

PROCESS FOR OCJS STAFF AND GRANT SUBRECIPIENTS REGARDING HANDLING OF EMPLOYMENT DISCRIMINATION COMPLAINTS

I. Purpose

To provide guidelines and procedures that allow the Ohio Office of Criminal Justice Services (OCJS) to process and forward complaints alleging employment discrimination by employees of OCJS's grant recipients, who have received federal funding from the U.S. Department of Justice (DOJ).

II. Policy

- A. It is the policy of OCJS to prohibit discriminatory employment practices against anyone employed by an OCJS grant recipient, and to ensure all employees have equal employment opportunity. It is the policy of the State of Ohio and OCJS to ensure a working environment free from any discrimination on the basis of race, color, religion, sex, national origin, disability, age, and (if a recipient of funds under the Violence Against Women Act) sexual orientation and gender identity and to prohibit sexual harassment of applicants, customers, clients, employees and job applicants, including discriminatory sexual advances or harassment adversely affecting an employee's terms and conditions of employment either directly or indirectly. OCJS will ensure that grant recipients comply with all applicable federal laws regarding employment discrimination.
- 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, or military status) 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 (Title VI) of 1964, as amended, 42 U.S.C. § 2000d, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpts. C & D (prohibiting discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits);
 - (2) Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. §§ 10228(c) & 10221(a), and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpts. 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) & E (requiring certain DOJ-funded programs subject to the administrative

- provisions of the statute to prepare, maintain, and submit an Equal Employment Opportunity Plan (EEO Plan));
- (3) Section 504 of the Rehabilitation Act (Section 504) of 1973, as amended, 29 U.S.C. § 794, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. G (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits);
 - (4) Title IX of the Education Amendments (Title IX) of 1972, as amended, 20 U.S.C. § 1681, and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpt. D & pt. 54 (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);
 - (5) Title II of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12132, and the implementing regulation at 28 C.F.R. § 35.171(a)(1)(i), (3)(i) (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits);
 - (6) Age Discrimination Act (Age Act) of 1975, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits);
 - (7) 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);
 - (8) 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);
 - (9) 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);
 - (10) Executive Order 13,559, amending Executive Order 13,279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits).

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 for Civil Rights, Office of Justice Programs, U.S. Department of Justice (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 employees and job applicants. All discrimination allegation and complaints shall be referred to the designated OCJS compliant coordinator.

An employee or job applicant may file a complaint of discrimination via email to the appropriate OCJS Grant Coordinator 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.

The complaint coordinator shall provide an acknowledgement of the complaint to the employee or job applicant 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, EEOC, OCRC or other appropriate agency, and provide information in which the complainant can contact OCR 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 employees or job applicants of OCJS or OCJS grant recipients shall have access to these procedures at any time via the OCJS website (www.ocjs.ohio.gov). Any employee or job applicant 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 employees and job applicants 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.