



## Wisconsin Department of Justice

### **DISCRIMINATION POLICY & COMPLAINT PROCESS: RELATING TO EXTERNAL PERSONS/ENTITIES**

**Effective Date: November 27, 2017**

#### **I. STATEMENT OF POLICY**

The purpose of this document is to establish written procedures for employees of the Wisconsin Department of Justice (“DOJ” or “Department”) to follow when they receive a complaint:

- 1) Alleging services discrimination from clients, customers, program participants, or consumers of DOJ or of a subrecipient implementing funding from the U.S. Department of Justice or the U.S. Department of Homeland Security Federal Emergency Management Agency or
- 2) Alleging employment discrimination from an employee or applicant of a subrecipient implementing funding from U.S. Department of Justice or U.S. Department of Homeland Security Federal Emergency Management Agency.

For complaints regarding conduct by DOJ employees, refer to the DOJ Discrimination and Harassment Prevention Policy and Complaint Procedure and the DOJ Work Rules.

#### **II. CROSS REFERENCE**

[United States Department of Homeland Security, Federal Emergency Management Agency](#)

[United States Department of Homeland Security, Federal Emergency Management Agency, Office of Equal Rights](#)

[United States Department of Justice](#)

[United States Department of Justice, Office of Justice Programs](#)

[United States Department of Justice, Office of Justice Programs, Office for Civil Rights](#)

[United States Equal Employment Opportunity Commission](#)

[DOJ Discrimination and Harassment Prevention Policy and Complaint Procedure](#)

## [DOJ Employee Work Rules and Discipline Procedure](#)

### III. DEFINITIONS

**Complaint Coordinator:** The person who is responsible for coordinating the series of actions found in the complaint procedures (this is the DOJ Human Resources Manager)

**Complainant:** The person who files a complaint

**Discrimination:** To act on the basis of race, color, national origin, disability, religion, sex, gender identity, or sexual orientation

**DHS:** United States Department of Homeland Security

**DOJ:** Wisconsin Department of Justice

**EEOC:** United States Equal Employment Opportunity Commission

**FEMA:** Federal Emergency Management Agency in the Department of Homeland Security

**OCR:** The Office for Civil Rights in the United States Department of Justice, Office of Justice Programs

**OER:** Office of Equal Rights in the United States Department of Homeland Security Federal Emergency Management Agency

**Subrecipient:** Any organization or agency to which the Wisconsin Department of Justice administers United States Department of Homeland Security or United States Department of Justice funds

**US DOJ:** United States Department of Justice

### IV. POLICY

All individuals have the right to participate in programs and activities operated by the DOJ and subrecipients regardless of race, color, national origin, sex, religion, disability, or age. All employees and applicants of the DOJ's subrecipients shall be treated equally regardless of race, color, national origin, sex, religion, disability, or age.

DOJ Grants Administrators shall ensure that its subrecipients comply with all applicable federal laws regarding services and employment discrimination. This is accomplished through the grant award documentation and on-site monitoring visits. In addition, DOJ Grants Administrators will ensure that all subrecipients are familiar with, and are implementing, the applicable provisions of 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, as to subrecipients of U.S. DOJ funding, the U.S. DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C
- 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, as to subrecipients of U.S. DOJ funding, the U.S. 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 (41 U.S.C. § 12132), and, as to subrecipients of U.S. DOJ funding, the U.S. 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 education programs (20 U.S.C. § 1681), and, as to subrecipients of U.S. DOJ funding, the U.S. 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, as to subrecipients of U.S. DOJ funding, the U.S. DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I

DOJ Grants Administrators shall also ensure that subrecipients of U.S. DOJ funding are familiar with, and are implementing, the applicable provisions of the following legal authority:

- 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 U.S. DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D; and
- The U.S. 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 U.S. DOJ funding on inherently religious activities (28 C.F.R. Part 38).

These laws prohibit the DOJ and subrecipients from retaliating against an individual for taking action, or participating in action, to secure rights protected by these laws.

## **V. COMPLAINT PROCEDURES**

### **Services discrimination**

When a DOJ employee receives a complaint of services discrimination from a client, customer, program participant, or customer of the DOJ or of a subrecipient of the DOJ, the employee shall send the complaint to the DOJ complaint coordinator (DOJ Human Resources Manager) at DOJ, HR Bureau, DOJ, 17 W Main St, Madison, WI 53703.

