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 djbird@utah.gov

Purpose:

The following document establishes written procedures for the Commission on Criminal and Juvenile Justice (hereinafter “CCJJ”) to follow when receiving a complaint alleging employment discrimination from an employee of a grant subrecipient implementing funding from the U.S. Department of Justice (hereinafter “DOJ”).

The established written procedures will also be followed by CCJJ when receiving a complaint alleging discrimination in the provision of services from clients, customers, program participants, or consumers of a subrecipients implementing funding from the DOJ.

The established written procedures will also be followed by CCJJ when receiving a complaint alleging discrimination against the CCJJ or its employee(s).

Policy:

All employees and applicants of the CCJJ’s subrecipients, as well as clients, customers, program participants, or consumers of subrecipients services shall be treated equally regardless of race, color, sex, pregnancy, childbirth, or pregnancy-related conditions, age, religion, national origin, disability, sexual orientation, or gender identity. All individuals have the right to participate in programs and activities operated by CCJJ and its subrecipients The UOVC requires all subrecipients to be in compliance with the Legal Sources identified at the end of this document.

Definitions/Terms:

Discrimination: It is a discriminatory or prohibited practice to refuse services to or refuse to hire, promote, discharge, demote, terminate, or to retaliate against or to discriminate in matters of compensation or in terms, privileges, and conditions of employment against any persons otherwise qualified, because of race, color, sex, pregnancy, childbirth, or pregnancy-related conditions, age, religion, national origin, disability, sexual orientation, or gender identity.

Employment Discrimination Protection: Employees are protected from employment discrimination under the following laws, in addition to the applicable U.S. Department of Justice program statues listed in the Legal Sources section of these procedures.

- The Age Discrimination in Employment Act of 1967, 29 USC 621, as implemented by 29 CFR 1625(1999). This act prohibits discrimination on the basis of age for individuals forty years and over.
- The Vocational Rehabilitation Act of 1973, 29 USC 701, as implemented by 34 CFR 361(1999). This act prohibits discrimination on the basis of disability status under any program or activity that receives federal financial assistance. Employers with federal contracts or subcontracts greater than \$10,000.00 must have an affirmative action plan to accommodate qualified individuals with disabilities for employment and advancement. All of an employer's operations and facilities must comply with Section 503 as long as any of the operations or facilities are included in federal contract work. Section 504 incorporates the employment provisions of Title I of the Americans with Disabilities Act of 1990.
- The Equal Pay Act of 1963, 29 USC 206(d), as implemented by 29 CFR 1620(1999). This act prohibits discrimination on the basis of sex.
- Title VII of the Civil Rights Act of 1964 as amended, 42 USC 2000e. This act prohibits discrimination on the basis of sex, race, color, national origin, religion, or disability.
- The Americans with Disabilities Act of 1990, 42 USC 12201. This act prohibits discrimination against qualified individuals with disabilities in recruitment, selection, benefits and all other aspects of employment.
- Uniformed Services Employment and Reemployment Act of 1994, 38 USC 4301 (USERRA). This act requires a state to reemploy eligible veterans who left state employment for military service and return to work within specified time periods defined by USERRA.
- Utah Labor Commission Enforcement Information
- Utah Code Annotated, Title 34A Chapter 5

Provision of Services Discrimination Protection: In regards to the provision of services, it is discrimination for a DOJ funding recipient to fail to provide services, or to provide services that are different in kind, based on a protected class. Recipients are prohibited from discriminating in the provision of services under the statutes and regulations listed in the Legal Sources section of these procedures.

Complaint Coordinator: The CCJJ Complaint Coordinator is identified above, Danielle Bird.

Retaliation: It is illegal for an employer to retaliate against an employee because they have opposed any type of discriminatory treatment or because they have filed charges, testified, assisted or participated in any proceeding, investigation or hearing alleging discriminatory treatment protected by the law. Further, it is illegal for an agency to retaliate against someone for complaining of discrimination in the delivery of services.

This protection applies not only to the complaining employee, but also to all other employees who might participate in the investigatory process. This protection applies regardless of the validity of the complaining employee's charge.

Project Director: The person identified in the grant submission (application) as the responsible party to manage the grant project.

