

Summary of Revisions

Complete Revision

Retitled to *Civil Rights complaints against DPS and DPS Grant Recipients*.

Combined DPS-501.39 *Addressing Complaints of Employment Discrimination Against ODPS Grant Recipients* and DPS-501.40 *Addressing Civil Rights Complaints from Clients*

Purpose

To provide guidelines and procedures that allow DPS to process and forward complaints alleging employment discrimination by employees or applicants of DPS grant recipients.

To provide guidelines and procedures that allow DPS to process and forward complaints alleging discrimination from clients, customers, program participants, or consumers of DPS or DPS grant recipients.

Policy

I. STATEMENT OF POLICY

- A. ***Refer to DPS-501.29 Equal Employment Opportunity for information regarding employment discrimination complaints against DPS.***
- B. It is the policy of DPS to prohibit discriminatory employment practices against anyone employed by or applying with a DPS grant recipient, and to ensure all employees and applicants 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 or applicant'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.
- C. ***All individuals have the right to participate in programs and activities operated by DPS and DPS grant recipients regardless of their membership in a protected class. DPS will make every effort to ensure DPS and its grant recipients comply with applicable provisions of Title VI of the Civil Rights Act of 1964, the Omnibus Crime Control and Safe Streets Act of 1968, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the DOJ regulations on the Equal Treatment for Faith-Based Organizations.***

II. DEFINITIONS

- A. 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.
- B. Civil Rights Complaint Coordinator (Complaint Coordinator): Person designated by DPS who is responsible for acknowledging ***civil rights*** complaints 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 DPS EEO ***Officer*** shall be the designated Complaint Coordinator.

- C. Grant Recipient: An agency or organization that receives funding from a division within DPS, whether it is federal pass-through funding or a state grant. DPS divisions that provide grants to agencies and organizations include, but are not limited to, the Office of Criminal Justice Services, Ohio Emergency Management Agency, Ohio Homeland Security, Emergency Medical Services, and the Ohio Traffic Safety Office.
- D. ***Protected Class: A group of people qualified for protection from discrimination based on age, color, disability, national origin, race, religion, or sex.***
- E. Retaliation: Occurs when adverse action is taken against an individual because he or she engaged in protected activity.
- F. ***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 (28 C.F.R. Part 42, Subpart D).
- G. 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).
- H. 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 of 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).
- I. 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).
- J. ***Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)***: Prohibits an individual from being excluded from participation in, being denied the benefits of, or being subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, or national origin as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart C).
- K. ***Age Discrimination Act of 1975 (42 U.S.C. 6102)***: Prohibits discrimination on the basis of age in the programs and activities receiving federal financial assistance as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart I). The Act, which applies to all ages, permits the use of certain age distinctions and factors other than age that meet the Act's requirements.
- L. ***DOJ regulations on the Equal Treatment for Faith-Based Organizations: Prohibits discrimination on the basis of religion in the delivery of services and prohibits organizations from using DOJ funding on inherently religious activities (28 C.F.R. Part 38).***

III. COMPLAINT PROCEDURES

- A. DPS shall accept and acknowledge all ***civil rights*** complaints from ***clients, program participants, or customers of DPS or DPS grant recipients, or*** employees or applicants of DPS grant recipients. All discrimination allegations and complaints shall be referred to the designated Complaint Coordinator.

- B. A client, program participant, or customer of DPS or a DPS grant recipient, or employee or applicant of a DPS grant recipient may file a complaint of discrimination via e-mail to the appropriate DPS grant coordinator or via U.S. Mail directly to the attention of the 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 a DPS Grant Coordinator, that employee shall forward it immediately to the Complaint Coordinator.
- C. The Complaint Coordinator shall provide an acknowledgement of the complaint to the **client, program participant, or customer of DPS or the** DPS grant recipient, or 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, **and provide information in which the complainant can contact that agency directly.** If the complaint is against DPS or a DPS grant recipient implementing funding from the DOJ and DPS 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**

- D. 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.
- E. All clients, program participants, or customers of DPS or a DPS grant recipient, or employees or applicants of a DPS grant recipient shall have access to these procedures at any time via the DPS website (<http://publicsafety.ohio.gov>).
- F. **Any client, program participant, or customer of DPS or a DPS grant recipient, or** employee or applicant of a DPS grant recipient may choose to file a complaint directly with the DOJ-OCR (if the complaint is against DPS or an DPS grant recipient implementing funding from DOJ), OCRC, the appropriate agency as opposed to filing with DPS, or directly with the grant recipient. 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 Complaint Coordinator of the complaint and how it is being investigated. **If a complaint is filed directly with an outside agency, DPS shall request that a courtesy copy be forwarded to the Complaint Coordinator by the complainant.**

IV. RETALIATION

- A. **Persons who believe they have been discriminated against on the basis of their membership in a protected class 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 shall be retaliated against.**

V. **TRAINING**

- A. DPS shall provide annual training for agency employees on these complaint procedures. The training shall explain an employee's responsibility to refer discrimination complaints to the Complaint Coordinator. This information shall be disseminated to new DPS employees during new employee orientation training or as appropriate. DPS shall also disseminate a copy of these complaint procedures to DPS grant recipients.
- B. ***Office of Criminal Justice Services' sub-granters are required to take an online civil rights training.***