



ARIZONA DEPARTMENT OF PUBLIC SAFETY
(AZDPS)
Crime Victim Services (CVS)
Policy and Procedure

Subject

Procedures for Responding to
Discrimination Complaints from
Employees and Clients, Customers, or
Program Participants of AZDPS CVS
Subrecipients Under U.S. Department
of Justice Grant Programs (i.e. Victims
of Crime Act – VOCA)

Civil Rights Complaint
Procedures

Effective Date
07/01/2013

Supersedes: New Procedure

INTRODUCTION

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

POLICY AND PROCEDURES

AZDPS CVS adheres to the policy that all individuals have the right to participate in programs and activities operated by AZDPS CVS and AZDPS CVS subrecipients regardless of race, color, national origin, sex, religion, disability, and age. To that end, AZDPS CVS will ensure that AZDPS CVS 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).
- The Victims of Crime Act of 1984, which states that no person shall on the grounds of race, color, religion, national origin, handicap, or sex be excluded from participation in, subject to discrimination under, or denied employment in connection with any undertaking funded in whole or in part with sums made available under this chapter (42 U.S.C. § 10604(e)).
- The State of Arizona Executive Order 2009-09, which prohibits discrimination in state contracts, and nondiscrimination in employment by government contractors and subcontractors.

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. Complainant – refers to the person or persons who initiate a complaint.
2. Complaint coordinator – person designated by AZDPS to ensure that received complaints are acted upon in a timely manner.

3. Discrimination – unfair treatment of one person or group, usually because of prejudice about race, color, national origin, age, religion, disability or sex.
4. Retaliation – the act of harassing, threatening, demoting, firing or otherwise negatively targeting a complainant as a direct result of the discrimination complaint.
5. Subrecipient – refers to an agency that receives a DOJ grant award (VOCA) that is administered by AZDPS CVS.

Complaint Procedures

Employees, clients, customers, or program participants of AZDPS CVS subrecipients who wish to file a complaint of discrimination, may file a complaint directly with the subrecipient; or with AZDPS CVS; the Arizona Office of the Attorney General, Office for Civil Rights; or the Office for Civil Rights (OCR), Office of Justice Programs, Department of Justice.

If an employee or client, customer, or program participant of an AZDPS CVS subrecipient contacts an AZDPS CVS employee and wishes to file a complaint of discrimination against an AZDPS CVS subrecipient, the AZDPS CVS employee shall instruct the complainant to submit the complaint in writing, and at a minimum, must include 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, color, national origin, age, religion, disability or sex)
6. Date(s) of discrimination for complaint
7. Description of discrimination (what happened) to cause need for complaint

Complaints received in writing will be routed to the designated AZDPS CVS complaint coordinator who shall:

1. Refer the complaint to the Arizona Office of the Attorney General, Office for Civil Rights or the Office for Civil Rights (OCR), Office of Justice Programs, Department of Justice.
2. Provide written acknowledgement of the complaint to the complainant with an explanation of the DPS-CVS process, and provide the name and contact information for the agency to which the complaint has been referred for investigation, and
3. Notify the complainant that he/she may file a complaint directly with the OCR at the following address: Office for Civil Rights; Office of Justice Programs; U.S. Department of Justice; 810 Seventh Street NW; Washington, DC 20531.

Notification Procedures

The Arizona Department of Public Safety will post these procedures on the AZDPS Crime Victim Services website to notify AZDPS CVS employees and AZDPS CVS subrecipients of the appropriate procedures for processing complaints of discrimination from employees and clients, customers, or program participants of AZDPS CVS subrecipients implementing funding from the USDOJ. The AZDPS CVS will also notify AZDPS employees outside of CVS of these procedures by posting a bulletin to the AZDPS Intranet and will notify AZDPS employees to refer complaints of discrimination from employees and clients, customers, or program participants of AZDPS CVS subrecipients to the CVS staff.

Monitoring Subrecipients' Response Procedures

As part of a grant program review, AZDPS CVS staff will review the subrecipient's procedures for responding to discrimination complaints that employees and clients, customers, or program participants of the subrecipient 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:

1. Acknowledge complaint receipt to complainant in writing.
2. Indicate which external agency will be forwarded the complaint for investigation (AZDPS CVS, AZ AG, or OCR)
3. Include the timeframe by which to forward complaint.
4. Notify AZDPS CVS of any discrimination complaint not referred to the AZDPS for investigation.
5. Notify complainant that a complaint of discrimination may be filed directly with AZDPS; Arizona Office of the Attorney General; or Office for Civil Rights, Office of Justice Programs, Department of Justice; and where to locate those procedures.

Training

AZDPS CVS will provide periodic training for all AZDPS CVS employees regarding the discrimination complaint procedures. The procedures will be placed in the AZDPS-VOCA Guidelines for access by all AZDPS CVS employees and subrecipients.

1. The initial complaint procedures will be disseminated to all AZDPS CVS employees and each employee will acknowledge receipt by initialing the accompanying coversheet.
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 AZDPS-VOCA Guidelines and on the AZDPS CVS website.

AZDPS CVS will facilitate civil rights training requirements for subrecipients. Such training may be arranged:

1. Prior to submitting an application for AZDPS-VOCA grant funding;
2. Within 90 days of an AZDPS-VOCA grant award;
3. As a result of grant program review by AZDPS CVS; or
4. At the request of the subrecipient; and
 - o Provided in conjunction with other grant management training or
 - o Completed online via the Arizona Criminal Justice Commission [Civil Rights Training Website](#). Upon completion, the subrecipient shall email AZDPS CVS at azvictims@azdps.gov and include their name, agency name, and a copy of their training transcripts from the training website.