The complaint coordinator shall:

- 1) Refer all complaints of services discrimination subject to this policy to OCR and/or OER/FEMA (depending on the source(s) of federal funding); and
- 2) Provide notice to the complainant that the DOJ received the complaint and forwarded it to OCR and/or OER/FEMA.

Through the grant application process and on-site monitoring visits, DOJ Grants Administrators shall ensure that subrecipients establish and implement procedures for responding to discrimination complaints that clients, customers, program participants, or consumers file directly with the subrecipient. If a subrecipient receives a complaint alleging services discrimination, the subrecipient shall either investigate the complaint and respond directly to the complaining party or refer the complaint to OCR and/or OER/FEMA (depending on the source(s) of federal funding) and shall notify the complainant of the referral.

DOJ Grants Administrators shall ensure that subrecipients notify their clients, customers, program participants, and consumers of prohibited discrimination and the procedures for filing services discrimination complaints. DOJ shall also notify its clients, customers, program participants, and consumers of prohibited discrimination and its procedures for filing a services discrimination complaint.

### **Employment discrimination**

When a DOJ employee receives a complaint of employment discrimination from an employee or applicant of a subrecipient, the following procedures shall be used:

- 1) Send the complaint to the DOJ complaint coordinator (DOJ Human Resources Manager).
- 2) The complaint coordinator shall refer all complaints of employment discrimination to the Equal Employment Opportunity Commission (EEOC) to conduct an external investigation of the complaint.
- 3) The complaint coordinator shall also provide notice to the complainant that the DOJ received the complaint and forwarded it to EEOC.

DOJ Grants Administrators shall ensure that subrecipients adopt and implement procedures for responding to discrimination complaints that employees or applicants file directly with the subrecipient. If a subrecipient receives a complaint alleging employment discrimination, the subrecipient shall either investigate the complaint and respond directly to the complaining party or refer the complaint to EEOC and shall also notify the complainant of the referral. DOJ

Grants Administrators shall also ensure that subrecipients notify their employees of forms of discrimination that are prohibited, and of the procedures for filing an employment discrimination complaint.

**VI. FILING A COMPLAINT WITH THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)**

A complainant may file a complaint of employment discrimination directly with EEOC. The procedures for filing a complaint with the EEOC's Milwaukee Area Office are available at <http://www.eeoc.gov/field/milwaukee/charge.cfm>.

**VII. FILING A COMPLAINT WITH THE OFFICE FOR CIVIL RIGHTS (OCR) IN THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS**

A complainant may file a complaint of discrimination against the DOJ or a subrecipient of DOJ funding directly with OCR. The procedure for filing a civil rights discrimination complaint with OCR is available on the U.S. DOJ Office of Justice Programs website at <https://ojp.gov/about/ocr/complaint.htm>. To file a civil rights complaint, complete both a [Complaint Verification Form \(CVF\)](#) and an [Identity Release Statement \(IRS\)](#), available on the link noted above, and return both forms to OCR at the following address:

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

If you believe that you have been the target of discrimination, you should file a complaint with OCR as soon as possible. In most circumstances, you may have no longer than one year from the date of the discriminatory incident to file a complaint. Additional tips for filing a complaint are available at <http://www.ojp.usdoj.gov/about/ocr/complainttips.htm>.

**VIII. FILING A COMPLAINT WITH THE OFFICE OF EQUAL RIGHTS (OER) IN THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

A complainant may file a complaint of discrimination against the DOJ or a subrecipient of DHS/FEMA funding directly with OER/FEMA. Information and procedures for filing a discrimination complaint with OER/FEMA are available on its website at <https://www.fema.gov/office-equal-rights>.

Complaints involving recipients of financial assistance from DHS/FEMA can be sent directly to FEMA at the following address:

FEMA Office of Equal Rights  
ATTN: CIVIL RIGHTS TITLE VI PROGRAM  
500 C Street SW  
Room 4SW-0915  
Washington DC 20472

You may also fax your written complaint to (202) 646-4320, Attn: Civil Rights Title VI Program.

Information on FEMA grant and assistance programs may be found at  
<https://www.fema.gov/grants>.

## **IX. TRAINING**

DOJ shall disseminate this policy to agency employees by posting it on the agency intranet site, JusticeNet. During new employee orientation, employees shall be directed to review and acknowledge the Department's policies on JusticeNet. Each division within DOJ that administers grants shall ensure their employees are trained on this policy and their responsibilities should a complaint be presented to them. In addition to JusticeNet, this policy shall be posted on the Department's public website to ensure public access.