

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES (MDHHS)

CRIME VICTIM SERVICES COMMISSION (CVSC)

Victims of Crime Act (VOCA)

Crime Victim Assistance Grant Program

PROGRAM DISCRIMINATION COMPLAINT POLICIES AND PROCEDURES

I. PURPOSE

The purpose of this policy is to establish the MDHHS's Program Discrimination Complaint Policies and Procedures for the Victims of Crime Act (VOCA) Crime Victim Assistance grant program administered by the Crime Victim Services Commission to ensure non-discrimination and equal opportunity in service delivery in accordance with state and federal laws. This policy also establishes procedures for processing and addressing complaints alleging program discrimination filed by clients, customers, program participants, or consumers of the CVSC's sub-recipients who receive Victims of Crime Act federal grant funds.

II. POLICY

It is the Department policy that all individuals including clients, customers, program participants, or consumers of CVSC's VOCA Crime Victim Assistance grant sub-recipients have the right to participate in programs and activities operated by the CVSC's VOCA sub-recipients of regardless of race, color, national origin including persons with limited English proficiency (LEP), sex, religion, disability, age and genetic information. As a condition of implementing funding from the Department of Justice CVSC's VOCA Crime Victim Assistance sub-recipients assure and certify that they will comply with all applicable federal laws regarding discrimination. CVSC's VOCA Crime Victim Assistance Sub-recipients assure and certify compliance with the following statutes and regulations upon acceptance of the Victims of Crime Act Victim Assistance grant award:

- 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 of 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.

MDHHS is an Equal Opportunity Employer, Services and Programs

- 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 I of the Americans with Disabilities Act of 1990 prohibits private employers, State and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including State and local governments.
- Title II of the Americans with Disabilities Act of 1990 applies to State and local government entities, and, in subtitle A, protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities. Title II extends the prohibition on discrimination established by section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, to all activities of State and local governments regardless of whether these entities receive Federal financial assistance.
- Section 1407 of the Victims of Crime Act (VOCA) of 1984, which prohibits discrimination on the basis of race, color, national origin, religion, sex, or disability in VOCA funded programs or activities ([42 U.S.C. § 10604](#)).
- 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 prohibits organizations from using DOJ funding on inherently religious activities (28 C.F.R. Part 38).
- Michigan Elliott-Larsen Civil Rights Act (MCL 37.2101-37.2804), which prohibits discrimination in program areas based on Religion, Race, Color, National Origin, Age, and Sex.
- Michigan Persons with Disabilities Civil Rights Act (MCL 37.1101-37.1607) prohibits discrimination based on Disability and Genetic Information.

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

III. DEFINITIONS

Sub-recipient. A non-Federal entity that receives a VOCA Crime Victim Assistance grant sub-award Agreement from CVSC to carry out part of a Federal program. Sub-recipient does not include an individual that is a beneficiary of such a program.

MDHHS Equal Employment Opportunity Officer. (EEO Officer)– The MDHHS Equal Employment Opportunity Officer will serve as the Civil Rights Complaint Coordinator and is designated by the Department to handle the discrimination complaint process and maintain the files.

Complainant. An individual who alleges they are the subject of discrimination.

Accused. An agency or individual who has allegedly committed discriminatory act(s).

Discrimination. Refers to the treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs rather than on individual merit.

Retaliation. An individual being treated differently, in a negative manner, as a result of being involved in a discrimination complaint process such a filing a complaint or being a witness to the complaint.

IV. COMPLAINT PROCEDURES

If an individual believes that they have been excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of race, color, national origin including individuals with limited English proficiency (LEP), sex, religion, age, and disability by CVSC's sub-recipients receiving federal financial assistance the individual may file a discrimination complaint.

Complaint Filing

a. Any person who believes that he or she has been discriminated against may file a written complaint of discrimination within 180 days of the alleged discriminatory act with either of the following:

(1) Directly with the sub-recipient organization.

(2) Michigan Department of Health and Human Services

Lance Bettison, EEO Officer

1312 Oakland Dr.

Kalamazoo, MI 49008

(269) 337-4091 (Voice)

www.michigan.gov/mdhhs-eeo

(see attached complaint form or visit the above website)

(3) Michigan Department of Civil Rights

Capitol Tower Building
110 W. Michigan Ave., Suite 800
Lansing, MI 48933
Phone: 1/800-482-3604
Fax: (517) 241-0546
TTY: (517) 241-1965
Email: MDCR-INFO@michigan.gov
<http://www.michigan.gov/mdcr>

(4) United States Department of Justice

[Office of Civil Rights](#)
[810](#) 7th Street, N.W.
Washington, DC 20531
(202) 307-0690 (Voice)
(202) 354-4380 (Fax)
(202) 307-2027 (TTY)
URL LINK: <http://www.ojp.usdoj.gov/about/ocr/complaint.htm>

b. The complaint must be in writing and include:

- (1) The basis for the complaint, e.g., of discrimination race, color, sex, age, religion, national origin including persons with limited English proficiency (LEP), disability, or retaliation.
- (2) The name, address and phone number of the person (complainant) filing the charge.
- (3) The name and address of the provider (respondent) being filed against.
- (4) The description and dates of the alleged discriminatory act(s).
- (5) Be affirmed or signed by complainant.

c. Complaints filed with federal agencies are subject to the federal laws governing such complaints. Final determination of the validity of the complaint will be made by that agency.