Complaint Procedures

If you believe that you have been the target of discrimination by CCJJ, or you believe a subgrantee of CCJJ has discriminated against an employee, a client, a customer or a program participant, or anyone else, and/or if any employee or subgrantee received a complaint of alleged discrimination, such person/employee/subgrantee should notify CCJJ's complaint coordinator, Danielle Bird, by email, letter, telephone, or fax with the following:

A complainant may contact any of the following:

1. The CCJJ Complaint Coordinator is Danielle Bird.
 - a. Danielle will accept the complaint filed by an employee of a subrecipient, clients of a subrecipients, and program beneficiaries. A complainant may contact Danielle in writing, by telephone, or by email at:

Danielle Bird
Commission on Criminal and Juvenile Justice
East Office Building, Suite E 330, State Capitol
PO Box 142330
Salt Lake City, UT 84114-2330
djbird@utah.gov

Complaint must include the following:

- Date of alleged discrimination;
 - Protected class claimed;
 - Summary of the alleged discrimination with supporting documents;
 - A signature attesting to the facts alleged
- b. The Complaint Coordinator will contact the complainant within ten (10) business days after receipt of the complaint.
 - c. The Complaint Coordinator will mail complainant(s) a letter, and where appropriate, in a format accessible to the complainant, such as large print, braille, or audio tape indicating the actions taken in forwarding the complaint to the Utah Antidiscrimination & Labor Division (UALD) and notification to the Office for Civil Rights. She will send the letter to the complainant (Appendix A) detailing receipt of the complaint and provide information on

the date, time, and manner in which she forwarded the complaint to the UALD and the Office for Civil Rights.

- d. Employment discrimination complaints will be forwarded to the:
Utah Antidiscrimination & Labor Division
160 East 300 South, 3rd floor,
PO Box 146630
Salt Lake City, Utah 84114-6630
 - e. Danielle will also notify the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights that a complaint has been filed and forwarded to the UALD.
 - f. Danielle shall maintain a confidential file of copies of all complaints received and forwarded and any correspondence relating to the complainant.
 - g. Provision of service discrimination complaints, and/or discrimination complaints against CCJJ itself will be forwarded to the State of Utah Department of Human Resource Management (DHRM).
 - h. Danielle will also notify the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights that a provision of service complaint and/or discrimination complaint against CCJJ itself has been filed and forwarded to DHRM.
2. Utah Antidiscrimination & Labor Division. You can contact the UALD directly by phone or in person to obtain the intake questionnaire.

Anti-Discrimination & Labor Division
PO Box 146630
160 East 300 South, 3rd floor
Salt Lake City, Utah 84114-6630
801.530.6800
801.530.7609 FAX
Laborcommission.utah.gov

The questionnaire and other information can also be located on UALD's web page at http://laborcommission.utah.gov/divisions/AntidiscriminationAndLabor/employment_discrimination.html

3. U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights. To file a civil rights complaint, download (<https://ojp.gov/about/ocr/pdfs/cvf.pdf>) and complete the Complaint Verification Form (CVF) and the Identity Release Statement (IRS) (https://ojp.gov/about/ocr/pdfs/identity_rel.pdf) and return both forms to the OCR at the following address:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, DC 20531
Telephone: 202-616-9865
Fax: 202-616-9865

If you believe that you have been the target of discrimination, you should file a complaint with the OCR as soon as possible. In most circumstances, complainants may have no longer than either 180 days or one year from the date of the discriminatory incident, depending on the relevant statute, to file a complaint.

Should employees of CCJJ receive a discrimination complaint, they will forward the complaint to the CJJ Complaint Coordinator, Danielle Bird.

Public Notification

The Commission on Criminal and Juvenile Justice shall make available this Non-Discrimination Policy to all CCJJ staff, program beneficiaries, and subgrantees. This policy will be posted on CCJJ's website.

Legal Sources

- Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968: as amended, which prohibits discrimination on the basis of race, color, national origin, religion, or sex, in the delivery of services and employment practices in OJP and COPS funded programs or activities. ([34 U.S.C. §§ 10228\(c\) and 10221\(a\)](#)).
- 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 and employment practices in OJP and COPS funded programs or activities. ([42 U.S.C. § 2000d](#) and [28 C.F.R. §42.101 et seq.](#))
- Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability in the delivery of services and employment practices in OJP and COPS funded programs or activities. ([29 U.S.C. § 794](#) and [28 C.F.R. § 42.501 et seq.](#))
- Victims of Crime Act (VOCA) of 1984, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, sex, or disability in VOCA funded programs or activities. ([34 U.S.C. § 20110\(e\)](#))
- Title II of the Americans with Disabilities Act of 1990, as it relates to discrimination on the basis of disability in the delivery of services and employment practices in OJP or COPS funded programs or activities. ([42 U.S.C. § 12132](#) and [28 C.F.R. Pt. 35](#)).

