

<b>Subject:</b> Procedures for Responding to Discrimination Complaints from Clients, Customers, Program Participants, or Consumers of the Oregon Department of Justice, Crime Victim and Survivor Services Division and the Oregon Department of Justice, Crime Victim and Survivor Services Division Subrecipients
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<b>Effective Date:</b> January 1, 2014
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## I. Purpose

The Oregon Department of Justice, Crime Victim and Survivor Services Division (DOJ/CVSSD), receives federal financial assistance and serves as the State Administrating 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 and the Office on Violence Against Women, DOJ/CVSSD 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/CVSSD employees to follow when they receive a complaint alleging discrimination or retaliation from clients, customers, program participants, or consumers of DOJ/ CVSSD or of a DOJ/CVSSD 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/CVSSD subrecipient are covered by the *Procedures for Responding to Employment Discrimination Complaints from Employees of the Oregon Department of Justice, Crime Victim and Survivor Services Division and the Oregon Department of Justice, Crime Victim and Survivor Services Division Subrecipients under U.S. Department of Justice Grant Programs*. Complaints alleging employment discrimination by DOJ/CVSSD are covered by Oregon Department of Justice Policy 3-21.

## II. Policy

In using and administering federal grant funds, neither DOJ/CVSSD 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 (if a recipient of funds under VAWA) gender identity or sexual orientation or retaliate against any person for having engaged in protected activity. DOJ/CVSSD, 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 (34 U.S.C. § 10228(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 Partnerships with Faith-Based and Other Neighborhood Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using U.S. DOJ funding on explicitly religious activities (28 C.F.R. Part 38);
8. Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, as amended, which prohibits discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion (34 U.S.C. § 11182(b)), and the DOJ implementing regulations at 28 C.F.R. §§ 31.202, .403 & pt.42, subpt. D;
9. Victims of Crime Act (VOCA) of 1984, as amended, which prohibits discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability (34 U.S.C. § 20110(e)) and the regulation implementing the Victim of Crime Act Victim Assistance Program, 28 C.F.R. § 94.114; and
10. Violence Against Women Act (VAWA) of 1994, as amended, which prohibits discrimination in programs either funded under the statute or administered by the Office on Violence Against Women, both in employment and in the delivery of services or benefits, based on actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity (34 U.S.C. § 12291(b)(13)) (referring to the Safe Streets Act for enforcement).

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/CVSSD, the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights (OCR), or a local human rights commission; notifying the DOJ/CVSSD Complaint Coordinator of any discrimination or retaliation complaints that the subrecipient does not refer to DOJ/CVSSD; and notifying the complainant that he or she may file a complaint of discrimination or retaliation directly with DOJ/CVSSD or OCR.

DOJ/CVSSD 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/CVSSD or a DOJ/CVSSD subrecipient allegedly subjected to unlawful discrimination or retaliation by DOJ/CVSSD or a DOJ/CVSSD subrecipient based on or because of a federally protected class status, who submits a complaint to DOJ/CVSSD pursuant to this policy.

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

**Person:** A client, customer, program participant, or consumer of DOJ/CVSSD or a DOJ/CVSSD 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 Victim and Survivor 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/CVSSD or a subrecipient of DOJ/CVSSD in the delivery of services or benefits on the basis of race, color, national origin, religion, sex, disability, age, gender identity, or sexual orientation, or thinks he or she has been retaliated against by DOJ/CVSSD or a DOJ/CVSSD 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/CVSSD *Allegation of Discrimination* form which is attached as Appendix A and is available on the DOJ/CVSSD website.
    - i. If a written complaint is not submitted on the *Allegation of Discrimination* form, DOJ/CVSSD will provide the complainant a copy of the form to complete.
  - 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 or a full year, depending on the relevant statute, after the alleged act of discrimination or retaliation. DOJ/CVSSD will forward a complaint submitted later than the required time frame, however, the complainant is solely responsible for any expiration of the statute of limitations for filing the complaint.
4. An employee of DOJ/CVSSD, other than the Complaint Coordinator, who receives a complaint that an employee of DOJ/CVSSD 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 7<sup>th</sup> 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 7<sup>th</sup> 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/CVSSD shall provide periodic training on the procedures set forth in this policy to DOJ/CVSSD and subrecipient employees, including an employee's responsibility to refer discrimination and retaliation complaints to the Complaint Coordinator. DOJ/CVSSD 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/CVSSD employees. A copy of the policy will be included with the orientation materials provided to new DOJ/CVSSD employees.

A copy of this policy will be provided to all DOJ/CVSSD subrecipients. Information on the policy will be provided during all pre-application information teleconferences and will be posted on the DOJ/CVSSD 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

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State of Oregon  
Department of Justice

ALLEGATION OF DISCRIMINATION

**IMPORTANT NOTICE – PLEASE READ BEFORE FILLING OUT THIS FORM:** Filing a complaint with the Crime Victim and Survivor Services Division of the Department of Justice (CVSSD/DOJ) is voluntary. CVSSD /DOJ is not your attorney or advocate. CVSSD/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. CVSSD/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 Victim and Survivor 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"/> Gender Identity    |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Age                |
| <input type="checkbox"/> Religion        | <input type="checkbox"/> Sex                |
| <input type="checkbox"/> Disability      | <input type="checkbox"/> Sexual Orientation |
| <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 for 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

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

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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:** \_\_\_\_\_

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**For DOJ/ CVSSD 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 VICTIM AND SURVIVOR SERVICES DIVISION  
COMPLAINT COORDINATOR CONTACT INFORMATION

The current Complaint Coordinator is Shannon Sivell, Department of Justice, Crime Victim and Survivor Services Division

**Mailing Address:**

Department of Justice, Crime Victim and Survivor 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](mailto:shannon.l.sivell@doj.state.or.us)