

**PROCEDURES FOR RESPONDING TO EMPLOYMENT AND SERVICES
DISCRIMINATION COMPLAINTS FOR IDAHO STATE POLICE PLANNING,
GRANTS, AND RESEARCH SUBGRANTEES
(Updated June 2020)**

I. PURPOSE.

The purpose of this procedure is to provide written guidelines for Idaho State Police (ISP) Planning, Grants, and Research (PGR) employees when they receive a complaint alleging employment or services discrimination from employees, applicants, clients, customers, program participants or consumers of a PGR subgrantee implementing funding from the U.S. Department of Justice (DOJ).

ISP is designated as the State Administering Agency (SAA) for specific federal grants awarded by DOJ. These grants include the Edward Byrne Memorial Justice Assistance Grant, the STOP Violence Against Women Grant, the Sexual Assault Services Program, and the Residential Substance Abuse Treatment Grant. These grants are managed by PGR and passed through to state, local, and tribal governments, as well as faith-based and non-profit organizations (referred to in these procedures as external PGR subgrantees). Several ISP departments also receive DOJ pass-through funds (referred to in these procedures as internal ISP subgrantees).

II. POLICY.

All individuals have the right to participate in programs and activities operated by PGR and PGR subgrantees, regardless of actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, gender identity and age. All complaints of discrimination, regardless of where reported or from whom, are taken seriously. PGR will ensure that they and their subgrantees are in compliance with the following statutes and regulations:

- 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);
- 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);
- 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);
- 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);

- 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);
- The Omnibus Crime Control and Safe Streets Act of 1968, as amended, 34 U.S.C. §§ 10228(c) and 10221(a), and the DOJ implementing regulations at 28 C.F.R. Part 42, subparts 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) and E, (requiring certain DOJ-funded programs subject to the administrative provisions of the statute to prepare, maintain, and submit an Equal Employment Opportunity Plan (EEOP));
- The Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, as amended, 34 U.S.C. § 11182(b), and the DOJ implementing regulations at 28 C.F.R. §§ 31.202, .403 and pt.42, subpart 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);
- The 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);
- The 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); and
- 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 (Part 38) (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits).

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

III. VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The

new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The Office for Civil Rights (OCR) and the Office on Violence Against Women (OVW) have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

This section is only applicable to STOP Violence Against Women Grant and Sexual Assault Services Program subgrantees.

IV. COMPLAINT PROCEDURE: EXTERNAL PGR SUBGRANTEES.

1. Any employee, applicant, client, customer, program participant or consumer of an external PGR subgrantee may report allegations of discrimination or retaliation.

2. Allegations of discriminatory or retaliatory conduct by an external PGR subgrantee should be reported in writing, via regular U.S. mail or email, to PGR's Grants and Contracts Management Supervisor:

Grants and Contracts Management Supervisor
ISP Planning, Grants, and Research
700 S. Stratford Drive
Meridian, Idaho 83642
pgr@isp.idaho.gov

3. The complaint of discrimination or retaliation by an external PGR subgrantee must include:

- a. The complaining party's name, address, telephone number, and email address;
- b. An explanation of the conduct complained of, identity of the subgrantee and individuals involved, including any witnesses to that conduct, and where and when such conduct occurred; and
- c. Specify the protected class that is the basis of the complaint (e.g. race, religion, sexual orientation).

4. Within 10 working days of PGR's receipt of an employment discrimination complaint, the PGR Grants and Contracts Management Supervisor will refer it to the U.S. Equal Employment Opportunity Commission at the following address:

U.S. Equal Employment Opportunity Commission
San Francisco District Office
350 The Embarcadero, Ste. 500
San Francisco, CA 94105-1260

5. Within 10 working days of PGR's receipt of a services discrimination complaint, the PGR Grants and Contracts Management Supervisor will refer it to DOJ, Office of Justice Programs, OCR at the following address:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street, N.W.
Washington, DC 20531

A complainant may also file a written complaint directly with OCR. The PGR Grants and Contracts Management Supervisor will also serve written notice to the complaining party, via regular US mail or email, that the report was received and forwarded to OCR. Notice is effective upon date of postmark or transmission of email. PGR will not investigate any complaints of discrimination.

6. Allegations of discrimination or retaliation may be reported by the victim or by other persons aware of the discriminatory or retaliatory behavior.

7. The complaint should be made as soon as possible upon the occurrence of the discriminatory or retaliatory behavior. Generally, complaints must be filed within 180 days or one (1) year from the date of the alleged discrimination, depending on the terms of the relevant statute.

8. If the allegation involves a pattern of discriminatory or retaliatory behavior, the complaint should be made as soon as possible. As stated above, generally, complaints must be filed within 180 days or one (1) year from the date of the most recent occurrence, depending on the terms of the relevant statute

9. The complaint will be handled through the most confidential and direct means possible.

10. If a complaint alleging discrimination or retaliation is received by a subgrantee, the subgrantee may investigate and respond directly to the complaining party in writing, refer the report to PGR or refer the report directly to OCR. Whichever option the subgrantee chooses, notification must be sent to the complaining party in writing, via regular U.S. mail or email, within 10 working days. If the complaint is referred to OCR, a copy of the complaint must be forwarded to PGR.

V. COMPLAINT PROCEDURE: INTERNAL ISP SUBGRANTEES.

1. Any employee, applicant, client, customer, program participant or consumer of an internal ISP PGR subgrantee may report allegations of discrimination or retaliation.

2. Allegations of discriminatory or retaliatory conduct by an internal ISP PGR subgrantee should be reported to:

Idaho State Police
Human Resources
700 S. Stratford Drive
Meridian, Idaho 83642
(208) 884-7317

3. Any necessary investigation is conducted in accordance with ISP procedure 03.01 Incident Review and Administrative Investigation.

4. All ISP employees receive annual discrimination training which they attest to as part of the employee evaluation process. Documentation is maintained in each employee folder according to ISP procedure 03.18 Sexual Harassment and Illegal Discrimination.

5. A complainant may also file a written complaint directly with OCR at the address listed in Section IV (5.) of this procedure.

VI. PROCEDURE DISSEMINATION.

This procedure is posted on the OCR page of the PGR website (<http://www.isp.idaho.gov/pgr/>) and under the Administrative Guide document category in the PGR Grants Management System (GMS). Subgrantees are required to confirm knowledge of this procedure as a condition of their subgrantee award. The Federal Civil Rights Compliance Checklist is incorporated into ISP's monitoring plan and addresses written subgrantee policies and procedures for responding to discrimination complaints that employees, applicants, clients, customers, program participants or consumers file directly with the subgrantee. The Grants and Contracts Management Supervisor provides information to PGR grant managers on their responsibilities under this subgrantee discrimination procedure.