



**Responding to Discrimination Complaints
from Clients, Program Participants, Employees and/or
Consumers of Agencies that Receive Grant Funds from DCJ**

Revised February 2018



Purpose

The intent of this policy is to ensure that agencies which receive grant funds from the Division of Criminal Justice (DCJ) do not discriminate against any client, customer, program participant, employee or consumer based on race, color, religion, sex, national origin, age, English proficiency, or physical or mental disability. In addition, this policy further ensures that agencies which receive grant funds under the Violence Against Women Act (VAWA) of 1994, as amended, do not discriminate against any such participant based on sexual orientation or gender identity.

The Colorado Department of Public Safety has a policy that addresses internal complaints from DCJ employees and/or from any person who decide to file a discrimination complaint against DCJ. Therefore, this policy does not address internal complaints from employees or complaints against DCJ from a person outside of the agency. The Colorado Department of Public Safety (CDPS) has a department wide policy for responding to those complaints.

Complying with Laws and Policies that Prohibit Discrimination

The Colorado Division of Criminal Justice (DCJ) shall comply with all applicable federal and state laws, rules and regulations prohibiting discrimination.

DCJ shall appropriately address all complaints from any person who believes that a DCJ grantee has discriminated against them in violation of federal and/or state law or regulation either in employment or in the delivery of services or benefits.

Federal law and regulations prohibit discrimination against individuals or groups, either in employment or in the delivery of services or benefits on the basis of age, race, color, national origin, religion, sex, sexual orientation, gender identity, English proficiency, or disability.

State law prohibits discrimination in the areas of employment, housing, credit, public accommodations, and education. Under Colorado law, discrimination and different treatment are illegal if based on race, color, creed, national origin, religion, sex, sexual orientation, gender identity, pregnancy, physical disability, mental disability, retaliation (because of filing a previous discrimination complaint, participating in an investigation of a discrimination complaint, or having opposed discriminatory conduct), age (in employment and credit), familial status (in housing and credit) or marital status (in credit).

Policy

All employees, job applicants, clients, customers, program participants, and consumers of DCJ and its grantees shall be treated equally regardless of race, color, religion, sex, national origin, age, English proficiency, or physical or mental disability, as well as, if said agency is a grantee under VAWA, sexual orientation or gender identity.

DCJ will monitor its grantees for compliance with the following statues 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 (34 U.S.C. §§ 10228(c) and 10221(a)), 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.
- 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 (prohibiting discrimination in federally assisted social service programs based on **religion** in the delivery of services or benefits).
- The Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. § 11182(b));
- The Victims of Crime Act of 1984 (34 U.S.C. § 20110(e) and the DOJ implementing regulations (as applicable).
- 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) (as applicable).
- Employment anti-discrimination laws are found at: Colorado Revised Statutes (C.R.S.) § 24-34-401 et. seq. (Discriminatory or unfair employment practices, Prohibition of discrimination – pregnancy, childbirth, and related conditions, unlawful prohibition of legal activities as a condition of employment, unlawful action against employees seeking protection, time limits on filing charges, charges by employers and others, relief authorized- short title, and ruling on unemployment benefits not a bar.)
- Housing anti-discrimination laws are found at: Colorado Revised Statutes (C.R.S.) § 24-34-501 et. seq. (Unfair housing practices prohibited, unfair or discriminatory housing practices against individuals with disability prohibited, refusal to show housing, time limits on filing of charges, charges by other persons, enforcement by the attorney general, enforcement by private persons, probable cause, conciliation agreements, injunctive relief, relief authorized, and enforcement sought by commission).
- Public Accommodations anti-discrimination laws are found at: Colorado Revised Statutes (C.R.S.) § 24-34-601 et. seq. (Discrimination in places of public accommodation, penalty and

civil liability, jurisdiction of county court-trial, time limits on filing of charges, relief authorized)

- Courts have interpreted Title VI's prohibition of discrimination on the basis of national origin to include discrimination based on **English proficiency**. Under Title VI (and the Safe Streets Act), recipients are required to provide **LEP** individuals with meaningful access to their programs and services. Providing "meaningful access" will generally involve some combination of services for oral interpretation and written translation of vital documents.

All grantees will be notified through the Grant Agreement that discrimination in the provision services and activities is prohibited.

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

Definitions

Discrimination: Discrimination refers to the treatment or consideration of, or making a distinction in favor of or against, a person based on the person's group, class, or category (including race, color, national origin, gender, age, sexual orientation, gender identity, religion, English proficiency, or disability) to which that person belongs rather than on individual merit. There are various federal and state laws and rules that further describe specific types of discrimination.

