

PROCEDURES FOR RESPONDING TO CIVIL RIGHTS COMPLAINTS

Purpose:

The Florida Office of the Attorney General (“OAG”) and subrecipients receiving federal financial assistance from the United States Department of Justice (“USDOJ”) through the OAG may not engage in discriminatory practices based on race, color, national origin, sex, religion, disability, or age (the applicable bases vary based on the statute involved; not all statutes protect all of the foregoing bases). The purpose of this document is to inform organizations receiving subrecipient grants through the OAG of the procedures for them and the OAG to follow to comply with anti-discrimination provisions required under federal law.

OAG employees, applicants for employment, or former employees who have a complaint regarding discriminatory employment practices or related retaliation must use the separate policies for OAG personnel.

Policy:

As a condition of accepting USDOJ funding, organizations or agencies are required to comply with applicable federal laws against discrimination and discriminatory practices in employment or the provision of services. Individuals have the right to participate in programs and activities of the OAG and of USDOJ grant subrecipients without regard to race, color, national origin, sex, religion, disability, or age, as provided under federal law. Generally, organizations and agencies are prohibited from retaliating against an individual for opposing discriminatory practices or participating in action to secure rights protected by those laws as noted below.

- **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);
- **Juvenile Justice and Delinquency Prevention Act (JJDP A) 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); 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).

Definitions:

1. “Complainant” means the individual or individuals who initiate a complaint under this policy.
2. “Complaint Coordinator” means the Director of Civil Rights, or designee, of the OAG.
3. “Discrimination” means an adverse action, unequal treatment, or the creation of a hostile environment based on race, color, national origin, sex, religion, disability, or age.
4. “Respondent” means an organization, agency, or agent thereof against whom a complaint has been initiated.
5. “Retaliation” means adverse action by an organization, agency, or agent thereof against an individual or individuals because the person(s) engaged in a protected activity, including opposition to a discriminatory practice or participation in an investigation of discrimination.

Complaint Procedures:

The OAG and its subrecipients shall comply with the following procedures if they receive a complaint of (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. Depending on the relevant statutes, complaints may need to be filed within either 180 days or one year from the alleged discrimination.

Formal Complaints Against the OAG:

1. The OAG will follow its internal procedures for discrimination complaints made by OAG employees and applicants for employment.
2. A subrecipient client, customer, program participant, applicant, or consumer who alleges discrimination by the OAG may file a complaint by completing the OAG's complaint form. This form is available at www.myfloridalegal.com, on the Crime Victims' Services page, and it must be delivered to the Office of the Attorney General, Attention Civil Rights Complaint Coordinator, PL-01, The Capitol, Tallahassee, FL 32399-1050, or by facsimile to (850) 921-7671, or email to citizenservices@myfloridalegal.com.
3. A subrecipient client, customer, program participant, applicant, or consumer who alleges discrimination by the OAG may also send a complaint letter to the OAG about that alleged mistreatment. The address for the OAG is:

State of Florida
Office of the Attorney General
Attn: Director of Civil Rights
PL-01 The Capitol
Tallahassee, FL 32399-1050

4. 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, if known.
 - c. The basis for the complaint, e.g., the complaint alleges (1) discrimination in services or employment based on race, color, national origin, sex, religion, or disability, or discrimination in services based on age, or (2) retaliation for engaging in protected activity. Please include as much detail as possible.
 - d. The date of the alleged discriminatory or retaliatory conduct.
 - e. The name and title of the person(s) who is alleged to have engaged in the discriminatory or retaliatory conduct.
 - f. The complaint must be in writing, dated, and signed by the complainant.
5. A complainant may contact the OAG Complaint Coordinator prior to filing a complaint for policy clarification.
6. The OAG Complaint Coordinator shall note when the complaint was received, provide written notice to the complainant of the receipt of the complaint, and explain to the complainant that efforts will be made to resolve the complaint within 45 calendar days of the complaint, unless the coordinator refers the matter to another agency.
7. If the complainant alleges discrimination by the OAG in its services practices, the OAG may choose to investigate the complaint, refer the complaint to the USDOJ Office for Civil Rights (USDOJ OCR), or refer the complaint to another appropriate federal agency for review and disposition.
8. The OAG Complaint Coordinator shall provide written notice to the complainant and advise whether the complaint has been investigated or referred to an external agency, and if referred to an external agency, advise the complainant of the external agency's contact information.

Formal Complaints Against OAG Subrecipients Receiving Federal Funding:

1. A subrecipient employee, client, customer, program participant, applicant, or consumer who alleges discrimination by an OAG subrecipient receiving federal funding may file a complaint with the subrecipient, the OAG at the above address, or the USDOJ at the below address.
2. If an OAG subrecipient receives a complaint in which a subrecipient employee, client, customer, program participant, applicant, or consumer alleges discrimination in employment or services by the subrecipient, the subrecipient shall address the complaint consistent with its procedures for handling such matters.
3. If the OAG Complaint Coordinator receives a complaint directly from a subrecipient employee, client, customer, program participant, applicant, or consumer alleging discrimination by a subrecipient in its employment or services practices, the OAG will not investigate the complaint. Instead, the OAG Complaint Coordinator shall refer any employment complaint to the subrecipient or the U.S. Equal Employment Opportunity Commission and shall refer any services complaint to the subrecipient, the USDOJ OCR, or another appropriate federal agency for investigation and disposition.

External Agencies:

The OAG'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 OAG 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
131 M Street, NE
Washington, DC 20507
Phone: 202-663-4900
TTY: 202-663-4494
<http://www.eeoc.gov/employees/charge.cfm>

If a service discrimination complaint involves a program receiving federal financial assistance from the USDOJ, the complainant may file a complaint with:

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

Subrecipient Monitoring:

The OAG grants management section will rely on subrecipient grant agreements and acceptance documents to notify USDOJ grant subrecipients of (1) prohibited discrimination in their programs and activities, and (2) the requirement that subrecipients have policies and procedures in place to respond to complaints of discrimination involving services or employment practices and to notify employees, clients, customers, program participants, applicants, and consumers of their complaint procedures. The OAG grants management section will use a checklist and any additional information it gathers onsite from the grant subrecipients to review compliance with these requirements.

Training and Notification:

1. OAG grant management staff shall receive training when appointed as a grant manager and periodically thereafter as needed. The training will inform them of their responsibilities to refer complaints or potential discrimination issues to the OAG Complaint Coordinator for processing as soon as the alleged discrimination is brought to the attention of the staff. Annual training will also include a review of the EEOP training module.
2. OAG will notify beneficiaries of their ability to file a civil rights complaint through the incorporation of the Standard/Full Civil Rights Statement or the Condensed Civil Rights Statement into all publications, Web sites, posters, and information materials. Furthermore, a copy of the present policy will be made available on its website.
3. Subrecipients will be provided a copy of this policy by OAG grant management staff. OAG grant management staff will also provide a link to a training module from the USDOJ OCR, and will notify subrecipients through its grant solicitations of the requirement to complete the USDOJ OCR training module annually. The OAG will post the link to this training on its Website. OAG staff will review compliance with this requirement during site visits.
4. Subrecipients will notify beneficiaries of their ability to file a civil rights complaint through the subrecipients' incorporation of the Standard/Full Civil Rights Statement or the Condensed Civil Rights Statement into all publications, Websites, posters, and information materials. Furthermore, subrecipients are required to post the Civil Rights Fact Sheet at all locations which serve beneficiaries and other members of the public.