



## **Oklahoma District Attorneys Council**

### **State Administering Agency Methods of Administration To Ensure Compliance with Federal Civil Rights Laws and Anti-Violence Policies for Subrecipients of Federal DOJ Funding**

*(Updated April 2023)*

#### **Overview**

The Oklahoma District Attorneys Council (“DAC”) is the State Administering Agency (“SAA”) for several federal grants. The following Methods of Administration have been developed to demonstrate that policies and procedures that have been established to notify, monitor, and train DAC employees and other grant subrecipients to ensure compliance with the federal civil rights laws that are applicable to recipients of federal financial assistance in accordance with the following:

- Title VI of the Civil Rights Act of 1964, *as amended*
- Omnibus Crime Control and Safe Street Act of 1968, *as amended*
- Section 504 of the Rehabilitation Act of 1973, *as amended*
- Title IX of the Education Amendments of 1972, *as amended*
- Age Discrimination Act of 1975, *as amended*
- Victims of Crime Act of 1984, *as amended*
- Title II of the Americans with Disabilities Act of 1990, *as amended*
- Violence Against Women Act of 1994, *as amended*
- Regulations on the Partnerships with Faith-Based and Other Neighborhood Organizations

In addition, the Office on Violence Against Women, U.S. Department of Justice (“OVW”) has adopted a Special Condition on Workplace-Related Sexual Misconduct and Domestic/Dating Violence (“Special Condition”). DAC has implemented the Special Condition as part of their Non-Discrimination and Anti-Harassment Policy, and DAC will educate and assist subrecipients to ensure compliance with all OVW requirements.

#### **I. Policy for Addressing Discrimination Complaints**

DAC has developed policies to ensure that employees, clients, customers, or program participants, of both the SAA and federal grant subrecipients, have a process for addressing allegations of discrimination, harassment, or retaliation claims. These policies may be found in Appendix “A” and “B,” and each policy contains the following elements:

- A.** Designation of a coordinator who is responsible for overseeing the complaint process;

- B.** Notification to employees and subrecipients of prohibited discrimination in the SAA's programs and activities and SAA's policy and procedures for handling discrimination and retaliation complaints;
- C.** Establishment of written procedures for receiving complaints from employees, clients, customers, or program participants of the SAA (as applicable) and from employees, clients, customers, or program participants of subrecipients implementing funding from the DOJ (as applicable);
- D.** Investigation protocols for processing complaints internally or referring complaints to the appropriate agency for investigation and resolution when applicable, such as the U.S. Equal Employment Opportunity Commission, a local or state human rights commission, or the Office for Civil Rights (OCR), Office of Justice Programs. If the complaint is referred to the OCR for investigation, the OCR will work with the SAA to resolve the complaint;
- E.** Notification to the complainant that they may also file a complaint, if applicable, with the OCR by submitting a written complaint to the following address: Office for Civil Rights; Office of Justice Programs; U.S. Department of Justice; 810 Seventh Street N.W.; Washington, DC 20531;
- F.** Establishment of training for the SAA staff on their responsibility to refer discrimination, harassment, or retaliation complaints to the SAA's Complaint Coordinator/Civil Rights Liaison (Kathryn B. Brewer – DAC Executive Coordinator) for processing as soon as the alleged violation comes to their attention; and
- G.** Assurance that subrecipients have procedures in place for responding to discrimination, harassment, and retaliation complaints that employees, clients, customers, and program participants file directly with the subrecipient.

## **II. Notifying Subrecipients of Civil Rights and Workplace Protection Requirements**

As the SAA, DAC utilizes a number of mechanisms during the application and award process to notify subrecipients of the applicable civil rights laws and the DOJ implementing regulations. Notification occurs at the following contact points:

- A.** When applying for federal funds, all applications contain a general information section explaining the required compliance with the federal civil rights laws and Standard Assurances in order to receive federal funding;
- B.** When applying, the applicant must agree to comply with the Standard/Certified Assurances, which pertain to the adherence of civil rights laws;
- C.** During the awarding of grant funds, the applicant must sign the Award Notice and all supporting documentation, which identifies the applicable federal civil rights laws, and their agreement to adhere to these laws;
- D.** Upon selection of subrecipients, DAC provides training on OCR requirements regarding the development of civil rights policies and reporting. The above-mentioned policies and relevant forms can be found on the Subgrantee Toolbox on the DAC's website: [https://www.ok.gov/dac/Grants/Subgrantee\\_Toolbox/index.html](https://www.ok.gov/dac/Grants/Subgrantee_Toolbox/index.html).

