



Civil Rights Complaint Procedures

BACKGROUND AND PURPOSE:

The Idaho Council on Domestic Violence and Victim Assistance (ICDVVA), under the Department of Health and Welfare (DHW), is a recipient and administrator of federal funds granted to it by the U.S. Department of Justice (DOJ) through the VOCA Victim Assistance Formula Grant. As a recipient of these funds, the ICDVVA has the obligation not to discriminate against protected classes of people either in employment or in the delivery of services, or to retaliate against an individual for taking action or participating in action to secure rights protected by applicable federal laws.

The ICDVVA adopts these civil rights complaint procedures so that individuals can file complaints against the ICDVVA or its VOCA-funded subrecipients under the following statutes and regulations, which collectively prohibit discrimination based on race, color, national origin, sex, religion, disability, and age:

- The Victims of Crime Act of 1984 (VOCA), which prohibits discrimination on the basis of race, color, national origin, religion, sex, and disability in the delivery of services and employment practices (42 U.S.C. § 10604);
- 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 regulation at 28 C.F.R. Part 42, Subpart C;
- 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 regulation 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 regulation at 28 C.F.R. Part 35;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities (20 U.S.C. § 1681), and the DOJ implementing regulation 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 regulation at 28 C.F.R. Part 42, Subpart I; and
- The DOJ regulation on the Equal Treatment for Faith-Based Organizations, which prohibits discrimination on the basis of religion in the delivery of services and prohibits organizations from using DOJ federal financial assistance for inherently religious activities (28 C.F.R. Part 38)

COMPLAINT PROCEDURES:

The ICDVVA and its VOCA-funded subrecipients, shall comply with the following procedures if a complaint is received alleging (1) discrimination in services or employment because of race, color, national origin, sex, religion, or disability, or discrimination in services because of age, or (2) retaliation for engaging in a protected activity.

Procedure for filing a complaint against ICDVVA

1. Complaints may be filed with the DHW verbally, in writing, or by telephone.
2. The complaint will state the date, place, and nature of the discriminatory action and will specify the remedy sought by the complainant.
3. The complaint should be filed with: Civil Rights Manager, Division of Human Resources, Idaho Department of Health and Welfare, Statehouse, Boise, Idaho 83720.
4. Complaints should be filed within 180 days after the alleged discriminatory action has taken place. (This time limit may be extended by the Civil Rights Manager based on reasonable evidence that 180 days is not sufficient or if the complaint alleges a violation of VOCA.)
5. The complaint may be filed by either the complainant or a designated representative. Complaints may also be filed anonymously. Confidentiality will be protected to the extent possible in investigating the complaint.

Responsibilities:

1. Within thirty (30) calendar days after receiving the complaint, the Civil Rights Manager will investigate the incident and issue a written finding of whether or not evidence of discrimination was found. The investigation may include interviews with the complainant and ICDVVA staff.
2. If discrimination is found, within thirty (30) days, the Civil Rights Manager, in cooperation with the Division of Human Resources, will recommend and assist in correcting the discriminatory action in the operating unit and in preventing of future discriminatory action.
3. If the complainant does not agree with the findings of the DHW, the complainant has thirty (30) days to provide additional information to the Civil Rights Manager to facilitate further review of the complaint. The complainant will be notified of the right to appeal the DHW's conclusions to the proper federal compliance agency.
4. No individual who has filed a complaint, testified, assisted or participated in any manner in the investigation of a complaint shall be intimidated, coerced or otherwise discriminated against.
5. Records of all complaints and investigations filed under this procedure will be retained by the Civil Rights Manager, in the Division of Human Resources, for a period of three (3) years, and shall be kept confidential.

Procedure for filing a complaint against ICDVVA subrecipients from a client, customer, program participant, applicant or consumer:

1. Complaints may be filed with the ICDVVA verbally, in writing, or by telephone.
2. The complaint will state the date, place, and nature of the discriminatory action and will specify the remedy sought by the complainant.
3. The complaint should be filed with: Executive Director, Idaho Council on Domestic Violence and Victim Assistance P.O. Box 83720, Boise, Idaho 83720-0036.
 - *The complaint must include the following information:*
 - a. Name, address and telephone number of the complainant.
 - b. The victim or other witness of the alleged discrimination, if it is someone other than the complainant.
 - c. The basis for the complaint: (1) discrimination in services based on race, color, national origin, sex, religion, disability, or age, or (2) retaliation for engaging in protected activity.

- d. The date of alleged discriminatory or retaliatory conduct.
 - e. The name and title of the person who is alleged to have engaged in the discriminatory conduct.
 - f. The complaint must be in writing, dated, and signed by the complainant.
4. Complaints should be filed within 180 days after the alleged discriminatory action has taken place. (This time limit may be extended by the Executive Director based on reasonable evidence that 180 days is not sufficient or if the complaint alleges a violation of VOCA.)
 5. The complaint may be filed by either the complainant or a designated representative. Complaints may also be filed anonymously. Confidentiality will be protected to the extent possible in investigating the complaint.

