

Procedures for Responding to Discrimination Complaints from DAC Employees and Employees of DAC's Subrecipients under U.S. Department of Justice Grant Programs

I. PURPOSE

The Oklahoma District Attorneys Council (“DAC”) receives federal financial assistance and serves as the State Administering Agency (“SAA”) for many federal grant programs. Given this responsibility, it is the duty of the DAC to ensure that the civil rights of employees or applicants to an agency or organization that receive federal grant funding through the DAC (“subrecipients”) are protected. In addition, subrecipients are required to adhere to policies designed to keep the workplace safe and free from violence.

DAC has implemented policies contained in the [DAC Non-Discrimination/Anti-Harassment Handbook](#) (“DAC Handbook”) and conducts a yearly training to educate DAC employees on proper conduct and policies regarding discrimination, harassment, and retaliation in the workplace. This policy is to be used in conjunction with the DAC Handbook and establishes written procedures for DAC to follow when responding to a complaint alleging discrimination, harassment, or retaliation from an employee, volunteer or contractor of the DAC or a DAC subrecipient, receiving a grant funded by the U.S. Department of Justice (“DOJ”).

By virtue of receiving federal grant funding, the DAC, including its employees, contractors and subrecipients, must comply with the following federal civil rights laws and regulations:

- **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) 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);
- **Violence Against Women Act (VAWA) of 1994**, as amended, 34 U.S.C. § 12291(b)(13) (prohibiting discrimination in programs either funded under the statute or administered by the Office on Violence Against Women, both in employment and in the delivery of services or benefits, based on actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity) (referring to the Safe Streets Act for enforcement); 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).

II. RELEVANT DEFINITIONS

Unless otherwise indicated in this policy, the following terms are defined as set out below.

- **“Complainant”** means a person who initiates a complaint alleging discrimination or retaliation.

- **“Complaint Coordinator”** is the person assigned to receive discrimination, harassment, or retaliation complaints and ensure the complaints are investigated or referred to the relevant agency.
- **“Discrimination”** is the act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by effect of actions or lack of actions, based on their protected class.
- **“Harassment”** is a form of discrimination and is a verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that person’s race, color, religion, sex, national origin, age, pregnancy, disability, genetic (personal or family medical history) information, gender identity, sexual orientation, veteran status or protected activity.
- **“Retaliation”** refers to adverse actions towards an individual engaged in a protected activity, such as opposing a discriminatory practice or participating in a discrimination complaint process.
- **“Subrecipient”** means an agency that receives federal grant funding through the DAC as the State of Oklahoma SAA.

III. PROCEDURAL STEPS FOR RESPONDING TO DISCRIMINATION, HARASSMENT, OR RETALIATION COMPLAINTS

A. Discrimination/Harassment/Retaliation Complaint Procedure

1. Filing a Complaint

Any employee or applicant for employment, of the DAC or DAC subrecipient may report allegations of employment discrimination with the office of the Executive Coordinator for the DAC.

2. When to Report

A person who thinks he or she has been subject to discriminatory or retaliatory conduct should file a complaint as soon as possible after the first date an alleged act of discrimination or retaliation occurred and no later than one hundred eighty (180) calendar days after the last date an alleged act of discrimination or retaliation has occurred. A person complaining of discrimination under the Omnibus Crime Control and Safe Streets Act or the Violence Against Women Act must file a complaint within one year from the last act of alleged discrimination or retaliation.

3. How to Report

Complaints alleging discrimination or retaliation should be submitted to the office of the DAC Executive Coordinator in writing, using the attached [*DAC Discrimination Complaint*](#) form. The Executive Coordinator may make exceptions to this requirement, on a case-by-case basis. In making a complaint, a complainant must disclose the identity of the person or persons alleged to have engaged in discriminatory or

retaliatory conduct, and the location, date and a description of each act of alleged discrimination or retaliation.