Grantees: Any government or agency (profit or non-profit) that receives federal or state grant funds from or through the Colorado Division of Criminal Justice.

Complaint Procedures

Any person who feels he or she has been discriminated against, either in employment or in the delivery of services or benefits, because of age, race, color, creed, national origin, religion, sex, sexual orientation, gender identity, pregnancy, physical disability, mental disability, English proficiency or retaliation has the right, and is encouraged, to file a written complaint with the Colorado Civil Rights Division, or the Office for Civil Rights in the U.S. Department of Justice (DOJ), or both, whichever is appropriate.

Complaints of discrimination must generally be filed within 180 days or 1 year from the date of the alleged discrimination, depending on the terms of the relevant statute.

Due to the specialization of investigating civil rights complaints, persons initiating discrimination complaints regarding a DCJ grantee will be referred to the Colorado Civil Rights Division and the Office for Civil Rights (OCR), Office of Justice Programs, Department of Justice (DOJ) if the agency receives federal funds from DOJ.

The DCJ director is responsible for the administration and enforcement of this policy and is the designated person to receive discrimination complaints; however, the DCJ director has authorized the following DCJ employees to also receive civil rights complaints regarding DCJ

grantees: Office of Adult and Juvenile Justice Assistance (OAJJA) Manager, Office for Victims Programs (OVP) Grant Administrator, and DCJ Grant Coordinator.

How to Write a Complaint:

1. In writing a discrimination complaint, you must identify **issues** and **bases** clearly.
 - Issues are the 'acts of harm' you suffered as result of the decision makers discriminatory or retaliatory intent or animus.
 - Bases are the basis up which the act of harm occurred.
2. All complaints must be signed and dated.
3. Name of the person providing the written complaint
4. Address and phone number of the person initiating the call
5. Agency that the complaint is against
6. Name of the party(ies) against whom the complaint is made
7. General description of the complaint
8. Any witnesses to the event/behavior
9. Agencies that the complainant was instructed to contact

Division Director Joe Thome	700 Kipling Street Suite 1000 Lakewood, CO 80215	Joe.Thome@state.co.us	303-239-4615
OAJJA Manager Meg Williams	“	Meg.Williams@state.co.us	303-239-5717
OVP Manager Kelly Kissell	“	Kelly.Kissell@state.co.us	303-239-4437
DCJ Grant Coor. Lyndsay Clelland	“	Lyndsay.Clelland@state.co.us	303-239-4550

When any DCJ employee receives an inquiry about a discrimination complaint regarding a DCJ grantee either by phone or through a written correspondence, the employee should refer the caller or provide the written correspondence to one of the designated DCJ representatives listed above.

A designated DCJ representative will discuss the concern(s) with the complainant and refer the complainant to the Colorado Civil Rights Division and the Office for Civil Rights (OCR), Office of Justice Programs, DOJ if the agency receives federal DOJ funds. The designated DCJ representative will provide the caller with the contact information for the relevant agencies (listed at the end of this document.) A follow-up letter will be sent to the complainant acknowledging what agency(ies) the complainant was referred to in the phone call or written correspondence.

The following information, if available, will be documented on the Civil Rights Complaint Log:

- Date and time the complaint was received
- Name of the person initiating the call or providing the written complaint
- Address and phone number of the person initiating the call
- Agency that the complaint is against
- Name of the party(ies) against whom the complaint is made
- General description of the complaint
- Any witnesses to the event/behavior
- Agencies that the complainant was instructed to contact
- Date of letter that was sent to the complaint

When a complainant contacts DCJ via written correspondence, including electronic correspondence, the original complaint will be forwarded to the appropriate federal and/or state civil rights agencies, the information will be logged in the Civil Rights Complaint Log, and a letter will be sent to the complainant indicating what agency(ies) the complaint was forwarded to and encourage the complainant to contact that agency(ies) directly. Contact information for the agency will be provided in the letter. A copy of the complaint and the letter sent to the complainant will be retained by DCJ. The Civil Rights Complaint log and electronic copies of all written correspondence will be located on the DCJ SharePoint site.

When a grantee agency contacts DCJ to inform them that they have received a discrimination complaint that was referred to the Colorado Civil Rights Commission and the Office for Civil Rights (OCR), Office of Justice Programs, DOJ, if the agency receives federal DOJ funds, this information will also be reported in the DCJ Civil Rights Complaint log.

