

Grants Management Unit (GMU)

DIVISION OF CHILD AND FAMILY SERVICES POLICY	
SUBJECT:	Civil Rights Complaint Procedures
POLICY NUMBER:	2.1012
EFFECTIVE DATE:	April 15, 2020
APPROVED BY:	Mandi Davis, Deputy Administrator-Division of Child and Family Services
DATE:	April 15, 2020
SUPERSEDES:	None
APPROVED BY:	Ross Armstrong, Administrator – Division of Child and Family Services
DATE:	April 15, 2020
REFERENCES:	Title VI of the Civil Rights Act of 1964 Federal Civil Rights Laws DCFS Policy 2.1011 Civil Rights Method of Administration
ATTACHMENTS:	None

- I. POLICY:** The Division of Child and Family Services (DCFS) has implemented a policy and procedure to ensure compliance with Title VI of the Civil Rights Act of 1964 and other relevant federal civil rights law for all subrecipients of Department of Justice (DOJ) funding; specifically Victims of Crime Act (VOCA) and Juvenile Justice and Delinquency Prevention Act (JJDP A).
- II. PURPOSE:** The Division of Child and Family Services (DCFS) Grants Management Unit (GMU) recognizes the necessity in establishing a policy and procedure addressing civil rights complaints. This document establishes written procedures for DCFS staff to follow when a complaint is received alleging discrimination customers, program participant and any job applicant or employees of DCFS’ subrecipients of DOJ funding, including funding under VOCA and the JJDP A.

All individuals have the right to participate in programs and activities regardless of race, color, national origin, sex, religion, disability, and age. These classes are protected from discrimination in employment and in the provision of services.

The DCFS Grants Management Unit (GMU) will ensure compliance with the following statutes and regulations:

- A. **Title VI of the Civil Rights Act of 1964**, as amended, which prohibits discrimination on the basis of race, color, and national origin in the delivery of services (42 U.S.C. § 2000d), and the Department of Justice (DOJ) implementing regulations at 28 C.F.R. pt. 42, subpart. C;

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- B. **Omnibus Crime Control and Safe Streets Act of 1968**, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, and sex in the delivery of services and employment practices (34 U.S.C. §10228(c));
- C. **Victims of Crime Act of 1984**, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, sex, and handicap in the delivery of services and employment practices (34 U.S.C. § 20110(e));
- 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. § 7947), and the DOJ implementing regulations at 28 C.F.R. pt. 42, subpart. G;
- E. **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. pt. 35;
- F. **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. pt. 54;
- G. **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. pt. 42, subpart. I;
- H. The DOJ regulations on **Partnerships with Faith-Based and Other Neighborhood Organizations**, which prohibit federally- assisted social service programs from discriminating in delivery of services or benefits based on religion 28 C.F.R. pt. 38).
- I. **The 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)

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

III. WRITTEN PROCEDURES FOR ADDRESSING IMPERMISSIBLE DISCRIMINATION COMPLAINTS FILED AGAINST SUBRECIPIENTS:

Complaints from any source are to be submitted on the Written Complaint Statement of Concern/Complaint with Grant Programs Form to the DCFS Grant Management Chief. The form is available on our webpage at <http://dcfs.nv.gov/Programs/GMU/GMU/>

- A. Written Complaint Statement of Concern/Complaint with Grant Programs Form to the DCFS Grant Management Unit within 180 days or 1 year from the date of the alleged discrimination, depending on the relevant statute.

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B. The complaints are to be submitted to:

Kelsey McCann-Navarro, Social Services Chief III
Division of Child and Family Services- Grant Management Unit
4126 Technology Way, 3rd Floor
Carson City, NV 89706

Or kelsey.navarro@dcfs.nv.gov

a. In the event that a complaint is received by a DCFS employee or DOJ subrecipient, the complaint must be submitted via email to the GMU Chief within 1 business day of receipt.

C. The DCFS Grants Management Unit will review any and all complaints in an objective and impartial manner and provide the complainant with written acknowledgement of the complaint and how correspondence will be administered throughout the investigation as well as an explanation of how the complaint will be investigated upon and resolved by following the steps listed below:

Complaint Communication:

- a. GMU will reply to the complainant's email within 24 hours of complaint being received.
 - i. Any complaints received during the weekend or on a holiday will receive and email on the following working day.
- b. GMU will evaluate the written complaint received to determine whether it constitutes a complaint that is subject to further processing.
- c. If GMU determines that it will investigate the complaint, it will issue letters of notification to the complainant and the recipient.

Opening a complaint:

- d. When a determination to open an investigation is made; there is no implication that GMU has made a determination in regards to the merits of the complaint.
- e. During the investigation, GMU is a neutral factfinder that will collect and analyze relevant evidence from the complainant, the recipient, and other sources, as appropriate.
 - i. GMU may use a variety of fact-finding techniques in its investigation of a complaint.
 1. These techniques may include reviewing documentary evidence submitted by both parties, conducting interviews with the complainant, recipient's personnel, and other witnesses, and/or site visits
- f. GMU will ensure that the actions it takes in investigations are sufficient, supported by evidence, and dispositive of the allegations raised in the complaint.

Final Determination:

- g. GMU's determination will be explained in a Letter of Findings sent to the complainant and recipient.
 - i. Letters of Findings contain fact-specific investigative findings and dispositions of individual cases.
 - ii. Letters of Findings are not formal statements of GMU policy, and they should not be relied upon, cited, or construed as such.

Confidentiality:

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- h. All investigative and complaint documentation will remain confidential and is not subject to public requests for information provisions.
- D. Any person who submits a complaint of impermissible discrimination is notified promptly that a complaint also may be filed with the Office of Justice Programs' (OJP) Office for Civil Rights, by submitting a written complaint to the following address:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street N.W.
Washington, DC 20531

IV. METHODOLOGY FOR TRAINING SUBRECIPIENTS ON CIVIL-RIGHTS-RELATED AWARD REQUIREMENTS

GMU staff will complete training on these complaint procedures, including staff's responsibilities to refer discrimination complaints from clients, customers, program participant and any job applicant or employee of subrecipient agencies to the GMU Chief. This procedure will be provided to current and new staff as part of their orientation and discussed during applicable training sessions.