

**STATE OF VERMONT  
DEPARTMENT OF PUBLIC SAFETY**

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<b>Policy Title:</b>	<b>Method of Administration (MOA)</b> Discrimination Complaint Procedures	<b>Scope:</b>	Department Wide
<b>Section:</b>	General	<b>Original Issue Date:</b>	11/17/2011
<b>Policy #:</b>	A-GEN-003	<b>Revision Date:</b>	05/11/2020

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**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 - refers to a client, customer, consumer, or program participant.

Complainant - refers to the person or persons who initiate a complaint.

Complaint Coordinator: The person designated by DPS 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 DPS Complaint Coordinator.

Discrimination - Discrimination in the delivery of grant funded services on the basis of race, color, national origin, religion, sex, age and disability.

Record Retention - the storage of records no longer active. Please see Reference section for a link to the federal record retention requirements.

Subrecipient - refers to an organization which receives a DOJ grant award that is administered by the DPS.

**REFERENCES**

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

[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 §200.333 Retention Requirements for Records.](#)

**GENERAL STANDARDS**

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.

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, which 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, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
- Section 504 of the Rehabilitation Act of 1973, which 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, which 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;
- Title IX of the Education Amendments of 1972, which prohibit 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, which 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.
- The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding on inherently religious activities (28 C.F.R. Part 38).

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

### **Complaint Procedures**

When an employee of DPS receives a complaint of discrimination from a beneficiary of DPS or from a beneficiary or employee of a DPS subrecipient, whether verbally or in writing, that employee must notify the Complaint Coordinator. If the complaint is verbal, the Complaint Coordinator will request that the complainant document the complaint in writing.

- 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.
- 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.
- 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.
- This complaint procedure will be posted in all facilities of the DPS in an area readily accessible and visible, and will be provided on request to members of the public.
- 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 7<sup>th</sup> Street NW, Washington, DC 20531.

### **Training & Notification**

#### **DPS Grant Management Staff:**

- DPS grant management staff will be informed of their responsibilities to refer complaints to the Complaint Coordinator during periodic grant management training.
- Regular grant management training will include a review of the civil rights training modules.

**Subrecipients:**

- DPS will provide a civil rights training module and will notify subrecipients within the grant agreement of their requirement to complete this training annually.
- The civil rights annual training will be reviewed during pre-award selection and on monitoring Reviews.
- The training will be posted on the department's website.

**Monitoring & Compliance**

- Subrecipients will be notified of their requirement to have such procedures through the grant solicitation and the grant agreement documents.
  - DPS will complete a Civil Right Questionnaire when monitoring 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 by DPS according to federal record retention requirements ([Uniform Administrative Requirements 2 CFR 200 §200.333](#)).
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**SIGNATURE:**

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Date

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Commissioner or Deputy Commissioner  
Department of Public Safety