

**Ohio Department of Public Safety**

Policy Number : DPS-501.40

ADDRESSING CIVIL RIGHTS COMPLAINTS FROM CLIENTS OF THE DEPARTMENT OF PUBLIC SAFETY OR CLIENTS OF SUBRECIPIENTSDate of Revision : **8/30/2011**Priority Review : **All Employees ; All Supervisors**Distribution : **All ODPS Divisions****Summary of Revisions**

New policy to ensure compliance with Title VI of the Civil Rights Act of 1964 and other federal laws and regulations prohibiting discrimination.

Purpose

To provide guidelines and procedures that allow the Ohio Department of Public Safety (ODPS) to process and forward complaints alleging discrimination from clients, customers, program participants, or consumers of ODPS or ODPS grant recipients.

Policy**A. STATEMENT OF POLICY**

1. All individuals have the right to participate in programs and activities operated by ODPS and ODPS grant recipients regardless of race, color, national origin, sex, religion, disability, and age. ODPS will make every effort to ensure ODPS and its grant recipients comply with Title VI of the Civil Rights Act of 1964, the Omnibus Crime Control and Safe Streets Act of 1968, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the DOJ regulations on the Equal Treatment for Faith-Based Organizations.

2. RETALIATION

- a. Persons who believe they have been discriminated against on the basis of their membership in a protected class (race, color, religion, sex, national origin, disability, age, ancestry, or military status) shall not be retaliated against in terms and conditions of employment or services for exercising their right to file a discrimination complaint or inquiry.
- b. No person who participates in the investigation of a complaint, or is a witness in an investigation, or brings attention to a person in authority, of an alleged discrimination shall be retaliated against.

B. DEFINITIONS

1. **Discrimination:** To make a distinction, show bias towards, or be prejudicial against, a person or thing on the basis of the group, class, or category to which the person or thing belongs, rather than according to actual merit.

2. **Civil Rights Complaint Coordinator:** Person designated by ODPS who is responsible for receiving and acknowledging discrimination complaints and forwarding them to the U.S. Department of Justice (DOJ), Office of Justice Programs, Office for Civil Rights (OCR); the Ohio Civil Rights Commission (OCRC), or other appropriate agency for review of the complaint to determine if a violation was committed. The ODPS EEO Manager shall be the designated Civil Rights Complaint Coordinator.
3. **Grant Recipient:** An agency or organization that receives funding from a division within ODPS, whether it is federal pass-through funding or a state grant. ODPS divisions that provide grants to agencies and organizations include, but are not limited to, the Office of Criminal Justice Service (OCJS), Ohio Emergency Management Agency (EMA) and Ohio Homeland Security (OHS).
4. **Retaliation:** Occurs when adverse action is taken against an individual in a protected class because he or she engaged in protected activity.
5. **Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d):** Prohibits an individual from being excluded from participation in, being denied the benefits of, or being subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, or national origin as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart C).
6. **Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. §3789d(c)(1)):** Prohibits recipients that receive federal funding under this statute from discriminating, either in employment practices or in the delivery of services or benefits, on the basis of race, color, religion, national origin, and sex as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart D).
7. **Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794):** Prohibits discrimination on the basis of disability, in regard to both employment and the delivery of services or benefits, in any program or activity receiving federal financial assistance as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart G).
8. **Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132):** Prohibits discrimination against qualified individuals with disabilities, in regard to both employment and the delivery of service or benefits, in all programs, activities, and services of public entities as set forth in the DOJ implementing regulations (28 C.F.R. Part 35). Title II applies to all state and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of state or local governments.
9. **Title IX of the Education Amendments of 1972 (20 U.S.C. §1681):** Prohibits discrimination on the basis of sex in educational programs and activities that receive federal financial assistance as set forth in the DOJ implementing regulations (28 C.F.R. Part 54).
10. **Age Discrimination Act of 1975 (42 U.S.C. §6102):** Prohibits discrimination on the basis of age in the programs and activities receiving

federal financial assistance as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart I). The Act, which applies to all ages, permits the use of certain age distinctions and factors other than age that meet the Act's requirements.

11. **DOJ regulations on the Equal Treatment for Faith-Based Organizations:** Prohibits discrimination on the basis of religion in the delivery of services and prohibits organizations from using DOJ funding on inherently religious activities (28 C.F.R. Part 38).

