

Procedures for Responding to Discrimination Complaints from Employees of the Oklahoma District Attorneys Council's Subrecipients under U.S. Department of Justice Grant Programs

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. The purpose of this policy is to establish written procedures for DAC employees to follow when they receive a complaint alleging employment discrimination from an employee or consumer of a DAC subrecipient implementing U.S. Department of Justice ("DOJ") federal grant funding.

II. POLICY

All employees and consumers of DAC's subrecipients shall be treated equally regardless of race, color, national origin, sex, religion, and disability. In addition to these, subrecipients of grants under the Violence Against Women Act (VAWA) of 1994, as amended, are prohibited from discriminating on the basis of sexual orientation or gender identity. Subrecipients are required to comply with all applicable federal laws regarding employment discrimination, including laws that prohibit retaliation, as a condition of receiving and implementing federal funding.

By virtue of receiving federal grant funding, 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);
- **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);
- **Executive Order 13,559**, amending Executive Order 13,279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 81 Fed. Reg. 19,418-21 (Apr. 4, 2016) (to be codified at 28 C.F.R. pt. 38) (Part 38) (prohibiting discrimination in federally assisted social service programs based on religion 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).
- **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));
- **Juvenile Justice and Delinquency Prevention Act (JJJPA) 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, 81 Fed. Reg. 44,515, 44,532 (July 8, 2016) (to be codified at 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).

Subrecipients must have procedures in place to respond to discrimination complaints that employees or applicants file directly with the subrecipient, which may include investigating the complaint internally or forwarding the complaint to the office of the Executive Coordinator for the DAC or the U.S. Equal Employment Opportunity Commission. Subrecipients must notify the DAC grant program specialist of the receipt of any such complaints. Grant program specialists will inquire about complaint procedures in their compliance checklist for site visits.

III. DEFINITIONS

For the purposes of this policy, the terms included in this section are defined as follows, unless otherwise indicated in the policy.

- A. Complainant. “Complainant” means a person who initiates a complaint alleging discrimination or retaliation.
- B. “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.
- C. Subrecipient. “Subrecipient” means an agency that receives federal grant funding through the DAC as the State of Oklahoma SAA.

IV. COMPLAINTS PROCEDURE

A. Filing a Complaint

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

B. When to Report

A person who thinks he or she has been subject to employment discrimination should file a complaint alleging such *as soon as possible* after the first date an alleged act of discrimination has occurred and no later than one hundred eighty (180) calendar days after the last date an alleged act of discrimination 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.

C. How to Report

Complaints alleging employment discrimination by a subrecipient must be submitted to the office of the Executive Coordinator in writing, using the *DAC Employment Discrimination Complaint* form, which is attached as Appendix A; exceptions to this requirement, however, may be made on a case-by-case basis by the Executive Coordinator. 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 form may be found on the DAC website: <https://www.ok.gov/dac/> and mailed, faxed or emailed to:

Kathryn Boyle Brewer
Assistant Executive Coordinator
Oklahoma District Attorneys Council
421 N.W. 13th Street, Suite 290
Oklahoma City, OK 73103