Responsibilities:

1. Within thirty (30) calendar days after receiving the complaint, the Executive Director, in cooperation with the DHW's, Civil Rights Manager, will investigate the incident and issue a written finding of whether or not evidence of discrimination was found. The investigation may include, interviews with the complainant and ICDVVA/DHW staff.
2. If discrimination is found, within thirty (30) days, the Executive Director, in cooperation with the Civil Rights Manager, will recommend and assist in correcting the subrecipients discriminatory action and in preventing future discriminatory action.
3. If the complainant does not agree with the findings of the ICDVVA/DHW, the complainant has thirty (30) days to provide additional information to the Executive Director to facilitate further review of the complaint. The complainant will be notified of the right to appeal the ICDVVA/DHW conclusions to the proper federal compliance agency.
4. No individual who has filed a complaint, testified, assisted, or participated in any manner in the investigation of a complaint shall be intimidated, coerced, or otherwise discriminated against.
5. Records of all complaints and investigations filed under this procedure will be retained by the Civil Rights Manager in Human Resources for a period of three (3) years, and shall be kept confidential.
6. If the ICDVVA investigates a complaint that involves a federal civil rights law over which the Office for Civil Rights, Office of Justice Programs, DOJ (DOJ OCR) has jurisdiction, the DOJ OCR may (a) conduct a supplementary or de novo investigation; (b) approve, modify, or reject recommended findings; (c) approve, modify or reject a proposed voluntary resolution; and (d) initiate formal enforcement action.

Procedure for filing a complaint Against ICDVVA subrecipients from a subrecipient employee:

If the ICDVVA receives a complaint directly from a subrecipient employee alleging discrimination in their employment, the ICDVVA will not investigate the complaint. Instead, the ICDVVA Executive Director shall refer any employment complaint to the subrecipient to address the complaint consistent with its procedures for handling such matters, if it has such procedures, or the U.S. Equal Employment Opportunity Commission for investigation and disposition, if the subrecipient lacks such procedures.

ICDVVA CIVIL RIGHTS TRAINING:

- All ICDVVA staff members will be trained on this policy to ensure that they are aware of ICDVVA procedures and responsibilities in addressing complaints or potential discrimination issues. Annual training will also include a review of additional civil rights policies and procedures and the EEOC training module.
- The ICDVVA shall provide a link to the DOJ OCR's training module, and will notify subrecipients, through its grant solicitation, of the requirement; to complete the training module annually. ICDVVA has made a training link available at <http://icdv.idaho.gov/civil-rights-training.html>.
- The ICDVVA will maintain all training records of ICDVVA staff.
- ICDVVA subrecipients will be required to submit quarterly training records.

ICDVVA CIVIL RIGHTS NOTIFICATION:

- The ICDVVA will notify staff and subrecipients of a person's ability to file a civil rights complaint. The ICDVVA will notify staff and subrecipients that the standard full or condensed civil rights statement be prominently displayed on all publications, websites, posters, and informational material. Furthermore, a copy of this policy and complaint form are made available on its website <http://icdv.idaho.gov/index.html>.
- The ICDVVA shall have on file copies of the relevant portions of its Request for Grant Proposals, subrecipient contracts, standard assurances, or other documents in which the ICDVVA notifies DOJ-funded subrecipients of federal civil rights requirements.

ICDVVA GRANTEE MONITORING:

- The ICDVVA will ensure that subrecipients have procedures in place for responding to complaints of discrimination within their organization. ICDVVA staff conducts monitoring to ensure compliance with the contractual agreement. Said monitoring includes use of the DOJ OCR's Federal Civil Rights Compliance Checklist to ensure compliance with all applicable federal non-discrimination laws.
- The ICDVVA will also ensure that subrecipients notify their staff, clients, and program participants of prohibited discrimination and the procedures for filing an employment or services discrimination complaint.

The ICDVVA's policies and procedures are not intended to impair or limit the rights of any individual to seek a remedy available under federal law. As an alternative, or in addition to filing a complaint with the ICDVVA, the DHW, or a subrecipient, an individual may file a complaint with an appropriate external federal agency.

If a complaint involves employment discrimination, the complainant may file a complaint with:

U.S. Equal Employment Opportunity Commission
San Francisco District Office
450 Golden Gate Avenue
5 West, P.O. Box 36025
San Francisco, CA 94102-3661
Phone: 800-669-4000
TTY: 510-735-8909
<http://www.eeoc.gov/employees/charge.cfm>

If an employment or services discrimination complaint involves a program receiving federal financial assistance from the DOJ, the complainant may also file a complaint with:

U.S. Department of Justice
Office of Justice Programs
Office for Civil Rights
810 7th Street, NW
Washington, DC 20531
Phone: 202-207-0690
TTY: 202-307-2027
<http://ojp.gov/about/ocr/complaint.htm>