- E. DAC provides training to subrecipients on the administrative and fiscal management of federal grants. This training program contains information on the compliance with civil rights laws and the newly implemented Special Condition policies.
- F. DAC provides further information and training to subrecipients on compliance with federal civil rights laws and Special Condition policies when the subrecipient receives an on-site or virtual monitoring visit.

### **III. Monitoring for Compliance with Civil Rights and Workplace Protection Policies**

DAC has developed a Monitoring Procedure Manual for both the Federal Grants Division and the Victims Services Division to outline the methods for monitoring subrecipients in the administrative, programmatic, and fiscal management of the federal grant awards. In serving as good stewards of the federal funds, monitoring is one of the principal responsibilities of DAC and each grant program is assigned a Grant Program Specialist.

Oklahoma utilizes a hybrid monitoring system for most grants. The different forms of monitoring used by DAC are the on-site/virtual monitoring, desk reviews, and phone monitoring. One year will consist of either a full on-site or virtual monitoring visit, while the next year will consist of a desk review. Subgrantees now have the choice of having the full monitoring review either on-site or as a virtual visit. Throughout the course of the award period, the Grant Program Specialists are responsible for arranging on-site or virtual visits with the subrecipients and requesting information for desk reviews. As a part of the on-site/virtual monitoring process, the Grant Program Specialists utilize either an on-line, web-based monitoring form, or a paper monitoring form. By using the forms, the Grant Program Specialist can share and obtain information on the subrecipient's compliance with the applicable civil rights laws, nondiscrimination provisions, special conditions, and the DOJ implementing regulations. Fifty percent of subgrantees under each federal grant program are monitored per year as a measurable goal for each Grant Program Specialist.

To prioritize monitoring, DAC has set criteria to direct the on-site/virtual monitoring and desk reviews of the grant programs. DAC uses a risk assessment and rating system process to create a proactive system of ensuring programmatic and fiscal success of all subrecipients during the monitoring process. It is a realistic expectation that some subrecipients may need additional assistance to implement an effective project. The assignment of risk can change throughout the grant period, depending on changing circumstances. The risk assessment should not be viewed as a pejorative or punitive system, but as a tool to create a high functioning program.

### **IV. Training Subrecipients on Civil Rights and Other Workplace Protection Policies**

DAC utilizes web-based conferences and in-person training to provide administrative and financial training for subrecipients. All grant awardees must attend training at least once per year. Information is provided to subrecipients on their obligations to comply with the applicable civil rights laws, nondiscrimination provisions, special conditions, and other DOJ implementing regulations.

## **APPENDIX A**

### **Procedures for Responding to Discrimination Complaints from DAC Employees and Employees of DAC's Subrecipients under U.S. Department of Justice Grant Programs**

# Procedures for Responding to Discrimination Complaints from DAC Employees and Employees of DAC’s Subrecipients under U.S. Department of Justice Grant Programs (Updated 2023)

## I. PURPOSE

The Oklahoma District Attorneys Council (“DAC”) receives federal financial assistance and serves as the State Administering Agency (“SAA”) for many federal grant programs. Given this responsibility, it is the duty of the DAC to ensure that the civil rights of employees or applicants to an agency or organization that receive federal grant funding through the DAC (“subrecipients”) are protected. In addition, subrecipients are required to adhere to policies designed to keep the workplace safe and free from violence.

DAC has implemented policies contained in the [DAC Non-Discrimination/Anti-Harassment Handbook](#) (“DAC Handbook”) and conducts a yearly training to educate DAC employees on proper conduct and policies regarding discrimination, harassment, and violence in the workplace. This policy is to be used in conjunction with the DAC Handbook and establishes written procedures for DAC employees to follow when responding to a complaint alleging discrimination, harassment, violence, or retaliation in the delivery of services from clients, customers, program participants, or consumers of the DAC and DAC subrecipients, receiving a grant funding by the U.S. Department of Justice (“DOJ”).

