Summary of Revisions
Revisions in bold and italics.

Purpose
To provide guidelines and procedures that allow the Ohio Department of Public Safety (DPS) to process and forward complaints alleging employment discrimination by employees or applicants of ODPS grant recipients.

Policy
A. STATEMENT OF POLICY

1. It is the policy of DPS to prohibit discriminatory employment practices against anyone employed by an ODPS grant recipient, and to ensure all employees have equal employment opportunity. It is the policy of the State of Ohio and DPS to ensure a working environment free from any discrimination and to prohibit sexual harassment of applicants, customers, clients, and employees, including discriminatory sexual advances or harassment adversely affecting an employee's terms and conditions of employment either directly or indirectly. DPS will ensure that grant recipients comply with all applicable federal laws regarding employment discrimination.

2. RETALIATION

a. Persons who believe they have been discriminated against on basis of their membership in a protected class (race, color, religion, sex, national origin, disability, age, ancestry, or military status) shall not be retaliated against in terms and conditions of employment or services for exercising their right to file a discrimination complaint or inquiry.

b. No person who participates in the investigation of a complaint, or is a witness in an investigation, or brings attention to a person in authority, of an alleged discrimination complaint shall be retaliated against.

B. DEFINITIONS

1. Discrimination: To make a distinction, show bias towards, or be prejudicial against, a person or thing on the basis of the group, class, or category to which the person or thing belongs, rather than according to actual merit.

2. Civil Rights Complaint Coordinator: Person designated by ODPS who is responsible for acknowledging discrimination complaints filed by employees or applicants of ODPS
grant recipients and forwarding them to one of the following: U.S. Equal Employment Opportunity Commission (EEOC); the U.S. Department of Justice (DOJ), Office for Civil Rights (OCR); the Ohio Civil Rights Commission (OCRC); or other appropriate agency. The ODPS EEO Manager shall be the designated Civil Rights Complaint Coordinator.

3. **Grant Recipient:** An agency or organization that receives funding from a division within ODPS, whether it is federal pass-through funding or a state grant. ODPS divisions that provide grants to agencies and organizations include the Office of Criminal Justice Services (OCJS), Ohio Emergency Management Agency (EMA) and Ohio Homeland Security (OHS), *Emergency Medical Services (EMS), and the Ohio Traffic Safety Office (OTSO).*

4. **Retaliation:** Occurs when adverse action is taken against an individual in a protected class because he or she engaged in protected activity.

5. **Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. §3789d(c)(1)):** Prohibits discrimination on the basis of race, color, religion, national origin, and sex, in regard to both employment practices and the delivery of services, in any program or activity receiving federal financial assistance under this statute as set forth in the DOJ implementing regulations (28C.F.R. Part 42, Subpart D).

6. **Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132):** Prohibits discrimination against qualified individuals with disabilities, in regard to both employment and the delivery of services or benefits, in all programs, activities, and employment and the delivery of services or benefits, in all programs, activities, and services of public entities as set forth in DOJ implementing regulations (28 C.F.R. Part 35).

7. **Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794):** Prohibits discrimination on the basis of disability, in regard to both employment and the delivery or services or benefits, in any program or activity receiving federal financial assistance as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart G).

8. **Title IX of the Education Amendments of 1972 (20 U.S.C. §1681):** Prohibits discrimination on the basis of sex, in regard to both employment and the delivery of services or benefits, in educational programs receiving federal financial assistance as set forth in the DOJ implementing regulations (20 C.F.R. Part 54).

C. COMPLAINT PROCEDURES

1. DPS shall accept and acknowledge all discrimination complaints from employees or applicants of DPS grant recipients. All discrimination allegations and complaints shall be referred to the designated DPS Civil Rights Complaint Coordinator.

2. An employee or applicant of an ODPS grant recipient may file a complaint of discrimination via e-mail to the appropriate ODPS grant coordinator or via U.S. Mail directly to the attention of the ODPS Civil Rights Complaint Coordinator (1970 West Broad Street, Columbus, OH 43223). The complaint should include the complainant's name, contact information, and a brief explanation of the alleged discrimination. If the complaint is sent to an ODPS Grant Coordinator, that employee shall forward it immediately to the ODPS Civil Rights Complaint Coordinator.

3. The Complaint Coordinator shall provide an acknowledgement of the complaint to the employee or applicant of the DPS grant recipient via e-mail or in a letter confirming the
complaint has been received. The contents of the acknowledgement response must
include information specifying the external agency to which the complaint has been
forwarded for investigation. If the complaint is against a DPS grant recipient
implementing funding from the DOJ and the ODPS is not forwarding the complaint to
the OCR, the acknowledgement response shall also notify the complainant that he / she
may file a complaint directly with the OCR at the following address:

U.S. Department of Justice (DOJ)
Office of Justice Programs
Office for Civil Rights (OCR)
810 Seventh Street NW
Washington, D.C. 20531

4. The Complaint Coordinator shall then forward the complaint to the EEOC, DOJ-OCR,
OCRC, or other appropriate agency. The complaint shall be investigated by the
appropriate agency.

5. All employees or applicants of ODPS grant recipients shall have access to these
procedures at any time via the DPS website (http://publicsafety.ohio.gov).

6. Any employee or applicant of an ODPS grant recipient may choose to file a complaint
directly with the grant recipient, EEOC, DOJ-OCR (if the grant recipient receives funding
from the DOJ), OCRC, or other appropriate agency as opposed to filing with DPS. If a
complaint is filed directly with the grant recipient or with an outside agency, once the
grant recipient becomes aware of the complaint, the grant recipient must notify the
DPS Civil Rights Complaint Coordinator of the complaint and how it is being
investigated.

D. TRAINING

1. DPS shall provide annual training for agency employees on these complaint procedures.
The training shall explain an employee's responsibility to refer discrimination
complaints from employees or applicants of DPS grant recipients to the Complaint
Coordinator. This information shall be disseminated to new DPS employees during new
employee orientation training or as appropriate. The ODPS shall also disseminate a
copy of these complaint procedures to ODPS grant recipients.

2. The current policy shall be evaluated annually to determine its effectiveness. DPS shall
make any necessary changes to ensure the complaint process is timely and efficient.

Current Form and Supplemental References

Department of Justice Informational Links:

- Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132)
- Title IX of the Education Amendments of 1972 (20 U.S.C. §1681)

OSP Standard References
None

Policy References