Complaint /Investigation Process

1. Program discrimination complaints should promptly forwarded to the Civil Rights Complaint Coordinator.
2. Within 10 business days of the Civil Rights Complaint Coordinator receiving the complaint form, contact will be made to the complainant to clarify information and/or obtain additional information, if needed.

3. Civil Rights Complaint Coordinator will promptly conduct a review of the issues involved in the complaint to ascertain whether or not an informal resolution of the complaint can be achieved. If an informal resolution is possible and mutually agreeable by the parties involved, the Civil Rights Complaint Coordinator will facilitate arrangement of the resolution and make a record of this agreement.
4. The Civil Rights Complaint Coordinator will determine if the complaint meets the criteria to warrant an investigation.
5. The Civil Rights Complaint Coordinator will determine for each complaint if they will investigate the allegations or have the sub-recipients conduct the investigation.
6. The Civil Rights Complaint Coordinator will notify the complainant in writing, if the complaint is being investigated or was rejected.
7. The Civil Rights Complaint Coordinator will notify CVSC, as determined, that a complaint has been filed and the disposition of the complaint.
8. If determined that the sub-recipients should conduct an internal investigation, the complaint will be forwarded to the sub-recipient. The sub-recipient has 45 business days to complete the investigation.
 - a. The sub-recipient may request a time extension prior to the due date by contacting the Civil Rights Complaint Coordinator by email or letter. The request must include the reason for the delay and the anticipated completion date.
 - b. The sub-recipients will forward the investigative report to the Civil Rights Complaint Coordinator for review.
 - c. The Civil Rights Complaint Coordinator will make a determination if the results are accepted and what actions, if any, needs to be taken as a result of the investigation within 10 business days of receiving the report.
 - d. The Civil Rights Complaint Coordinator will notify the complainant of the outcome of the investigation.
9. If the Civil Rights Complaint Coordinator is conducting the investigation, the sub-recipient will be notified in writing within 10 business days of receiving the complaint that a discrimination complaint has been filled and if it will be investigated.
 - a. The Civil Rights Complaint Coordinator will complete the investigation within 45 business days.

10. Within 90 days of receipt of the complaint, the Civil Rights Complaint Coordinator will notify the complainant in writing of the final disposition reached, including the proposed disposition of the matter. The notification will include additional complaint filing options with other federal agencies if they are unsatisfied with the decision rendered by the state.
11. In the event of a substantiated complaint (violation), the U.S. Department of Justice will be notified of the findings.
12. Investigation files are confidential and will be maintained by the Civil Rights Complaint Coordinator. Files will be retained in accordance with MDHHS's records and retention schedule.
13. The investigative report will include, but not be limited to, the following:
 - (a) The complaint, any additional information that the complainant wishes to submit, pertinent law statutes, and a brief statement of the jurisdictional basis.
 - (b) Sworn affidavit(s) and/or statement(s) by any witness testifying on behalf of the complainant, if applicable.
 - (c) Sworn affidavit(s) and/or statement(s) by the alleged discriminating official in response to each allegation with any supporting documentation, if applicable.
 - (d) Sworn affidavit(s) and/or statement(s) by any witnesses testifying on behalf of the alleged discriminating official(s).
 - (e) Statement of position by the respondent service provider, along with any documents in support of that position.
 - (f) Records and documents gathered in evidence.
 - (g) Investigator's summary and recommendation of findings of "reasonable cause" or "no violation" to substantiate discrimination or retaliation allegations.

V. RETALIATION

No person shall be retaliated against, harassed, intimidated, threatened, coerced or discriminated against for making a charge, testifying, assisting or participating in any manner in an investigation, proceeding or hearing, or for opposing alleged unlawful discriminatory practices prohibited by this policy or related State and Federal laws, rules and regulations.

VI. NOTICES

The VOCA Grant Application certifications and the sub-recipient VOCA Agreement Assurances provide notice to VOCA grant applicants and sub-recipients of the applicable civil rights laws and non-discrimination requirements.

Notice of prohibited discrimination for employees, clients, customers, program participants or consumers of our sub-recipients will be achieved through posting policies and complaint procedures on the CVSC website, placing posters in the CVSC office and referencing prohibited discrimination in program materials, and distributing copies of complaint procedures in training sessions and other public events that occur.

VII. MONITORING

VOCA Grant sub-recipients must provide documentation of their policies, procedures and processes for ensuring compliance with the applicable civil rights laws and the nondiscrimination provisions and the DOJ implementing regulations. CVSC utilizes the checklist recommended by DOJ to ensure compliance. Monitoring of VOCA sub-recipients compliance occurs during CVSC staff desk reviews and VOCA Grant on-site review visits to the VOCA Grant sub-recipient offices.

VIII. TRAINING

CVSC will provide periodic training for sub-recipients on their obligations to comply with applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations. The CVSC will conduct periodic training sessions or webinars for its sub-recipients at a minimum of once per grant period of performance. The Federal Civil Rights Training Webinar. The webinar will include a PowerPoint presentation on the requirements will be posted on the CVSC website and distributed during on-site review visits at the VOCA Grant sub-recipient.

Civil Rights Complaint Coordinator will provide training to CVSC staff on their responsibility to refer discrimination complaints or potential discrimination issues to the Complaint Coordinator for processing according to this policy.