall direct the complaint to the Complaint Coordinator within seven (7) calendar days of receiving the complaint.

C. Processing the Complaint

1. The Complaint Coordinator shall promptly provide the complainant with a written notice acknowledging receipt of the complaint. In this acknowledgement letter, the Complaint Coordinator shall inform the complainant that he or she may also file a complaint directly with the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights (OCR), at 810 7th Street, NW, Washington, DC 20531.
2. All complaints will be taken seriously and will be handled in a discreet and confidential manner, to the extent possible.
3. The Complaint Coordinator will promptly forward the complaint to the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights (OCR) for investigation. Once the referral is made, the complainant is solely responsible for complying with all procedures the agency may require for investigating and resolving the complaint.
4. Within thirty (30) calendar days of the receipt of the complaint, the Complaint Coordinator will provide written notification to the complainant of the referral date and the name and address of the investigative agency to whom the complaint was forwarded.

D. Other Reporting Options

Nothing in this policy prevents a complainant from filing a complaint directly with the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights, at 810 7th Street, NW, Washington, DC 20531 or a local human rights commission. The procedures discussed in this policy need not be utilized first, nor does this procedure need to be exhausted before another is used. **THIS POLICY IS FOR DEPARTMENT USE ONLY AND DOES NOT APPLY IN ANY CRIMINAL OR CIVIL PROCEEDING. THE DEPARTMENT POLICY SHOULD NOT BE CONSTRUED AS A CREATION OF HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS POLICY WILL ONLY FORM THE BASIS FOR DEPARTMENT ADMINISTRATIVE ACTION.**

V. Training

DOJ/CVSD shall provide periodic training on the procedures set forth in this policy to DOJ/CVSD and subrecipient employees, including an employee's responsibility to refer discrimination and

retaliation complaints to the Complaint Coordinator. DOJ/CVSD shall require subrecipients to conduct periodic training on the procedures set forth in this policy to subrecipient employees.

VI. Policy Notification

A copy of this policy will be provided to all DOJ/CVSD employees. A copy of the policy will be included with the orientation materials provided to new DOJ/CVSD employees.

A copy of this policy will be provided to all DOJ/CVSD subrecipients. Information on the policy will be provided during all pre-application information teleconferences and will be posted on the DOJ/CVSD website. By signing the grant award agreement, the sub-recipient agrees to comply with all applicable federal civil rights laws prohibiting employment discrimination.

Discrimination Complaint



State of Oregon
Department of Justice

ALLEGATION OF DISCRIMINATION

IMPORTANT NOTICE – PLEASE READ BEFORE FILLING OUT THIS FORM: Filing a complaint with the Crime Victims’ Services Division of the Department of Justice (CVSD/DOJ) is voluntary. CVSD/DOJ is not your attorney or advocate. CVSD/DOJ may or may not forward this complaint to U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights (OCR) or other agencies for investigation. CVSD/DOJ does not take responsibility for your notifying your employer of a discrimination or retaliation claim, nor for filing this complaint with the appropriate agency or court, within the appropriate time periods for doing so.

TO: Complaint Coordinator
Department of Justice
Crime Victims’ Services Division
1162 Court St NE
Salem, OR 97301

FROM: _____ (Complainant's Name)
(Please print or type)

DATE: _____

COMPLAINANT

(First Name) (Middle Initial) (Last Name)

Mailing Address

City/State/Zip

Home Phone ()

Other Phone ()

E-Mail Address

AGENCY AGAINST WHOM DISCRIMINATION CLAIM FILED

AGENCY NAME

Contact Person (First) (Middle Initial) (Last)

Mailing Address

City/State/Zip

Agency Phone () Other Phone ()

(1) Please indicate the type of discrimination you are alleging:

- | | |
|--|-------------------------------------|
| <input type="checkbox"/> Race/Color | <input type="checkbox"/> Disability |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Age |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Retaliation | |

(2) Date the most recent incident being alleged last took place: _____

(3) Where did the most recent incident being alleged take place? _____

(4) What happened? Please provide a detailed account of the alleged discrimination:

(5) If this complaint is resolved to your satisfaction, what remedy are you seeking?

(6) Have you filed a case or complaint regarding this incident with any of the following?

- Civil Rights Division, U.S. Department of Justice
- Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice
- U.S. Equal Employment Opportunity Commission (EEOC)
- Federal or State Court
- Bureau of Labor and Industries, Civil Rights Division
- Local human rights commission or fair employment practices agency

(7) For each item checked in 6 above, please provide the following information:

- Name of Agency:
- Date Filed:
- Case or Docket Number:
- Date of Trial or Hearing:
- Location of agency or court:
- Name of investigator:
- Status of Case:
- Comments:

(8) Do you have an attorney? Yes No

Complainant's Signature: _____ **Date:** _____
(Complaint NOT VALID unless signed)

If this form has been completed by someone other than the person filing this complaint, please indicate name and agency name of person completing this form below, and date completed:

Name: _____ **Agency:** _____
Date: _____

Complainant's acknowledgement that above information has been completed accurately:

Complainant's Signature: _____ **Date:** _____

**For DOJ/CVSD Use
Only**

Received by Complaint Coordinator: _____ Date: _____
(signature)

Date Acknowledgement Sent to Complainant: _____

Date Complaint Referred to OCR:

Date Claimant Notified of Referral:

OREGON DEPARTMENT OF JUSTICE, CRIME VICTIMS' SERVICES DIVISION
COMPLAINT COORDINATOR CONTACT INFORMATION

The current Complaint Coordinator is Shannon Sivell, Department of Justice, Crime Victims' Services Division

Mailing Address:

Department of Justice, Crime Victims' Services Division
Attn: Shannon Sivell, Complaint Coordinator
1162 Court Street NE
Salem, Oregon 97301

Office Telephone Number: 503-378-2200

Office Facsimile Number: 503-378-5738

E-mail Address: shannon.l.sivell@doj.state.or.us