By virtue of receiving federal grant funding, the DAC, including its employees, contractors and subrecipients, must comply with the following federal civil rights laws and regulations:

- **Title VI of the Civil Rights Act (Title VI) of 1964**, as amended, 42 U.S.C. § 2000d, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpts. C & D (prohibiting discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits);
- **Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968**, as amended, 34 U.S.C. §§ 10228(c) & 10221(a), and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpts. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion) & E (requiring certain DOJ-funded programs subject to the administrative provisions of the statute to prepare, maintain, and submit an Equal Employment Opportunity Plan (EEO));
- **Section 504 of the Rehabilitation Act (Section 504) of 1973**, as amended, 29 U.S.C. § 794, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. G (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits);
- **Title IX of the Education Amendments (Title IX) of 1972**, as amended, 20 U.S.C. § 1681, and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpt. D & pt. 54 (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);

- **Title II of the Americans with Disabilities Act of 1990**, as amended, 42 U.S.C. § 12132, and the implementing regulation at 28 C.F.R. § 35.171(a)(1)(i), (3)(i) (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits);
- **Age Discrimination Act (Age Act) of 1975**, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits);
- **Victims of Crime Act (VOCA) of 1984, as amended**, 34 U.S.C. § 20110(e) and the regulation implementing the Victim of Crime Act Victim Assistance Program, 28 C.F.R. § 94.114 (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability);
- **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); and
- **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).

## II. RELEVANT DEFINITIONS

Unless otherwise indicated in this policy, the following terms are defined as set out below.

- **“Complainant”** means a person who initiates a complaint alleging discrimination or retaliation.
- **“Complaint Coordinator”** is the person assigned to receive discrimination, harassment, or retaliation complaints and ensure the complaints are investigated or referred to the relevant agency.
- **“Discrimination”** is the act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by effect of actions or lack of actions, based on their protected class.
- **“Harassment”** is a form of discrimination and is a verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that person’s race, color, religion, sex, national origin, age, pregnancy, disability, genetic (personal or family medical history) information, gender identity, sexual orientation, veteran status or protected activity.
- **“Retaliation”** refers to adverse actions towards an individual engaged in a protected activity, such as opposing a discriminatory practice or participating in a discrimination complaint process.
- **“Subrecipient”** means an agency that receives federal grant funding through the DAC as the State of Oklahoma State Administering Agency (SAA).

### **III. PROCEDURAL STEPS FOR RESPONDING TO DISCRIMINATION, HARASSMENT, OR RETALIATION COMPLAINTS**

#### **A. Discrimination/Harassment/Retaliation Complaint Procedure**

##### **1. Filing a Complaint**

Any employee or applicant for employment at the DAC or any employee or applicant for employment of a DAC subrecipient, may report allegations of employment discrimination with the office of the Executive Coordinator for the DAC.

##### **2. When to Report**

A person who thinks he or she has been subject to discriminatory or retaliatory conduct should file a complaint as soon as possible after the first date an alleged act of discrimination or retaliation occurred and no later than one hundred eighty (180) calendar days after the last date an alleged act of discrimination or retaliation has occurred. A person complaining of discrimination under the Omnibus Crime Control and Safe Streets Act or the Violence Against Women Act must file a complaint within one year from the last act of alleged discrimination or retaliation.

##### **3. How to Report**

Complaints alleging discrimination or retaliation should be submitted to the office of the DAC Executive Coordinator in writing, using the attached [\*DAC Discrimination Complaint\*](#) form. The Executive Coordinator may make exceptions to this requirement, on a case-by-case basis. In making a complaint, a complainant must disclose the identity of the person or persons alleged to have engaged in discriminatory or retaliatory conduct, and the location, date, and a description of each act of alleged discrimination or retaliation.

The Complaint form may also be found on the Subgrantee Toolbox on the [DAC's website](#), and it can be mailed, faxed, or emailed to the Complaint Coordinator:

**Please submit the form by fax, mail, or email to:**

**Kathryn B. Brewer**

Executive Coordinator

Oklahoma District Attorneys Council

421 N.W. 13<sup>th</sup> Street, Suite 290

Oklahoma City, OK 73103

Phone: 405-264-5000

Fax: 405-264-5099

Email: [Kathryn.Brewer@dac.state.ok.us](mailto:Kathryn.Brewer@dac.state.ok.us)

Complaints may also be filed directly with the following agencies:

**Oklahoma Office of the Attorney General, Office of Civil Rights Enforcement (OCRE)**

313 N.E. 21<sup>st</sup> Street, Oklahoma City, OK 73105

Phone: 405-521-3441 Website: <https://www.oag.ok.gov/civil-rights-enforcement>

*Complaints related to public accommodation discrimination must be filed with the OCRE within 180 days from the last alleged discriminatory act. Complaints related to housing discrimination must be filed within one (1) year from the last alleged discriminatory act.*

**United States Department of Justice, Office of Justice Programs, Office for Civil Rights**

810 Seventh Street NW, Washington, DC 20531

Phone: 202-307-0690 Website: <https://www.ojp.gov/program/civil-rights/overview>

*Complaints must be filed within 180 days or one year from the date of the alleged discrimination, depending on the federal civil rights law that is involved.*

If a complaint is made directly to a DAC employee from a client, customer, program participant, or consumer of the DAC or a DAC subrecipient, DAC employees should provide the complainant with the DAC Executive Coordinator's contact information and direct them to this procedural document which can be located on the DAC public website.

