

**STATE OF VERMONT
DEPARTMENT OF PUBLIC SAFETY**

Policy Title:	Method of Administration (MOA) Discrimination Complaint Procedures	Scope:	Department Wide
Section:	General	Original Issue Date:	11/17/2011
Policy #:	A-GEN-003	Revision Date:	08/26/2022

PURPOSE

The purpose of this document is to establish written procedures for the Department of Public Safety (DPS) employees to follow when they receive a complaint alleging discrimination from beneficiaries of DPS or employees and beneficiaries of a subrecipient implementing funding from the U.S. Department of Justice (DOJ). This policy serves as the DPS Method of Administration (MOA) to ensure compliance with civil rights obligations.

DEFINITIONS

Beneficiary - A client, customer, consumer, or program participant.

Complainant - The person or persons who initiate a complaint.

Complaint Coordinator- The person designated by the Vermont Department of Public Safety to receive discrimination complaints from beneficiaries of the DPS and its sub-recipients and to coordinate referral of the complaint to the investigating agency. The Human Resources Manager of Field Operations is the Complaint Coordinator.

Discrimination - Unequal treatment in the delivery of grant funded services or in employment decisions, based on an individual's race, color, national origin, religion, sex, age, and disability.

Religion - The term "religion" includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business ([42 U.S. Code § 2000e - Definitions](#)). Religious practices include moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views ([29 CFR Labor, §1605.1 "Religious" nature of a practice or belief](#)).

Record Retention - The storage of records. See Reference section for record retention requirements.

Subrecipient - An organization which receives a Department of Justice grant award that is administered by, or passed through the Vermont Department of Public Safety.

REFERENCES

[Civil Rights, Department of Justice Grants and Cooperative Agreements](#) - Statutes and Regulations related to Civil Rights and Nondiscrimination.

[Disability Information](#) - Disability Rights Section of DOJ's Civil Rights Division has many resources to assist recipients in understanding the requirements of the ADA.

[Limited English Proficiency \(LEP\) Information](#) - Tips and Tools for different types of agencies on how to comply with requirements to provide services to LEP persons.

[Office of Justice Programs, Award Condition Methods of Administration](#) - Requirements applicable to States.

[Uniform Administrative Requirements Cost Principles, and Audit Requirement for Federal Awards, 2 CFR 200, §200.334 Retention requirements for records](#)

GENERAL STANDARDS

Equal Treatment

All individuals have the right to participate in programs and activities operated by DPS and its subrecipients regardless of race, color, national origin, sex, religion, disability, and age.

Prohibition on Retaliation

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

Compliance With Regulations

The Vermont Department of Public Safety (DPS) will ensure that DPS and its subrecipients are in compliance with the following statutes and regulations:

[Title VI of the Civil Rights Act of 1964](#)

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 regulations at 28 C.F.R. Part 42, Subpart C.

[The Omnibus Crime Control and Safe Streets Act of 1968](#)

Prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (34 U.S.C. § 10228(c)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D.

[Section 504 of the Rehabilitation Act of 1973](#)

Prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G.

[Title II of the Americans with Disabilities Act of 1990](#)

Prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35.

[American with Disabilities Act Amendment Act of 2008](#)

The Act emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis.

[Title IX of the Education Amendments of 1972](#)

Prohibits discrimination on the basis of sex in educational programs (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54.

[The Age Discrimination Act of 1975](#)

Prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I.

[JJ DPA - Juvenile Justice and Delinquency Prevention Act of 2002 \(34 U.S.C. § 11182\(b\)\)](#)

The following crime control provisions are applicable to recipients of funding which are subject to this statute: Sections 10228(c), 10230(a), 10230(b), 10230(c), 10231(a), 10231(b), and 10231(d).

[Victims of Crime Act of 1984](#)

No person shall on the ground of race, color, religion, national origin, handicap, or sex be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under this subchapter.

[Violence Against Women Act Reauthorization Act of 2013](#)

No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under [VAWA], and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

[The DOJ regulations on the Partnership with Faith-Based and Other Neighborhood Organizations](#)

Prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding on explicitly religious activities ([28 C.F.R. Part 38](#)).

COMPLAINT PROCEDURES

Posting Complaint Procedure

This complaint procedure will be posted to the Department of Public Safety internal and external websites so that it is accessible to department employees and members of the public.