Phone: 405-264-5000
Fax: 405-264-5099
Email: Kathryn.Brewer@dac.state.ok.us

D. Response

1. An employee or contractor of the DAC other than the Executive Coordinator who receives a complaint (in person, over the telephone, or via an e-mail, a letter, or the *DAC Employment Discrimination Complaint* form) that an employee or contractor of a subrecipient has allegedly engaged in discriminatory or retaliatory conduct shall, *as soon as practicable*, notify the DAC Executive Coordinator, who shall ascertain the details of the complaint for evaluation and assignment. The DAC Executive Coordinator will ensure that the complainant completes a *DAC Employment Discrimination Complaint* form, if he/she has not already done so.
2. Upon receipt of a complaint, the Executive Coordinator shall determine whether the complaint should be investigated, and, if so, by whom. The DAC Executive Coordinator may investigate the complaint internally, utilize the services of a Certified Discrimination Complaints Investigator through the Oklahoma Office of Personnel Management, Equal Opportunity and Workforce Diversity Division, or may refer the complaint to the U.S. Equal Employment Opportunity Commission or the appropriate state or human rights commission for investigation, or other entity.
3. The DAC Executive Coordinator shall promptly provide the complainant with a written notice acknowledging receipt of the complaint, and explaining whether Executive Coordinator has referred the complaint to another agency for investigation. If the complaint is against a subrecipient implementing funding from the U.S. Department of Justice, the DAC Executive Coordinator shall inform the complainant that he/she may also file a complaint with the United States Department of Justice, Office of Justice Programs, Office for Civil Rights, 810 Seventh Street NW, Washington, DC 20531, Phone: 202-307-0690, www.ojp.usdoj.gov/about/offices/ocr.htm. Individuals may also submit a complaint to the Oklahoma Office of the Attorney General, Office of Civil Rights Enforcement (OCRE) at 313 N.E. 21st Street, Oklahoma City, OK 73105, Phone: 405-521-2029, <http://www.oag.ok.gov/civil-rights-enforcement-unit> Complaints related to employment discrimination must be filed with the OCRE within 180 days from the last alleged discriminatory act.
4. The Executive Coordinator shall inform a complainant that it may be impossible to keep the complainant's identity confidential.
5. Investigations of complaints are to be completed within a reasonable time.
6. 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.
7. All investigations shall comply with relevant state and federal laws.

V. TRAINING

The DAC shall provide annual training on the procedures set forth in this policy to DAC employees and subrecipients. This training shall include instruction about the responsibility of employees to refer discrimination complaint to the DAC Executive Coordinator. The DAC shall require subrecipients to conduct and document annual training on the procedures set forth in this policy to subrecipient employees. Information regarding training documents may be found on the DAC website: https://www.ok.gov/dac/Grants/Subgrantee_Toolbox/index.html

VI. POLICY DISSEMINATION

A copy of this policy shall be made available to all DAC and subrecipient employees and contractors. A copy of the policy also will be included with orientation materials that are provided to new employees of the DAC, and will be posted on the DAC's main website: <https://www.ok.gov/dac/>.

Information on the policy will be provided during subrecipient financial and programmatic training and in conjunction with fiscal and programmatic site visits. By signing the grant award contract, the subrecipient agrees to comply with all applicable federal civil rights laws prohibiting discrimination in employment.

**Oklahoma District Attorneys Council
Discrimination Complaint Information Form**

1. Complaint Information:

Name	
Address	
City	
State	
Zip	
Home Phone Number	
Work Phone Number	
Email	

Name and Contact of Person(s) Discriminated Against (if different than above)

Name	
Address	
City, State, Zip	
Phone	
Email	
Name	
Address	
City, State, Zip	
Phone	
Email	

2. Respondent Information:

Provide Name and address of agency involved:

Name	
Address	
City	
State	
Zip	
Telephone Number	

3. What is the most convenient time and place to contact you about this complaint?

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

Date of first occurrence: _____

Date of most recent occurrence: _____

5. Have you ever attempted to resolve this complaint? Yes No

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

7. 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 _____

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

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

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

Name	Address	Email/Telephone #

11. Do you have an attorney? Yes No

If yes, please provide name, address and phone:

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

- Civil Rights Division, U.S. Dept. of Justice
- U.S. Equal Employment Opportunity Commission
- Federal or State Court
- Oklahoma Human / Rights Commission

13. For each item checked in #12 above, please provide the following information:

Agency:
Data Filed:
Case or Docket Number:
Date of Trial or Hearing:
Location of agency or court:
Name of Investigator:
Status of Case:
Comments:

14. Sign (Complaint NOT VALID unless Signed)

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

Kathryn Boyle Brewer
Assistant Executive Coordinator
Oklahoma District Attorneys Council
421 N.W. 13th Street, Suite 290
Oklahoma City, OK 73103

Phone: 405-264-5000
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