



PROCESS FOR OCJS STAFF REGARDING HANDLING OF CIVIL RIGHTS COMPLAINTS FROM GRANT SUBRECIPIENTS OR CLIENTS OF SUBRECIPIENTS (APPENDIX A)

I. Purpose

To provide guidelines and procedures that allow the Ohio Office of Criminal Justice Services to process and forward complaints alleging discrimination from clients, customers, program participants, or consumers of OCJS grant recipients and OCJS that received funding from the U.S. Department of Justice (DOJ).

II. Policy

A. All individuals have the right to participate in the programs and activities operated by OCJS and OCJS grant recipients regardless of race, color, national origin, sex, religion, disability, age and (if a recipient of funds under the Violence Against Women Act) sexual orientation and gender identity.

B. Retaliation

- (1) Persons who believe they have been discriminated against on the basis of their membership in a protected class (race, color, religion, sex, national origin, disability, age, ancestry, military status, sexual orientation, and gender identity) shall not be retaliated against for exercising their right to file a discrimination complaint or inquiry.
- (2) 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.

C. OCJS will ensure that it and its subrecipients comply with the following provisions:

- (1) **Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 200d)**: 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 Department of Justice (DOJ) implementing regulations (28 C.F.R. Part 42, Subpart C).
- (2) **Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228 (c))**: prohibits recipients that receive federal funding under this statute from discriminating, either in employment practices or in the delivery of services or benefits, on the basis of race, color, religion, national origin, and sex as set forth in and the DOJ implementing regulations (28 C.F.R. Part 42, Subpart D).
- (3) **Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 79, Section 504)**: prohibits discrimination on the basis of disability, in regard to both employment and the delivery of

services or benefits, in any programs or activity receiving federal financial assistance as set forth in DOJ implementing regulations (28 C.F.R. Part 42, Subpart G).

- (4) **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 and benefits, in all programs, activities, and services of public entities as set forth in DOJ implementing regulations (28 C.F.R. Part 35). Title II applies to all state and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of state or local governments.
- (5) **Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681):** Prohibits discrimination on the basis of sex in educational programs and activities that receive federal financial assistance as set forth in and the DOJ implementing regulations (28 C.F.R. Part 54).
- (6) **Age Discrimination Act of 1975 (42 U.S.C. § 6102):** Prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance as set forth in 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.
- (7) **DOJ regulations on the Equal Treatment for Faith-Based and Other Neighborhood Organizations:** Prohibits discrimination on the basis of religion in the delivery of services and prohibits organizations from using DOJ funding on explicitly religious activities (28 C.F.R. Part 38).
- (8) **Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, as amended, 34 U.S.C. § 11182(b), and the DOJ implementing regulations, 28 C.F.R. §§ 31.202, .403 & pt.42, subpt. D** (prohibiting 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);
- (9) **Victims of Crime Act (VOCA) of 1984, as amended, 34 U.S.C. § 20110(e) and the regulation implementing the Victim of Crime Act Victim Assistance Program, 28 C.F.R. § 94.114** (prohibiting 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);
- (10) **Violence Against Women Act (VAWA) of 1994, as amended, 34 U.S.C. § 12291(b)(13)** prohibiting 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) (referring to the Safe Streets Act for enforcement)

III. Definitions

- A. **Discrimination:** To make a distinction, show bias towards, or be prejudiced 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:** Person designated by OCJS who is responsible for receiving and acknowledging discrimination complaints and forwarding them to the Office of Civil Rights (OCR), the Ohio Civil Rights Commission (OCRC), or other appropriate agency for review of the investigation to determine whether a violation was committed.
- C. **Retaliation:** occurs when adverse action is taken against an individual in a protected class because he or she is engaged in protected activity.

IV. Complaint Procedures

OCJS shall accept and acknowledge all discrimination complaints from clients, customers, program participants, or consumers of OCJS or OCJS grant recipients. All discrimination allegation and complaints shall be referred to the designated OCJS compliant coordinator.

A client, customer, program participant or consumer may file a complaint of discrimination via email to the appropriate OCJS Grant Coordinator (grant coordinator email addresses are listed on the OCJS website at www.ocjs.ohio.gov) or via U.S. Mail directly to the attention of the OCJS Civil Rights Compliant Coordinator (1970 W. Broad Street Columbus, Ohio, 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 the OCJS Grant Coordinator, that employee shall forward it immediately to the OCJS Civil Rights Complaint Coordinator.

The complaint coordinator shall provide an acknowledgement of the complaint to the clients, customer, program participant, or consumer via email or in a letter confirming the complaint has been received. The contents of the acknowledgement response must include information specifying that the complaint has been forwarded to OCR, OCRC, or other appropriate agency and provide information in which the complainant can contact that agency directly.

The complaint coordinator shall then forward the complaint to OCR, OCRC, or other appropriate agency. The complaint shall be investigated by the appropriate agency.

All clients, customers, program participants, or customers of OCJS or OCJS grant recipients shall have access to these procedures at any time via the OCJS website (www.ocjs.ohio.gov). Any client, customer, program participant, or consumer may choose to file a complaint directly with the OCR, OCRC, or the appropriate agency as opposed to filing with OCJS. If a complaint is filed directly with the outside agency, OCJS requests that a courtesy copy be forwarded to the OCJS Civil Rights Complaint Coordinator by the complainant.

V. Training

OCJS shall provide an annual training for agency employees on these complaint procedures. The training must explain an employee's responsibility to refer discrimination complaints from clients, customers, program participants, or consumers to the complaint coordinator. The information shall be disseminated to new OCJS employees during the grant training or as appropriate.

In addition, the current policy shall be evaluated by OCJS at its annual training to determine its effectiveness. If necessary, OCJS may make any necessary changes to ensure the complaint process is timely and efficient.