

# GOVERNOR'S OFFICE OF YOUTH, FAITH AND FAMILY

## CIVIL RIGHTS

### DISCRIMINATION COMPLAINT PROCEDURES FOR RESPONDING TO COMPLAINTS AGAINST DOJ-FUNDED SUBRECIPIENTS

#### I. Purpose

The purpose of this document is to establish written procedures for the Governor's Office of Youth, Faith and Family (GOYFF) employees to follow when they receive a complaint alleging discrimination from employees and beneficiaries of a GOYFF subrecipient implementing funding from the U.S. Department of Justice (DOJ).

#### II. Policy

All individuals have the right to participate in programs and activities operated by GOYFF subrecipients regardless of race, color, national origin, sex, religion, disability, and age. The GOYFF will ensure that its subrecipients 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. §3789(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 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;
- 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).

- Section 1407(e) of the Victims of Crime Act of 1984 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 subchapter. DOJ implementing regulation: (codified at 34 U.S.C. 20110(e) and the DOJ implementing regulations at 28 C.F.R. Part 94, Subpart B.

- Section 40002(b)(13) of the Violence Against Women Act of 1994 By law, any award administered by OVW is made subject to a grant condition that prohibits discrimination on the basis of actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity in programs or activities, both in employment and in the delivery of services or benefits in any program or activity funded, in whole or in part, with funds appropriated to OVW, or appropriated pursuant to certain statutes that focus on violence against women.

The required grant condition includes a limited exception for sex-specific programming, as well as a rule of construction to the effect that nothing in the condition diminishes other legal responsibilities and liabilities related to civil rights. For purposes of this condition, "gender identity" means actual or perceived gender-related characteristics. (codified at 34 U.S.C. 12291(b)(13)).

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

### **III. Definitions**

"Beneficiary" refers to a client, customer, consumer, or program participant.

"Complainant" refers to the person or persons who initiate a complaint.

"Subrecipient" refers to an agency which receives a DOJ grant award that is administered by the GOYFF.

### **IV. Complaint Procedures**

A. Employees and beneficiaries of subrecipients who wish to complain of discrimination by a subrecipient may file a complaint directly with the subrecipient, with the GOYFF, or with the Office for Civil Rights (OCR), Office of Justice Programs, DOJ. If an employee or beneficiary of a subrecipient raises an allegation of discrimination with a GOYFF employee, the GOYFF employee shall instruct the complainant to submit a written statement of the allegations to the GOYFF Program Director. The GOYFF Program Director will then forward the written complaint to the GOYFF Director and Deputy Director, who are responsible for coordinating these complaint procedures.

B. A subrecipient may also forward to the GOYFF a discrimination complaint that an employee or beneficiary filed directly with the subrecipient. Any GOYFF employee receiving a discrimination complaint from a subrecipient shall submit the complaint to the GOYFF Program Director, who shall forward the complaint to the GOYFF Director and Deputy Director.

C. The GOYFF Director or Deputy Director will refer complaints alleging discrimination by a subrecipient to the OCR and/or the Civil Rights Division, Arizona Attorney General's Office, as appropriate, for investigation and resolution. The Director or Deputy Director will notify the complainant in writing of this referral.

## **V. Policy Dissemination**

The GOYFF will post these complaint procedures on the GOYFF website to notify GOYFF subrecipients and their employees and beneficiaries of prohibited discrimination and the procedures for filing a complaint of discrimination against a subrecipient. The policy will be included in new employee materials and reiterated during staff trainings throughout the year. In addition, the policy will be posted to the GOYFF common folder. Information on the policy will be provided during pre-application conferences and during the subrecipient orientations and as part of their welcome letter.

Non-discrimination clauses will continue to be incorporated into all subrecipients contracts and agreement.