



# DCJS

Virginia Department of Criminal Justice Services

## **Procedures for Responding to Employment and Services Discrimination Complaints**

### **Purpose**

As a recipient of federal financial assistance from the U.S. Department of Justice (DOJ), the Department of Criminal Justice Services (DCJS) is committed, as a matter of principle, and in conformance with applicable federal laws, to prohibiting discrimination. Accordingly, this document establishes written procedures for (1) individuals to follow in filing an employment or services discrimination complaint with DCJS; and (2) DCJS employees to follow when they receive complaints alleging employment or services discrimination from customers, program participants, of the DCJS or of a DCJS applicant or sub-recipient receiving federal financial assistance from the DOJ.

### **Federal Civil Rights Laws**

DCJS directs that all transactions, and the operation of all DCJS and DOJ-funded sub-recipient programs, activities, and services, will not discriminate or retaliate on the basis of race, color, religion, national origin, sex, age, or disability. Harassment on any of the above-stated grounds is a form of prohibited discrimination. These procedures apply to all employees of DCJS and its DOJ-funded sub-recipients.

DCJS, its contractors, and agency sub-recipients receiving funds from the DOJ have the obligation to comply with the following federal civil rights laws:

- 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 prohibits discrimination on the basis of sex in education programs and activities (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54;
- 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; and
- 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 for inherently religious activities (28 C.F.R. Part 38).
- The Juvenile Justice and Delinquency Prevention Act of 1974, as amended, which prohibits discrimination in both employment and the delivery of services or benefits based on race, color, national origin, religion, and sex in JJDP A-funded programs or activities (42 U.S.C. § 5672(b)).
- Section 1407 of the Victims of Crime Act (VOCA), as amended, which prohibits discrimination in both employment and the delivery of services or benefits on the basis of race, color, national origin, religion, sex, and disability in VOCA-funded programs or activities. (42 U.S.C. § 10604).

## **Definitions**

A. “A person with a disability” means any person who:

1. has a physical or mental impairment that substantially limits one or more of such person’s major life activities;
2. has a record of such an impairment;
3. is regarded as having such an impairment; or
4. is otherwise deemed disabled under applicable federal law.

B. “Complainant” refers to the person or persons who initiate a complaint.

C. “Harassment” is a form of behavior that is characterized by conduct: (1) based on race, sex, disability, color, religion or national origin AND (2) if sufficiently severe, persistent, or pervasive could reasonably be expected to create an intimidating, hostile, or offensive working or learning environment.

D. “Respondent” is the person or persons against whom a complaint has been initiated.

E. “Retaliation” refers to adverse actions by an employer because an individual engaged in a protected activity, such as opposing a discriminatory practice or participating in a discrimination complaint process.

## **Complaint Procedures**

### **FILING A COMPLAINT**

A person who believes he/she has been harassed or been subject to discriminatory treatment by a DOJ-funded sub-recipient because of race, color, national origin, sex, age, religion, or disability, or has been retaliated against for engaging in protected activity, is urged to file a complaint through the Civil Rights Officer.

Civil Rights Officer  
Department of Criminal Justice Services  
1100 Bank Street  
Richmond, VA 23219

Generally, formal complaints must be filed with the Civil Rights Officer within 180 calendar days of the alleged act of discrimination. If the complaint is not filed on time, the complainant should provide the reason for the delay and request a waiver of this filing requirement. DCJS will decide whether to grant the waiver. The complaint must be filed in writing either by regular mail, in an email.

The DCJS Civil Rights Officer will refer all complaints to an external agency, such as the Office of Justice Program (OJP), Office for Civil Rights, (OCR) for investigation and resolution. DCJS will notify the external agency in writing of any referral within 30 calendar days of receipt of the complaint. The complainant will also be notified of the referral in writing.

If you are an employee of the Commonwealth of Virginia, and feel that you have been discriminated against, please contact your Human Resource Officer and follow the Commonwealth’s procedures for filing a complaint. Refer to the following web address for the form and instructions: <http://www.dhrm.virginia.gov/statefrm/discrimfrm.pdf>

### **Referral of Complaint to Civil Rights Officer**

If an employee of DCJS other than the Civil Rights Officer receives a discrimination complaint from a client, customer, program participant, or employee of a DOJ-funded sub-recipient, he/she must submit the complaint to the Civil Rights Officer within 10 business

days of receiving the complaint. Furthermore, DCJS will provide the client, customer, program participant, or employee of the DOJ-funded sub-recipient with a written notice acknowledging receipt of the complaint and explaining that the complaint will be forwarded to the proper personnel.

A DCJS sub-recipient receiving DOJ funds shall advise the Civil Rights Officer of any employment or services discrimination complaint filed against it within 10 business days of receiving the complaint.

### **External Agencies**

These procedures are not intended to impair or limit the rights of anyone to seek a remedy available under state or federal law. As an alternative or in addition to filing a complaint with DCJS, an individual may wish to file a complaint directly with an external agency for investigation, such as a local or state human rights commission.

The Commonwealth of Virginia has the following agency that reviews complaints alleging conduct which violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, or disability:

Human Rights Council  
1220 Bank Street,  
Jefferson Building, 3<sup>rd</sup> Floor  
Richmond, VA 23218

As previously stated, Federal laws prohibit recipients of Justice Department funding from discriminating against individuals or groups, either in employment or in the delivery of services or benefits, on the basis of race, color, national origin, religion, sex, age, or disability. Below is the contact information for the office in the Department of Justice that investigates complaints:

Office of Civil Rights  
Office of Justice Programs  
US Department of Justice  
810 7<sup>th</sup> Street NW  
Washington, DC 20531

## **Complaint Evaluation, Investigation, and Resolution Process**

### **EVALUATION OF THE COMPLAINT**

DCJS will dismiss the complaint if the following is determined:

- The complaint was not filed timely and a waiver will not be granted;
- The complaint is unclear or incomplete and the complainant does not provide the information that DCJS requests within 20 calendar days of the request; or
- The allegations raised by the complaint have been resolved.

### **Procedure Dissemination**

These procedures will be made available to all DCJS employees responsible for managing and monitoring grants and all program employees of DOJ-funded sub-recipients. Procedures for filing complaints will be included with sub-grant award information materials as well as made available on the DCJS website. Non-discrimination clauses will also be incorporated in all agreements, award packets, and contracts which operate with the DCJS. Furthermore, all sub-recipients of the DCJS must acknowledge reviewing the policy by initialing a special condition before receipt of their award.

### **Training**

DCJS will provide training for agency employees on the Non-Discrimination Policy periodically. The training will include an overview of complaint policies and procedures, including an employee's responsibility to refer discrimination complaints to the Civil Rights Officer. Also, grant monitors will provide training to the assigned sub-recipients providing an overview of compliant policies and procedures.