Submission of Complaints to the Department of Public Safety

Submission:

A member of the public can submit complaints directly to the Vermont Department of Public Safety:

- DPS.HR@vermont.gov
- or mailed to:
The Vermont Department of Public Safety
Human Resources Department
Attn: Complaint Coordinator
45 State Drive
Waterbury, VT 05676
- or submit to the Office for Civil Rights:
The Office for Civil Rights (OCR)
Office of Justice Programs (OJP)
U.S. Department of Justice (DOJ)
810 7th Street NW, Washington, DC 20531

Include:

- The name of the complainant, organization & address, and an email and/or telephone number
- The date when the discrimination occurred
- A detailed documentation of the discrimination including the DPS employee(s) involved

Timeframe - Complaints should be submitted within either 180 days or one year from when the discrimination occurred.

Complaint Review Process

Complaints to Department Employees - When an employee of the Vermont Department of Public Safety (DPS) receives a complaint of discrimination from a beneficiary of DPS, or from a beneficiary or employee of a DPS subrecipient, they will forward the complaint to the Complaint Coordinator at: DPS.HR@vermont.gov.

Verbal Complaints - If the complaint is made verbally, the Complaint Coordinator will request that the complainant document the complaint in writing.

Delivery of Services Complaint - If the complaint alleges discrimination by DPS or a subrecipient in the delivery of services, the Complaint Coordinator will refer the written complaint to the Vermont Human Rights Commission (VHRC) for review and investigation and will notify the complainant in writing of this referral.

Employment Practices Complaint - If the complaint alleges discrimination by a subrecipient in employment practices, the Complaint Coordinator will refer the written complaint to the U.S. Equal Employment Opportunity Commission (EEOC) for review and investigation and will notify the complainant in writing of this referral.

Complaints to Subrecipients - A subrecipient may also forward to the DPS Complaint Coordinator a discrimination complaint that an employee or beneficiary has filed directly with the subrecipient. Any DPS employee receiving a discrimination complaint from a subrecipient shall submit the complaint to the DPS Complaint Coordinator, who shall forward the complaint to the VHRC or the EEOC as appropriate.

Notification for Filing Complaint - The Complaint Coordinator will notify the complainant that he or she may also file a complaint directly with the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), 810 7th Street NW, Washington, DC 20531.

TRAINING & NOTIFICATION

Vermont Department of Public Safety Grant Management Staff

Referral to Complaint Coordinator - DPS grant management staff will be informed of their responsibilities to refer complaints to the Complaint Coordinator during periodic grant management training.

Civil Rights Training - Regular grant management training will include a review of the civil rights training modules.

Vermont Department of Public Safety Subrecipients

Civil Rights Training - DPS will provide a civil rights training module and will notify subrecipients within the grant agreement of their requirement to complete this training annually.

Review - The civil rights annual training will be reviewed during pre-award selection and on monitoring Reviews.

Training Location - The training will be posted on the [Vermont Department of Public Safety website](#).

MONITORING & COMPLIANCE

Notification - Subrecipients will be notified of their requirement to have such procedures through the grant solicitation and the grant agreement documents.

Monitor Procedure - The Vermont Department of Public Safety will complete a Civil Right Questionnaire with the subrecipient every time they perform a financial monitoring review through the audit unit for a Department of Justice award to ensure that subrecipients have procedures in place for responding to complaints of discrimination that beneficiaries or employees file directly with the subrecipient. This questionnaire, monitoring reports, and any required

corrective actions will be maintained according to federal record retention requirements ([Uniform Administrative Requirements 2 CFR 200 §200.334 Retention requirements for records](#)).

RECORD RETENTION

Maintenance - Policies & Procedures will be maintained for the duration of their effective life on the SharePoint site (or other digital storage location if this should be changed).

State Record Retention Requirements -A copy will be maintained for 3 years (per the State of Vermont [General Record Schedule](#) GRS-1000.1102-70 Policies, and -73 Procedures).

Federal Award Record Retention Requirements - Policies and procedures applicable to federal award review must be maintained for the obligatory time period stated in the federal Uniform Guidance 2 CFR §200.334 Retention requirements for records which states:

Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency... (a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Archive - When a policy/procedure is updated or obsoleted, the non-current policy/procedure will be moved to the Archive folder, and “- archive” added to the end of the title to designate it as an inactive document.

SIGNATURE

8/26/2022

Date

DocuSigned by:

Jennifer Morrison

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Commissioner or Deputy Commissioner
Department of Public Safety