



CRIMINAL JUSTICE COMMISSION GRANTEE CIVIL RIGHTS COMPLIANCE



Pursuant to *Department of Justice Grants and Cooperative Agreements: Statutes and Regulations related to Civil Rights and Nondiscrimination*, this policy is to establish:

1. Procedures for responding to discrimination complaints from employees and applicants for employment of grantees and sub-grantees receiving funding from the U.S. Department of Justice
2. Procedures for Responding to Service Discrimination Complaints from Clients, Customers, Consumers, or Participants against Oregon Criminal Justice Commission Grant Sub-recipients Funded by U.S. Department of Justice.

The Criminal Justice Commission (CJC) strives to create an inclusive environment that welcomes and values the diversity of the people we serve. The agency fosters fairness, equity, and inclusion to create a workplace environment where everyone is treated with respect and dignity.

SECTION 1: COMPLAINT ALLEGING EMPLOYMENT DISCRIMINATION

1.1 Policy

Employees and applicants for employment of grantees and sub-grantees shall be treated equally regardless of race, color, religion, gender, disability, physical stature, age, national origin, sexual orientation, marital status, political affiliation, personal experience with the justice system, or gender identity and expression.

It is a discriminatory or prohibited employment practice to refuse to hire, promote, discharge, demote, terminate, or to retaliate against or to discriminate in matters of compensation or in terms, privileges, and conditions of employment against any persons otherwise qualified, because of race, color, sex, pregnancy or pregnancy-related conditions, age (40 and over), religion, national origin, or disability.

No person shall intimidate, threaten, coerce, discriminate, or retaliate against an individual for taking action or participating in an action to secure rights protected by these laws.

The CJC will address complaints to ensure compliance with applicable state and federal laws regarding employment discrimination.

1.2 Complaint Procedure

CJC and grantees will provide the Civil Rights Discrimination by Grantee Complaint Form (“Form”) and contact information for the Complaint Coordinator to any person who raises civil rights compliance by grantee concerns.

1. Employment discrimination complaints against grantees or sub-grantees may be filed using the Form.
2. Individuals who have questions about the complaint process or need assistance with the complaint paperwork may contact the Complaint Coordinator.

3. A complainant must submit a completed Form to the Complaint Coordinator at cjcgrants@oregon.gov or mail at:

Criminal Justice Commission
Attn: Complaint Coordinator
885 Summer St NE
Salem, Oregon 97301

Note: A complainant may request assistance from CJC to complete the Form or through dictation if a disability impairs the ability to file a complaint.

CJC employees who receive a discrimination complaint will forward the complaint to the Complaint Coordinator to be addressed.

5. The complaint should be submitted as soon as possible but no later than sixty (60) days following the alleged offense. The date the Form is received by CJC will be considered the filing date.
6. The Complaint Coordinator will provide a copy of the complaint to the Executive Director. The Executive Director and Complaint Coordinator will evaluate whether the complaint alleges a valid claim against a grantee or sub-grantee.
 - a. If a complaint's validity cannot be determined, it may be forwarded to the United States Department of Justice Office of Civil Rights (OCR) for preliminary review.
 - b. The Complaint Coordinator will administratively close the complaint if it is determined that it does not contain a claim of employment discrimination by a CJC grantee or sub-grantee.
7. Within ten (10) calendar days of receiving a complaint, the Complaint Coordinator will notify the complainant about the status of the complaint, specifically whether the complaint has been referred to BOLI, the OCR or been administratively closed.
8. Complaints that allege a violation of federal civil rights law are forwarded to the Oregon Civil Rights Division:

Oregon Civil Rights Division,
Bureau of Labor and Industries
800 NE Oregon St., Suite 1045
Portland, Oregon 97232

~ and/or ~

Office of Justice Programs
U.S. Department of Justice
810 7th Street NW
Washington, DC 20531

Note: If the complaint is referred to BOLI or the OCR, the Complaint Coordinator shall notify the complainant of the contact information for BOLI or OCR and the date the complaint is considered filed.

1.3 Grantee and Sub-grantee Obligations

Grantees and sub-grantees must review this policy and certify compliance with Civil Rights laws upon acceptance of a CJC grant award. Procedures must be in place for responding to discrimination complaints alleging employment discrimination filed directly with the grantee. At a minimum, these processes should include forwarding the Form to the Complaint Coordinator.