#### **4. Response**

- a. An employee, volunteer, or contractor of the DAC shall notify the DAC Executive Coordinator, as soon as practicable, upon receiving a complaint in person, over the telephone, via an e-mail, a letter, or through the [DAC Discrimination Complaint Form](#), that an employee or contractor of the DAC, or an employee or contractor of a DAC sub-recipient, has allegedly engaged in discriminatory or retaliatory conduct. The DAC Executive Coordinator shall ascertain the details of the complaint for evaluation and assignment and will encourage the complainant to complete the DAC [Discrimination Complaint Form](#), if he/she has not already done so.
- b. Upon receipt of a complaint, the DAC Executive Coordinator shall determine whether the complaint should be investigated, and, if so, by whom. The DAC Executive Coordinator may investigate the complaint internally or utilize the services of a Certified Discrimination Complaints Investigator through the Oklahoma Office of Personnel Management. The DAC Executive Coordinator may also choose to refer the case to the Equal Opportunity and Workforce Diversity Division, to the U.S. Equal Employment Opportunity Commission, the state or human rights commission, or other appropriate entity.
- c. The DAC Executive Coordinator shall promptly provide the complainant with a written notice acknowledging receipt of the complaint and explain whether Executive Coordinator is investigating the complaint or has referred the complaint to another agency for investigation.



- d. The DAC Executive Coordinator shall inform a complainant that it may be impossible to keep the complainant's identity confidential.
- e. Investigations of complaints are to be completed within a reasonable time.
- f. In the event a written report of an investigation is warranted, all information relevant to the complaint that is obtained by an investigator shall be included in the report.
- g. All investigations shall comply with relevant state and federal laws.

#### **IV. WHISTLEBLOWER INFORMATION**

Employees of Department of Justice grantees perform an important service by reporting what they reasonably believe to be evidence of wrongdoing. DAC policy forbids a person to retaliate against a Worker for reporting or assisting in an investigation regarding conduct that they in good faith believe to be in violation of the DAC Handbook or this Policy. Under the National Defense Authorization Act of 2013 (NDAA), it is illegal for an employee of a federal grantee to be discharged, demoted, or otherwise discriminated against for making a protected whistleblower disclosure. Any person who violates this aspect of the Policy will be subject to discipline.

The Department of Justice Office of the Inspector General (DOJ OIG) has jurisdiction to investigate allegations of reprisal for whistleblowing by employees of grantees. Information on how to report suspected reprisal to the OIG is available at <https://oig.justice.gov/hotline>.

#### **V. EXTERNAL AGENCIES**

The DAC encourages individuals to file complaints of the kind discussed in this policy with the office of the DAC Executive Coordinator; however, this policy is not intended to impair or limit the rights of anyone to seek a remedy available under state or federal law. The procedures discussed in this policy do not have to be utilized first in order for an individual to file a complaint through another agency or organization as federal or state law provides.

#### **VI. TRAINING**

The DAC shall provide annual training on the policies set forth in the DAC Handbook and this Policy to DAC employees and DAC subrecipients. This training shall include instruction about the responsibility of employees to refer complaints alleging discrimination or retaliation to the proper authorities. The DAC shall require subrecipients to conduct and document annual anti-discrimination training. Information regarding training documents may be found Subgrantee Toolbox on the [DAC's website](#).

#### **VII. CONTRACTS**

The DAC will not enter into contracts or continue existing contracts with any organization that knowingly discriminates against any person based on race, color, national origin, sex, religion, physical or mental disability, age, sexual orientation, gender identity, or that retaliates against any person for having engaged in protected activity.

## **VIII. DISTRIBUTION**

A copy of this policy shall be made available to all DAC employees, current and prospective clients, customers, program participants, volunteers, contractors, or consumers of the DAC or DAC subrecipients on [DAC's main website](#). Also, a copy of the policy will be included with orientation materials that are provided to new employees of the DAC and posted on the [DAC's main website](#). By signing the grant award contract, subrecipients agree to comply with all applicable federal civil rights laws prohibiting discrimination, harassment, or retaliation.

