



ARIZONA CRIMINAL JUSTICE COMMISSION Policy and Procedure

Subject

Procedures for Responding to
Discrimination Complaints from
Employees of ACJC's Subrecipients,
Clients, Customers, Program
Participants, or Consumers of ACJC and
ACJC Subrecipients Under US
Department of Justice Grant Programs

Policy Number

CJC- 305

Effective Date

06/22/10

Supersedes:

INTRODUCTION

This policy establishes the procedures for ACJC employees to follow when they receive a complaint alleging discrimination from employees of ACJC's subrecipients, clients, customers, program participants or consumers of ACJC or of an ACJC subrecipient implementing funding from the U.S. Department of Justice (USDOJ).

POLICY AND PROCEDURES

ACJC adheres to the policy that all individuals have the right to participate in programs and activities operated by ACJC and ACJC subrecipients regardless of race, color, national origin, sex, religion, disability, and age. To that end, ACJC will ensure that ACJC and its USDOJ-funded subrecipients are in compliance with the following statutes and regulations:

- 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;
- 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;
- 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;

- 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;
- 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
- 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.
- The 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 DOJ funding on inherently religious activities (28 C.F.R. Part 38).

These laws prohibit agencies from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

Definitions:

1. Complaint coordinator – person designated by ACJC to ensure that received complaints are acted upon in a timely manner.
2. Discrimination – unfair treatment of one person or group, usually because of prejudice about race, ethnicity, age, religion, disability or gender.
3. Retaliation – the act of harassing, threatening, demoting, firing or otherwise negatively targeting a complainant as a direct result of the discrimination complaint.

Complaint Procedures:

The complaint must be in writing and contain the following information:

1. Name of complainant
2. Contact information for complainant
3. Name of entity against whom the complaint is about
4. Contact information for entity, including name of person to contact (if possible)

5. Type of complaint (race, ethnicity, age, religion, disability or gender)
6. Date(s) of discrimination for complaint
7. Description of discrimination (what happened) to cause need for complaint

Processing Complaint Procedures

1. The Executive Director shall designate an ACJC employee who is responsible for coordinating the complaint procedures, known as the complaint coordinator.
2. The complainant may file a complaint of discrimination in writing in the format approved by ACJC.
3. The person responsible for mail distribution shall route the complaint to the complaint coordinator.
4. The complaint coordinator shall provide written acknowledgement of the complaint to the complainant with an explanation of the ACJC process and that the complainant shall be kept informed throughout the investigation.
5. If the complainant is a client, customer, program participant or consumer of ACJC or a subrecipient, the complaint coordinator shall review the complaint and forward it to the appropriate program team for further review
6. The program team shall conduct a more extensive review of the complaint which may include contacting the complainant for more details as well as the entity about whom the complaint was filed. The program team may include the ACJC representative from the Arizona Office of the Attorney General.
7. If the complainant is an employee of an ACJC subrecipient, the complaint coordinator shall review the complaint and may refer the employment discrimination complaints against a subrecipient to the U.S. Equal Employment Opportunity Commission (EEOC) or the Arizona Office of the Attorney General, Office of Civil Rights (AZ AG), the local fair employment practices agency or human rights commission or the Office for Civil Rights (OCR) Office of Justice Programs, (OJP), DOJ. If the AZ AG is either the agency about which the complaint is filed or has a conflict, the complaint shall be referred to the EEOC or the OCR.
8. ACJC shall determine if the complaint is valid and if so, the complaint shall be referred to AZ AG for investigation. If the AZAG is either the agency about which the complaint is filed or has a conflict, the complaint shall be referred to the OCR.
9. ACJC shall notify OCR in writing of the complaint:
 - a. Name of complainant
 - b. Entity named in the complaint
 - c. Description of the complaint of discrimination
 - d. Steps being undertaken to investigate and resolve complaint
10. ACJC shall notify the complainant that he/she may file a complaint with the OCR.

Notification Procedures

The Arizona Criminal Justice Commission will post discrimination policies on the ACJC policies and regulations agency board and on the ACJC web site to notify employees of ACJC subrecipients, clients, customers, program participants, and consumers of ACJC and ACJC subrecipients of prohibited discrimination. The procedures for filing a claim of discrimination with ACJC and the OCR will be posted on the web site. Additionally, copies of the discrimination policies and complaint procedures will be sent to ACJC subrecipients as part of the award documents.

Monitoring Subrecipients' Response Procedures

As part of a grant program review, staff will review the subrecipient's procedures for responding to discrimination complaints that employees of ACJC subrecipients, clients, customers, program participants or consumers have filed directly with the subrecipient. If the procedures do not exist or are found to need improvement, the report to the subrecipient will note the findings.

At a minimum, the subrecipient's response should include:

1. Acknowledge complaint receipt to complainant in writing
2. Indicate which external agency will be forwarded the complaint for investigation (ACJC, OCR, AZ AG, EEOC or local or state human rights commission)
3. Timeframe by which to forward complaint
4. Notify ACJC of any discrimination complaint not referred for investigation
5. Notify complainant that a complaint of discrimination may be filed directly with ACJC, EEOC or OCR and where to locate those procedures.

Training

ACJC will provide periodic training for all employees regarding the discrimination complaint procedures. The procedures will be placed in the ACJC Policy and Procedure Manual for access by all ACJC employees.

1. The initial complaint procedures will be disseminated to all ACJC employees and each employee will acknowledge receipt by initialing the accompanying coversheet accompanying.
2. All subsequent updates to these procedures will be reviewed by employees in the same manner as the initial procedures.
3. The updated procedures will replace outdated policies and procedures in the manual, on the ACJC web site, and the ACJC agency regulation and policy board.

ACJC will facilitate training for subrecipients through OCR. Such training may be arranged:

1. At the request of the subrecipient; or,
2. As a result of a grant program review.