- Title IX of the Education Amendments of 1972, as it relates to discrimination on the basis of sex in OJP and COPS funded training or educational programs. ([20 U.S.C. § 1681](#) and [28 C.F.R. pt 54](#)).
- The Age Discrimination Act of 1975 as it relates to services discrimination on the basis of age in the delivery of services in OJP or COPS funded programs or activities. ([42 U.S.C. § 6102](#) and [28 C.F.R. § 42.700 et seq.](#))
- 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. § 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits).
- Juvenile Justice and Delinquency Prevention Act (JJDP A) of 1974, as amended: 34 U.S.C. § 11182(b), which sets forth “prohibitions against discrimination and required terms in grants, contracts, and agreements and enforcement procedures thereof.” Recipients of JJDP A funding are prohibited from discriminating on the basis of race, color, national origin, religion, or sex, in the delivery of services and employment practices.
- The Utah Antidiscrimination Act of 1965, which prohibits employment discrimination on the basis of race, color, sex, pregnancy, childbirth, or pregnancy-related conditions, age, religion, national origin, disability, sexual orientation, or gender identity. (Utah Code Annotated, Title 34A Chapter 5)

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

Subgrantee Training:

Each subrecipient of DOJ funding through CCJJ is required upon notification of receipt of award to review the online Civil Rights and Discrimination Policy Training. A signed Certificate of Completion from each subgrantee is required to be submitted annually with their award document.

The PowerPoint presentation can be found on the CCJJ web page, www.justice.utah.gov by following these detailed procedures.

ONLINE CIVIL RIGHTS COMPLIANCE TRAINING

1. Access the online training through <https://justice.utah.gov/>;
2. Click on the “Grants” label along the top banner.
3. Under “Grant Information”, select the tab for Civil Rights Training.
4. Review the PowerPoint presentation.
5. Print the “Certificate of Completion” on the final slide and submit with award document.

6. Maintain the signed Certificate of Completion in your Grant File for review when monitored.

Monitoring of Compliance

Project directors receiving DOJ funding through CCJJ will be required to submit a signed certificate with their first reimbursement request documentation in GMS. They must also produce their Certificate of Completion when monitoring of grant funds occurs. If a project director fails to provide a Certificate of Completion when requested, reimbursements of future grant payments will held until compliance has been completed as stated in this policy.

Policy Requirement for Subrecipients

Each subrecipient of DOJ funding through CCJJ will be required to have a written internal policy on employment discrimination and discrimination in the delivery of services for its employees and program participants. At the very least, a written statement similar to the following must be adopted:

- **All employees and applicants of the CCJJ's subrecipients, and clients, customers, program participants, or consumers of subrecipients shall be treated equally regardless of race, color, sex, pregnancy, childbirth, or pregnancy-related conditions, age, religion, national origin, disability, sexual orientation, or gender identity.**

Subrecipients must have procedures in place for accepting and processing discrimination complaints that employees, applicants, clients, and customers file directly with the subrecipient, which may involve investigating the complaint itself or forwarding the complaint to an external agency such as the CCJJ for processing. If the subrecipient investigates complaints internally or refers the complaint to an external agency other than the CCJJ, such as the OCR or the EEOC, it is required to notify CCJJ of any discrimination complaints that it receives.

Additionally, subrecipients are encouraged to develop a written policy and training program for employees and program participants similar to the State of Utah's Employee Guide to Workplace Harassment and Discrimination Prevention Program, a copy of which can be located at <http://www.dhrm.utah.gov/training/unlawfulharassment/uhpHandbook.pdf> and the State of Utah's Unlawful Harassment Prevention Training plan, a copy of which can be located at <https://dhrm.utah.gov/training/workplace-harassment-prevention>.

Conflicts of Interest

Any discrimination complaints that are received which may have a perceived conflict of interest with the CCJJ Discrimination Complaint Coordinator will be handled by the UOVC's Discrimination Complaint Coordinator and UOVC's policies and procedures will be followed.

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[Date]

To:
Complainant Name
Address
City, State, Zip

RE: RECEIPT OF DISCRIMINATION COMPLAINT

Dear (Complainant):

I, Danielle Bird, Commission on Criminal and Juvenile Justice (CCJJ) Complaint Coordinator, CERTIFY that (name of complainant) notified me of an allegation of discrimination on (date of complaint).

The manner of notification was made through the following means _____ telephone, _____ email, _____ written correspondence, or other _____ (describe).

The complainant information is as follows:

NAME	
ADDRESS	
TELEPHONE	
CELL PHONE	
WORK PHONE	
DATE OF BIRTH	

- Protected class claimed:
- Summary of the alleged discrimination with supporting documents:

In my capacity as Complaint Coordinator, I have taken the following actions in forwarding the discrimination complaint.

DATE	ACTION	RECIPIENT
	Forwarded to UALD	Utah Antidiscrimination & Labor Division 160 East 300 South, 3 rd floor, PO Box 146630 Salt Lake City, Utah 84114-6630 (800) 530-5090 discrimination.utah.gov

	Notification to the Office for Civil Rights	Office for Civil Rights Office of Justice Programs U.S. Department of Justice 810 Seventh Street NW Washington, DC 20531
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Respectfully submitted,

Danielle Bird
Complaint Coordinator
Utah Commission on Criminal and Juvenile Justice