**Oklahoma District Attorneys Council  
Discrimination Complaint Form**

**1. Contact Information of Person Filing the Complaint:**

Name	
Address	
City, State, Zip	
Home/Work Phone #	
Email	

**2. Contact Information of Person(s) Discriminated Against (if different than above):**

Name	
Address	
City, State, Zip	
Home/Work Phone #	
Email	
Name	
Address	
City, State, Zip	
Home/Work Phone #	
Email	

**3. Information for the person the complaint is being made against:**

Name	
Agency/Organization	
Home/Work Phone # (if known)	
Email (if known)	

4. What will be the most convenient time and place to contact you about this complaint?

\_\_\_\_\_

5. To your best recollection on what date(s) did the discrimination take place?

Date of first occurrence: \_\_\_\_\_

Date of most recent occurrence: \_\_\_\_\_

6. Were you discriminated against in an employment matter (e.g., hiring, firing, promotion, etc.), or while receiving public services from an agency or organization?

\_\_\_\_\_

7. Have you ever attempted to resolve this complaint?

Yes

No

8. Explain as briefly and clearly as possible what happened and how you were discriminated against. Provide as many specific details as you can recall and attach additional sheets if needed. Also, attach any written material pertaining to your case.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Basis of Complaint: Which of the following best describes why you believe you were discriminated against: (Check)

Race: Specify \_\_\_\_\_

Color: Specify \_\_\_\_\_

Religion: Specify \_\_\_\_\_

National Origin: Specify \_\_\_\_\_

Sex: Specify  Male  Female

Sexual Orientation

Gender Identity

Age: Specify Date of Birth: \_\_\_\_\_

- Disability: Specify \_\_\_\_\_
- Political Affiliation: Specify \_\_\_\_\_
- Citizenship: Specify \_\_\_\_\_
- Reprisal/Retaliation: Specify \_\_\_\_\_
- Other: Specify \_\_\_\_\_

**10.** What other information do you think is relevant to this situation?

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**11.** If this complaint is resolved to your satisfaction, what remedies do you seek?

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**12.** Please list below any persons (witnesses, fellow employees, supervisors, or others) that might be contacted for additional information to support or clarify your complaint:

Name	Address (if known)	Email/Telephone #

Name	Address (if known)	Email/Telephone #

Name	Address (if known)	Email/Telephone #

**13.** Do you have an attorney?     Yes             No

If yes, please provide the following contact information:

Attorney Name	Address	Email/Telephone #

14. Have you filed a case or complaint with any of the following?

- Office for Civil Rights, U.S. Department of Justice
- U.S. Equal Employment Opportunity Commission
- Federal or State Court
- Civil Rights Enforcement Unit, Office of the Oklahoma Attorney General

If yes, please provide the following information (if known):

Date Filed: \_\_\_\_\_

Agency and Case Number: \_\_\_\_\_

Date of Trial or Hearing (if applicable): \_\_\_\_\_

Name of Investigator: \_\_\_\_\_

Status of Case: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

**Sign (Complaint NOT VALID unless Signed)**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**Please submit the form by fax, mail, or email to:**

Kathryn Boyle Brewer  
Executive Coordinator  
Oklahoma District Attorneys Council  
421 N.W. 13<sup>th</sup> Street, Suite 290  
Oklahoma City, OK 73103  
Phone: 405-264-5000  
Fax: 405-264-5099  
Email: [Kathryn.Brewer@dac.state.ok.us](mailto:Kathryn.Brewer@dac.state.ok.us)

## **APPENDIX B**

### **Procedures for Responding to Discrimination Complaints from Clients, Customers, Program Participants, or Consumers of DAC and DAC's Subrecipients *(Updated 2023)***

# Procedures for Responding to Discrimination Complaints from Clients, Customers, Program Participants, or Consumers of DAC and DAC's Subrecipients

## I. PURPOSE

The Oklahoma District Attorneys Council (“DAC”) serves as the State Administering Agency (“SAA”) for many federal grant programs. Given this responsibility, it is the duty of the DAC to ensure that the civil rights of persons who receive services from the DAC or receive federal grant funding through the DAC (“subrecipients”) are protected. In addition, subrecipients are required to adhere to policies designed to keep the workplace safe and free from violence.