Resource Information on Filing Civil Rights Complaints

Colorado Civil Rights Division
1560 Broadway, Suite 1050
Denver, Colorado 80202
Phone: 303-894-2997
Hotline Español: 720-432-4294
1-800-262-4845 (toll-free number)
Fax: 303-894-7830
E-Mail: ccrd@dora.state.co.us
Website: <https://www.colorado.gov/pacific/dora/civil-rights>

If you are an individual with a disability and require an accommodation in order to access CCRD's services, please call 303-894-2997 (local), 800-262-4845 (voice), 711 TTD - Relay, Hotline Español: 720-432-4294, send an email to dora_CCRD@state.co.us, or request an accommodation in person at CCRD's office.

Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice
810 7th Street, N.W.
Washington, DC 20531
Phone: 202-307-0690

Fax: 202-616-9865
TDD/TTY: 202-307-2027
E-Mail: askOCR@ojp.usdoj.gov
Website: <http://www.ojp.usdoj.gov/about/offices/ocr.htm>

U.S. Equal Employment Opportunity Commission

3300 North Central Avenue, Suite 690
Phoenix, AZ 85012-2504
Phone: 1-800-669-4000
TTY: 800-669-6820
E-Mail: info@eeoc.gov
Website: <http://www.eeoc.gov/>

Responsibilities of DCJ

DCJ will notify its grantees of the procedures for filing a discrimination complaint with the Colorado Civil Rights Commission and/or the Office for Civil Rights (OCR), Office of Justice Programs, DOJ through the certificated assurances as part of the Statement of Grant Award/Grant Agreement. Grantees will be required to provide this information to their clients, program participants, consumers, and employees by placing posters in their facilities, including the information in their program materials, and/or including the information on their websites.

DCJ will notify grantees that they must have procedures in place for responding to discrimination complaints that clients, program participants, employees, or consumers file directly with the grantee. These procedures must include a process that ensures:

- That any written complaint received by the agency will be forwarded in writing to the Colorado Civil Rights Commission and/or the Office for Civil Rights (OCR), Office of Justice Programs, DOJ if the agency receives federal DOJ funds;
- That any person who verbally provides information to the agency staff will be referred to the Colorado Division of Civil Rights and the Office for Civil Rights (OCR), Office of Justice Programs, DOJ if the agency receives federal DOJ funds;
- The complainant is informed that he or she may file a complaint of discrimination directly with the Colorado Civil Rights Commission and the Office for Civil Rights (OCR), Office of Justice Programs, DOJ;
- That information is provided to the complainant that agencies are prohibited from retaliating against an individual for taking action or participating in action to secure rights protected by these laws and if a person feels that a retaliatory event occurred as a result of an action to secure these rights, the person should immediately contact the Colorado Civil Rights Commission and the Office for Civil Rights (OCR), Office of Justice Programs, DOJ if the agency receives federal DOJ funds; whichever is appropriate.
- That the agency will notify DCJ of any discrimination complaints that the grantee receives either verbally or in writing.
- Upon a positive finding of discrimination by the Colorado Civil Rights Commission, or the Office for Civil Rights (OCR), Office of Justice Programs, DOJ, the grant agency shall notify

DCJ of the finding and the grantee shall act in a timely fashion to forward the finding directly to the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights.

DCJ will monitor grantees for compliance with the civil rights requirements during its regular monitoring process including the Department of Justice's Equal Treatment Regulations, including the prohibitions against using federal funds to engage in inherently religious activities and discriminating against program beneficiaries on the basis of religion.

This policy is available on the DCJ Grants website and serves as the information and instructions needed to file a civil rights complaint (<https://www.colorado.gov/pacific/dcj/civil-rights-requirements>)

Training

DCJ Employees

- DCJ employees will be informed of this policy once a year at DCJ staff meetings. This will include information concerning to whom at DCJ discrimination complaints should be forwarded.
- DCJ employees will receive this policy as part of the DCJ policies and procedures;
- DCJ employees will attend all mandatory training on civil rights laws as required by the DCJ Director and by the Colorado Department of Public Safety (CDPS) Executive Director.
- DCJ employees may attend training offered through the Colorado Civil Rights Division or training provided by DCJ or CDPS that is intended to sensitize and inform employees regarding the elimination of discrimination and harassment in the workplace.

Training for Grantees

- Grantees will receive training by DCJ about the grantee's civil right obligations and the requirement to develop procedures for referring discrimination complaints to DCJ, the Colorado Division of Civil Rights, and the Office for Civil Rights, Office of Justice Programs, DOJ.
- Grantees training is required once per grant cycle.

Documentation of Trainings

- DCJ will document all trainings to DCJ employees and grantees through the Civil Rights Training Log. Included in this log will be the date of the training, the topic of the training, and the recipients of the training.