Criminal Justice Commission
Tiffany Quintero, Complaint Coordinator
885 Summer St NE
Salem, Oregon 97301
Tiffany.Quintero@oregon.gov

SECTION 2: COMPLAINT ALLEGING CLIENT/CUSTOMER DISCRIMINATION

2.1 Policy

Clients, customers, participants, or consumers of services provided by grantees and sub-grantees shall be afforded an equal opportunity to participate in programs and activities regardless of race, color, religion, gender, disability, physical stature, age, national origin, sexual orientation, marital status, political affiliation, personal experience with the justice system, or gender identity and expression.

It is a discriminatory delivery of services to exclude an individual from participation in, deny the benefits to or subject an individual to discrimination under any DOJ-funded program or activity based upon race, color, national origin, sex, religion, age, or disability.

No person shall intimidate, threaten, coerce, discriminate, or retaliate against an individual for taking action or participating in an action to secure rights protected by these laws.

Compliance with all applicable state and federal laws regarding discrimination is required as a condition of funding.

Civil Rights Laws: Apply to any entity that receives an award of federal financial assistance – regardless of which federal agency awards the grant or cooperative agreement – and encompass the "program or activity" funded in whole or in part with the federal financial assistance.¹

- *28 C.F.R. Part 42, Subpart C and D Section 601 of Title VI of the Civil Rights Act of 1964* (42 U.S.C. § 2000d): “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”
- *28 C.F.R. Part 42, Subpart G Section 504 of the Rehabilitation Act of 1973* (29 U.S.C. 794): “No otherwise qualified individual with a disability in the United States, as defined in [29 U.S.C. 705(20)], shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance... .”
- *28 C.F.R. Part 42, Subpart D; 28 C.F.R. part 54 Section 901 of Title IX of the Education Amendments of 1972* (20 U.S.C. 1681): "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."
- *28 C.F.R. Part 42 Subpart I Section 303 of the Age Discrimination Act of 1975* (42 U.S.C. 6102): "No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance."

¹Department of Justice Office of Justice Programs (2017). *Department of Justice Grants and Cooperative Agreements: Statutes and Regulations related to Civil Rights and Nondiscrimination*. Retrieved August 16, 2017, from <https://ojp.gov/about/ocr/statutes.htm>.

Nondiscrimination provisions: apply to all CJC federal financial awards.

- *28 C.F.R. Part 42, Subpart D Section 815(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968* (codified at 42 U.S.C. 3789d(c); see also 42 U.S.C. 5672(b)): "No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this chapter."
- *28 C.F.R. Part 94, Subpart B Section 1407(e) of the Victims of Crime Act of 1984* (codified at 42 U.S.C. 10604(e)): "No person shall on the ground of race, color, religion, national origin, handicap, or sex be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under this chapter."
- *28 C.F.R. Part 38 Partnerships with Faith-Based and Other Neighborhood Organizations*: No person or organization shall be discriminated against on the basis of religion in the delivery of services or benefits, and ensures that faith-based or religious organizations are able to participate in such programs on an equal basis with other organizations.

The CJC will address complaints to ensure compliance with applicable state and federal laws regarding violations to these laws and regulations.

2.2 Complaint Procedures

CJC and grantees will provide the Civil Rights Discrimination by Grantee Complaint Form ("Form") and contact information for the Complaint Coordinator to any person who raises civil rights compliance by grantee concerns.

1. Employment discrimination complaints against grantees or sub-grantees may be filed using the Form.²
2. Individuals who have questions about the complaint process or need assistance with the complaint paperwork may contact the Complaint Coordinator.
3. A complainant must submit a completed Form to the Complaint Coordinator at cjcgrants@oregon.gov or mail at:

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CJC employees who receive a discrimination complaint will forward the complaint to the Complaint Coordinator to be addressed.

5. The complaint should be submitted as soon as possible but no later than sixty (60) days following the alleged offense. The date the Form is received by CJC will be considered the filing date.

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6. The Complaint Coordinator will provide a copy of the complaint to the Executive Director. The Executive Director and Compliant Coordinator will evaluate whether the complaint alleges a valid claim against a grantee or sub-grantee.
 - a. If a complaint's validity cannot be determined, it may be forwarded to the United States Department of Justice Office of Civil Rights (OCR) for preliminary review.
 - b. The Complaint Coordinator will administratively close the complaint if it is determined that it does not contain a claim of employment discrimination by a CJC grantee or sub-grantee.
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