The Complaint form may also be found on the Subgrantee Toolbox on the DAC's website: https://www.ok.gov/dac/Grants/Subgrantee_Toolbox/index.html and can be mailed, faxed, or emailed to the Complaint Coordinator:

Kathryn B. Brewer
Executive Coordinator
Oklahoma District Attorneys Council
421 N.W. 13th Street, Suite 290
Oklahoma City, OK 73103

Phone: 405-264-5000
Fax: 405-264-5099
Email: Kathryn.Brewer@dac.state.ok.us

Complaints may also be filed directly with the following agencies:

Oklahoma Office of the Attorney General, Office of Civil Rights Enforcement (OCRE)

313 N.E. 21st Street, Oklahoma City, OK 73105
Phone: 405-521-3441 Website: <https://www.oag.ok.gov/civil-rights-enforcement>
Complaints related to public accommodation discrimination must be filed with the OCRE within 180 days from the last alleged discriminatory act. Complaints related to housing discrimination must be filed within one (1) year from the last alleged discriminatory act.

United States Department of Justice, Office of Justice Programs, Office for Civil Rights

810 Seventh Street NW, Washington, DC 20531
Phone: 202-307-0690 Website: <https://www.ojp.gov/program/civil-rights/overview>
Complaints must be filed within 180 days or one year from the date of the alleged discrimination, depending on the federal civil rights law that is involved.

If a complaint is made directly to a DAC employee from a client, customer, program participant, or consumer of the DAC's or a DAC subrecipient, DAC employees should provide the complainant with the DAC Executive Coordinator's contact information and direct them to this procedural document which can be located on the DAC public website.

4. Response

- a. An employee, volunteer, or contractor of the DAC shall notify the DAC Executive Coordinator, as soon as practicable, upon receiving a complaint in person, over the telephone, via an e-mail, a letter, or through the [DAC Discrimination Complaint](#)

Form, that an employee or contractor of the DAC, or an employee or contractor of a DAC sub-recipient, has allegedly engaged in discriminatory or retaliatory conduct. The DAC Executive Coordinator shall ascertain the details of the complaint for evaluation and assignment and will encourage the complainant to complete the DAC Discrimination Complaint Form, if he/she has not already done so.

- b. Upon receipt of a complaint, the DAC Executive Coordinator shall determine whether the complaint should be investigated, and, if so, by whom. The DAC Executive Coordinator may investigate the complaint internally or utilize the services of a Certified Discrimination Complaints Investigator through the Oklahoma Office of Personnel Management. The DAC Executive Coordinator may also choose to refer the case to the Equal Opportunity and Workforce Diversity Division, to the U.S. Equal Employment Opportunity Commission, the state or human rights commission, or other appropriate entity.
- c. The DAC Executive Coordinator shall promptly provide the complainant with a written notice acknowledging receipt of the complaint, and explain whether Executive Coordinator is investigating the complaint or has referred the complaint to another agency for investigation.
- d. The DAC Executive Coordinator shall inform a complainant that it may be impossible to keep the complainant's identity confidential.
- e. Investigations of complaints are to be completed within a reasonable time.
- f. In the event a written report of an investigation is warranted, all information relevant to the complaint that is obtained by an investigator shall be included in the report.
- g. All investigations shall comply with relevant state and federal laws.

IV. WHISTLEBLOWER INFORMATION

Employees of Department of Justice grantees perform an important service by reporting what they reasonable believe to be evidence of wrongdoing. DAC policy forbids a person to retaliate against a Worker for reporting or assisting in an investigation regarding conduct that they in good faith believe to be in violation of the DAC Handbook or this Policy. Under the National Defense Authorization Act of 2013 (NDAA), it is illegal for an employee of a Federal grantee to be discharged, demoted, or otherwise discriminated against for making a protected whistleblower disclosure. Any person who violates this aspect of the Policy will be subject to discipline.

The Department of Justice Office of the Inspector General (DOJ OIG) has jurisdiction to investigate allegations of reprisal for whistleblowing by employees of grantees. Information on how to report suspected reprisal to the OIG is available at <https://oig.justice.gov/hotline>.

V. EXTERNAL AGENCIES

The DAC encourages individuals to file complaints of the kind discussed in this policy with the office of the DAC Executive Coordinator; however, this policy is not intended to impair or limit the rights of anyone to seek a remedy available under state or federal law. The procedures discussed in this policy do not have to be utilized first in order for an individual to file a complaint through another agency or organization as federal or state law provides.