DAC has implemented policies contained in the [DAC Non-Discrimination/Anti-Harassment Handbook](#) (“DAC Handbook”) and conducts a yearly training to educate DAC employees on proper conduct and policies regarding discrimination, harassment, retaliation, and violence in the workplace. This policy is to be used in conjunction with the DAC Handbook and establishes written procedures for DAC employees to follow when responding to a complaint alleging discrimination, harassment, violence, or retaliation in the delivery of services from clients, customers, program participants, or consumers of the DAC and DAC subrecipients, receiving a grant funding by the U.S. Department of Justice (“DOJ”).

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- **Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968**, as amended, 34 U.S.C. §§ 10228(c) & 10221(a), and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpts. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion) & E (requiring certain DOJ-funded programs subject to the administrative provisions of the statute to prepare, maintain, and submit an Equal Employment Opportunity Plan (EEO));
- **Section 504 of the Rehabilitation Act (Section 504) of 1973**, as amended, 29 U.S.C. § 794, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. G (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits);
- **Title IX of the Education Amendments (Title IX) of 1972**, as amended, 20 U.S.C. § 1681, and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpt. D & pt. 54 (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);



- **Title II of the Americans with Disabilities Act of 1990**, as amended, 42 U.S.C. § 12132, and the implementing regulation at 28 C.F.R. § 35.171(a)(1)(i), (3)(i) (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits);
- **Age Discrimination Act (Age Act) of 1975**, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits);
- **Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974**, as amended, 34 U.S.C. § 11182(b), and the DOJ implementing regulations, 28 C.F.R. §§ 31.202, .403 & pt.42, subpt. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion);
- **Victims of Crime Act (VOCA) of 1984, as amended**, 34 U.S.C. § 20110(e) and the regulation implementing the Victim of Crime Act Victim Assistance Program, 28 C.F.R. § 94.114 (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability);
- **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); and
- **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).

## II. RELEVANT DEFINITIONS

Unless otherwise indicated in this policy, the following terms are defined as set out below.

- **“Complainant”** means a person who initiates a complaint alleging discrimination or retaliation.
- **“Complaint Coordinator”** is the person assigned to receive discrimination, harassment, or retaliation complaints and ensure the complaints are investigated or referred to the relevant agency.
- **“Discrimination”** is the act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by effect of actions or lack of actions, based on their protected class.

- **“Harassment”** is a form of discrimination and is a verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that person’s race, color, religion, sex, national origin, age, pregnancy, disability, genetic (personal or family medical history) information, gender identity, sexual orientation, veteran status or protected activity.
- **“Retaliation”** refers to adverse actions towards an individual engaged in a protected activity, such as opposing a discriminatory practice or participating in a discrimination complaint process.
- **“Subrecipient”** means an agency that receives federal grant funding through the DAC as the State of Oklahoma SAA.

### **III. PROCEDURAL STEPS FOR RESPONDING TO ALLEGATIONS OF DISCRIMINATION, HARASSMENT, OR RETALIATION,**

#### **A. Discrimination/Harassment/Retaliation Complaint Procedure**

##### **1. Processing complaints from clients, program participants, or consumers served by DAC and from clients, program participants, or consumers of DAC’s subrecipients.**

A person who thinks he or she has been discriminated against by an employee, volunteer, or contractor of the DAC, or an employee, volunteer, or contractor from a DAC subrecipient on the basis of race, color, national origin, sex, age, religion, physical or mental disability, sexual orientation or gender identity, or thinks he or she has been retaliated against for having engaged in protected activity, is encouraged to file a complaint alleging such with the office of the Executive Coordinator of the DAC.

##### **2. When to Report**

A person who thinks he or she has been subject to discriminatory or retaliatory conduct should file a complaint, as soon as possible, after the first date an alleged act of discrimination or retaliation occurred and no later than one hundred eighty (180) calendar days after the last date an alleged act of discrimination or retaliation has occurred. A person complaining of discrimination under the Omnibus Crime Control and Safe Streets Act or the Violence Against Women Act must file a complaint within one year from the last act of alleged discrimination or retaliation.

##### **3. How to Report**

Clients, customers, program participants, or consumers of the DAC or a DAC subrecipient, who have a complaint alleging discrimination or retaliatory conduct by a DAC or a DAC subrecipient employee, volunteer, or contractor, should report the information to the office of the DAC Executive Coordinator in writing using the attached *DAC Discrimination Complaint* form. In making a complaint, a complainant must disclose the identity of the person or persons alleged to have engaged in discriminatory or retaliatory conduct, and the location, date, and a description of each act of alleged discrimination or retaliation.

