

**PROCEDURES FOR RESPONDING TO EMPLOYMENT AND SERVICES DISCRIMINATION
COMPLAINTS FOR IDAHO STATE POLICE PLANNING, GRANTS, AND RESEARCH
SUBGRANTEES**

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 race, color, national origin, sex, religion, disability or 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 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 2 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 education programs (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 on inherently religious activities (28 C.F.R. Part 38).

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 US mail or email, to PGR's Grants/Contracts Management Supervisor:

Grants/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;
and

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.

4. Within 10 working days of PGR's receipt of an employment discrimination complaint, the PGR Grants/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
Suite 500
San Francisco, CA 94105-1260

5. Within 10 working days of PGR's receipt of a services discrimination complaint, the PGR Grants/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/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, but generally must be made within one (1) year.

8. If the allegation involves a pattern of discriminatory or retaliatory behavior, the complaint should be made as soon as possible, but generally must be made within one (1) year from the date of the most recent occurrence.

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 US 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 III.5. of this procedure.

VI. PROCEDURE DISSEMINATION.

This procedure is posted on the OCR page (under Resources) of the PGR website (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/Contracts Management Supervisor provides information to PGR grant managers on their responsibilities under this subgrantee discrimination procedure.