C. COMPLAINT PROCEDURES

1. ODPS shall accept and acknowledge all discrimination complaints from clients, customers, program participants, or consumers of ODPS or ODPS grant recipients. All discrimination allegations and complaints shall be referred to the designated ODPS Civil Rights Complaint Coordinator.
2. A client, customer, program participant, or consumer may file a complaint of discrimination via e-mail to the appropriate ODPS grant coordinator or via U.S. Mail to the attention of the ODPS Civil Rights Complaint Coordinator (1970 West Broad Street, Columbus, Oh, 43223). The complaint should include the complainant's name, contact information, and a brief explanation of the alleged discrimination. If the complaint is sent to an ODPS Grant Coordinator, that employee shall forward it immediately to the ODPS Civil Rights Complaint Coordinator.
3. The Complaint Coordinator shall provide an acknowledgement of the complaint to the client, customer, program participant, or consumer via e-mail or in a letter confirming the complaint has been received. The contents of the acknowledgement response must include information specifying the external agency to which the complaint has been forwarded for investigation, and provide information in which the complainant can contact that agency directly. If the complaint is against the ODPS or an ODPS grant recipient implementing funding from the DOJ and the ODPS is not forwarding the complaint to the OCR, the acknowledgement response shall also notify the complainant that he / she may file a complaint directly with the OCR at the following address:

**U.S. Department of Justice (DOJ)
Office of Justice Programs
Office of Civil Rights (OCR)
810 Seventh Street NW
Washington, D.C. 20531**

4. The Complaint Coordinator shall then forward the complaint to OCR, OCRC, or other appropriate agency. The complaint shall be investigated by the appropriate agency.
5. All clients, customers, program participants, or customers of ODPS or ODPS grant recipients shall have access to these procedures at any time via the ODPS website (<http://publicsafety.ohio.gov>).
6. Any client, customer, program participant, or consumer may choose to file a complaint directly with the DOJ-OCR (if the complaint is against the ODPS or an ODPS grant recipient implementing funding from DOJ), OCRC, the appropriate

agency as opposed to filing with ODPS, or directly with the grant recipient. If a complaint is filed directly with an outside agency, ODPS requests that a courtesy copy be forwarded to the ODPS Civil Rights Complaint Coordinator by the complainant. If the complaint is against an ODPS grant recipient, once the grant recipient becomes aware of the complaint, the grant recipient must notify the ODPS Civil Rights Complaint Coordinator of the complaint and how it is being investigated.

D. TRAINING

1. ODPS shall provide annual training for agency employees on these complaint procedures. The training shall explain an employee's responsibility to refer discrimination complaints from clients, customers, program participants, or consumers to the Complaint Coordinator. This information shall be disseminated to new ODPS employees during new employee orientation training or as appropriate. ODPS will also disseminate a copy of these complaint procedures to ODPS grant recipients.
2. The current policy shall be evaluated annually to determine its effectiveness. ODPS shall make any necessary changes to ensure the complaint process is timely and efficient.

Current Form and Supplemental References

Department of Justice Informational Links:

- [Title VI of the Civil Rights Act of 1964 \(42 U.S.C. §2000d\)](#)
- [Omnibus Crime Control and Safe Streets Act of 1968 \(42 U.S.C. §3789d\(c\)\(1\)\)](#)
- [Section 504 of the Rehabilitation Act of 1973 \(29 U.S.C. §794\)](#)
- [Title II of the Americans with Disabilities Act of 1990 \(42 U.S.C. §12132\)](#)
- [Title IX of the Education Amendments of 1972 \(20 U.S.C. §1681\)](#)
- [Age Discrimination Act of 1975 \(42 U.S.C. §6102\)](#)
- [DOJ regulations on the Equal Treatment for Faith-Based Organizations \(28 C.F.R. Part 38\)](#)

Standard References

None

Policy References

DPS-100.01	ADMINISTRATIVE INVESTIGATIONS
DPS-501.01	WORK RULES - NON-SWORN BARGAINING UNIT PERSONNEL
DPS-501.02	WORK RULES - SWORN PERSONNEL
DPS-501.03	WORK RULES - EXEMPT PERSONNEL
DPS-501.04	WORK RULES - TEMPORARY WORKERS, CONTRACT VENDORS, CONSULTANTS, NON-DPS STAFF
DPS-501.15	INITIAL EMPLOYMENT ORIENTATION TRAINING
DPS-501.29	DISCRIMINATION AND UNLAWFUL HARASSMENT
OSP-103.19	ADMINISTRATIVE INVESTIGATIONS - OSP EMPLOYEES
OSP-203.03	POWERS / DUTIES, AUTHORITY / CODE OF ETHICS / OATH / RULES AND REGULATIONS