VI. TRAINING

The DAC shall provide annual training on the policies set forth in the DAC Handbook and this Policy to DAC employees and DAC subrecipients. This training shall include instruction about the responsibility of employees to refer complaints alleging discrimination or retaliation to the proper authorities. The DAC shall require subrecipients to conduct and document annual anti-discrimination training. Information regarding training documents may be found Subgrantee Toolbox on the DAC's website: https://www.ok.gov/dac/Grants/Subgrantee_Toolbox/index.html.

VII. CONTRACTS

The DAC will not enter into contracts or continue existing contracts with any organization that knowingly discriminates against any person based on race, color, national origin, sex, religion, physical or mental disability, age, sexual orientation, gender identity, or that retaliates against any person for having engaged in protected activity.

VIII. DISTRIBUTION

A copy of this policy shall be made available to all DAC employees, volunteers, contractors, and subrecipients. A copy easily located from the homepage of the DAC website at:

https://www.ok.gov/dac/About_the_DAC/Civil_Rights_and_Discrimination_Policies/index.html

Finally, a copy of the policy will be included with orientation materials that are provided to new employees of the DAC, and will be posted on the Subgrantee Toolbox on the DAC's website: https://www.ok.gov/dac/Grants/Subgrantee_Toolbox/index.html. By signing the grant award contract, subrecipients agree to comply with all applicable federal civil rights laws prohibiting discrimination, harassment, or retaliation.

Oklahoma District Attorneys Council Discrimination Complaint Form

1. Contact Information of Person Filing the Complaint:

Name	
Address	
City, State, Zip	
Home/Work Phone #	
Email	

2. Contact Information of Person(s) Discriminated Against (if different than above):

Name	
Address	
City, State, Zip	
Home/Work Phone #	
Email	
Name	
Address	
City, State, Zip	
Home/Work Phone #	
Email	

3. Information for the person the complaint is being made against:

Name	
Agency/Organization	
Home/Work Phone # (if known)	
Email (if known)	

4. What will be the most convenient time and place to contact you about this complaint?

5. To your best recollection on what date(s) did the discrimination take place?

Date of first occurrence: _____

Date of most recent occurrence: _____

6. Were you discriminated against in an employment matter (e.g., hiring, firing, promotion, etc.), or in the course of receiving public services from an agency or organization?

7. Have you ever attempted to resolve this complaint?

Yes

No

8. Explain as briefly and clearly as possible what happened and how you were discriminated against. Provide as many specific details as you can recall and attach additional sheets if needed. Also, attach any written material pertaining to your case.

9. Basis of Complaint: Which of the following best describes why you believe you were discriminated against: (Check)

Race: Specify _____

Color: Specify _____

Religion: Specify _____

National Origin: Specify _____

Sex: Specify Male Female

Sexual Orientation

Gender Identity

- Age: Specify Date of Birth: _____
- Disability: Specify _____
- Political Affiliation: Specify _____
- Citizenship: Specify _____
- Reprisal/Retaliation: Specify _____
- Other: Specify _____

10. What other information do you think is relevant to this situation?

11. If this complaint is resolved to your satisfaction, what remedies do you seek?

12. Please list below any persons (witnesses, fellow employees, supervisors, or others) that might be contacted for additional information to support or clarify your complaint:

Name	Address (if known)	Email/Telephone #
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Name	Address (if known)	Email/Telephone #
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Name	Address (if known)	Email/Telephone #
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13. Do you have an attorney? Yes No

If yes, please provide the following contact information:

Attorney Name	Address	Email/Telephone #
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14. Have you filed a case or complaint with any of the following?

- Office for Civil Rights, U.S. Dept. of Justice
- U.S. Equal Employment Opportunity Commission
- Federal or State Court
- Civil Rights Enforcement Unit, Office of the Oklahoma Attorney General

If yes, please provide the following information (if known):

Date Filed: _____

Agency and Case Number: _____

Date of Trial or Hearing (if applicable): _____

Name of Investigator: _____

Status of Case: _____

Comments: _____

Sign (Complaint NOT VALID unless Signed)

Name _____ Date _____

Please submit the form by fax, mail, or email to:

Kathryn Boyle Brewer
Executive Coordinator
Oklahoma District Attorneys Council
421 N.W. 13th Street, Suite 290
Oklahoma City, OK 73103
Phone: 405-264-5000
Fax: 405-264-5099
Email: Kathryn.Brewer@dac.state.ok.us