The Complaint form may also be found on the [DAC website](#) and can be mailed, faxed, or emailed to the Complaint Coordinator:

**Kathryn B. Brewer**

Executive Coordinator

Oklahoma District Attorneys Council

421 N.W. 13<sup>th</sup> Street, Suite 290

Oklahoma City, OK 73103

Phone: 405-264-5000

Fax: 405-264-5099

Email: [Kathryn.Brewer@dac.state.ok.us](mailto:Kathryn.Brewer@dac.state.ok.us)

Complaints may also be filed directly with the following agencies:

**Oklahoma Office of the Attorney General, Office of Civil Rights Enforcement (OCRE)**

313 N.E. 21<sup>st</sup> Street, Oklahoma City, OK 73105

Phone: 405-521-3441 Website: <https://www.oag.ok.gov/civil-rights-enforcement>

*Complaints related to public accommodation discrimination must be filed with the OCRE within 180 days from the last alleged discriminatory act. Complaints related to housing discrimination must be filed within one (1) year from the last alleged discriminatory act.*

**United States Department of Justice, Office of Justice Programs, Office for Civil Rights**

810 Seventh Street NW, Washington, DC 20531

Phone: 202-307-0690 Website: <https://www.ojp.gov/program/civil-rights/overview>

*Complaints must be filed within 180 days or one year from the date of the alleged discrimination, depending on the federal civil rights law that is involved.*

If a complaint is made directly to a DAC employee from a client, customer, program participant, or consumer of the DAC's or a DAC subrecipient, DAC employees should provide the complainant with the DAC Executive Coordinator's contact information and direct them to this procedural document which can be located on the DAC public website.

**4. Response**

- a. An employee or contractor of the DAC shall notify the DAC Executive Coordinator, as soon as practicable, upon receiving a complaint in person, over the telephone, via an e-mail, a letter, or through the [DAC Discrimination Complaint Form](#), that an employee or contractor of a sub-recipient of the DAC has allegedly engaged in discriminatory or retaliatory conduct. The DAC Executive Coordinator shall ascertain the details of the complaint for evaluation and assignment and will encourage the complainant to complete the [DAC Discrimination Complaint Form](#), if he/she has not already done so.
- b. Upon receipt of a complaint, the DAC Executive Coordinator shall determine whether the complaint should be investigated, and, if so, by whom. The DAC Executive Coordinator may investigate the complaint internally or utilize the services of a Certified Discrimination Complaints Investigator through the

Oklahoma Office of Personnel Management. The DAC Executive Coordinator may also choose to refer the case to the Equal Opportunity and Workforce Diversity Division, to the U.S. Equal Employment Opportunity Commission, the state or human rights commission, or other appropriate entity.

- c. The DAC Executive Coordinator shall promptly provide the complainant with a written notice acknowledging receipt of the complaint and explain whether the DAC Executive Coordinator has referred the complaint to another agency for investigation.
- d. The DAC Executive Coordinator shall inform a complainant that it may be impossible to keep the complainant's identity confidential.
- e. Investigations of complaints are to be completed within a reasonable time.
- f. In the event a written report of an investigation is warranted, all information relevant to the complaint that is obtained by an investigator shall be included in the report.
- g. All investigations shall comply with relevant state and federal laws.

#### **IV. WHISTLEBLOWER INFORMATION**

Employees of Department of Justice grantees perform an important service by reporting what they reasonably believe to be evidence of wrongdoing. DAC policy forbids a person to retaliate against a Worker for reporting or assisting in an investigation regarding conduct that they in good faith believe to be in violation of the [DAC Handbook](#) or this Policy. Under the National Defense Authorization Act of 2013 (NDAA), it is illegal for an employee of a federal grantee to be discharged, demoted, or otherwise discriminated against for making a protected whistleblower disclosure. Any person who violates this aspect of the Policy will be subject to discipline.

The Department of Justice Office of the Inspector General (DOJ OIG) has jurisdiction to investigate allegations of reprisal for whistleblowing by employees of grantees. Information on how to report suspected reprisal to the OIG is available at <https://oig.justice.gov/hotline>.

#### **V. EXTERNAL AGENCIES**

The DAC encourages individuals to file complaints of the kind discussed in this policy with the office of the DAC Executive Coordinator; however, this policy is not intended to impair or limit the rights of anyone to seek a remedy available under state or federal law. The procedures discussed in this policy do not have to be utilized first in order for an individual to file a complaint through another agency or organization as federal or state law provides.

#### **VI. TRAINING**

The DAC shall provide annual training on the policies set forth in the DAC Handbook and this Policy to DAC's employees and DAC's subrecipients. This training shall include instruction about the responsibility of employees to refer complaints to the proper authorities. The DAC shall require subrecipients to conduct and document annual anti-discrimination training. Information regarding training documents may be found on the [DAC website](#).

## **VII. CONTRACTS**

The DAC will not enter into contracts or continue existing contracts with any organization that knowingly discriminate against any person based on race, color, national origin, sex, religion, physical or mental disability, age, sexual orientation, gender identity, or that retaliates against any person for having engaged in protected activity.

## **VIII. DISTRIBUTION**

A copy of this policy shall be made available to all DAC employees, current and prospective clients, customers, program participants, volunteers, contractors, or consumers of the DAC or DAC subrecipients on [DAC's main website](#). Also, a copy of the policy will be included with orientation materials that are provided to new employees of the DAC and posted on the [DAC's main website](#). By signing the grant award contract, subrecipients agree to comply with all applicable federal civil rights laws prohibiting discrimination, harassment, or retaliation.

## Oklahoma District Attorneys Council Discrimination Complaint Form

**1. Contact Information of Person Filing the Complaint:**

Name	
Address	
City, State, Zip	
Home/Work Phone #	
Email	

**2. Contact Information of Person(s) Discriminated Against (if different than above):**

Name	
Address	
City, State, Zip	
Home/Work Phone #	
Email	
Name	
Address	
City, State, Zip	
Home/Work Phone #	
Email	

**3. Information for the person the complaint is being made against:**

Name	
Agency/Organization	
Home/Work Phone # (if known)	
Email (if known)	

4. What will be the most convenient time and place to contact you about this complaint?

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5. To your best recollection, on what date(s) did the discrimination take place?

Date of first occurrence: \_\_\_\_\_

Date of most recent occurrence: \_\_\_\_\_

6. Were you discriminated against in an employment matter (e.g., hiring, firing, promotion, etc.), or in the course of receiving public services from an agency or organization?

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7. Have you ever attempted to resolve this complaint?

Yes

No

8. Explain as briefly and clearly as possible what happened and how you were discriminated against. Provide as many specific details as you can recall and attach additional sheets if needed. Also, attach any written material pertaining to your case (attach additional sheets if needed).

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9. Basis of Complaint: Which of the following best describes why you believe you were discriminated against: (Check)

Race: Specify \_\_\_\_\_

Color: Specify \_\_\_\_\_

Religion: Specify \_\_\_\_\_

National Origin: Specify \_\_\_\_\_

Sex: Specify  Male  Female

Sexual Orientation

Gender Identity

- Age: Specify Date of Birth: \_\_\_\_\_
- Disability: Specify \_\_\_\_\_
- Political Affiliation: Specify \_\_\_\_\_
- Citizenship: Specify \_\_\_\_\_
- Reprisal/Retaliation: Specify \_\_\_\_\_
- Other: Specify \_\_\_\_\_

**10.** What other information do you think is relevant to this situation?

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**11.** If this complaint is resolved to your satisfaction, what remedies do you seek?

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**12.** Please list below any persons (witnesses, fellow employees, supervisors, or others) that might be contacted for additional information to support or clarify your complaint:

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Name	Address (if known)	Email/Telephone #
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Name	Address (if known)	Email/Telephone #
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Name	Address (if known)	Email/Telephone #
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**13.** Do you have an attorney?     Yes             No

If yes, please provide the following contact information:

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Attorney Name	Address	Email/Telephone #
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14. Have you filed a case or complaint with any of the following?

- Civil Rights Division, U.S. Department of Justice
- U.S. Equal Employment Opportunity Commission
- Federal or State Court
- Civil Rights Enforcement Unit, Office of the Oklahoma Attorney General

If yes, please provide the following information (if known):

Date Filed: \_\_\_\_\_

Agency and Case Number: \_\_\_\_\_

Date of Trial or Hearing (if applicable): \_\_\_\_\_

Name of Investigator: \_\_\_\_\_

Status of Case: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

**Sign (Complaint NOT VALID unless Signed)**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**Please submit the form by fax, mail, or email to:**

Kathryn Boyle Brewer  
Executive Coordinator  
Oklahoma District Attorneys Council  
421 N.W. 13<sup>th</sup> Street, Suite 290  
Oklahoma City, OK 73103  
Phone: 405-264-5000  
Fax: 405-264-5099  
Email: [Kathryn.Brewer@dac.state.ok.us](mailto:Kathryn.Brewer@dac.state.ok.us)