

KALAMAZOO COUNTY OFFICE OF THE PROSECUTING ATTORNEY

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 Kalamazoo County Office of the Prosecuting Attorney's (OPA's) Program Discrimination Complaint Policies and Procedures for the Victims of Crime Act (VOCA) Crime Victim Assistance grant program 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 OPA's policy that all individuals including clients, customers, program participants, or consumers of CVSC's VOCA Crime Victim Assistance grant have the right to participate in programs and activities 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 Michigan Department of Health and Human Services (MDHHS) CVSC's VOCA Crime Victim Assistance, the OPA assures and certifies compliance with all applicable federal laws regarding discrimination. The OPA assures and certifies 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.

- 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

MDHHS Equal Employment Opportunity Officer. (EEO Officer)– The MDHHS Equal Employment Opportunity Officer serves 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 the Kalamazoo County Office of the Prosecuting Attorney's Office, the individual may file a program discrimination complaint.

Complaint Filing

- a. Any person who believes that he or she has been discriminated against may file a written complaint of program discrimination within 180 days of the alleged discriminatory act with either of the following:
 - (1) Kalamazoo County Office of the Prosecuting Attorney
Civil Rights Complaint Coordinator (CRCC)
Mr. Jeffrey S. Getting, Prosecuting Attorney
227 W. Michigan Avenue
5th Floor Michigan Avenue Courthouse
Kalamazoo, MI 49007
Tel. 269-383-8900
Fax: 269-383-0475

- (2) Michigan Department of Health and Human Services
Attn: Toya Williams, EEO Officer
320 S. Walnut St. 1st Floor
Lansing, MI. 48913
Tel. 517-335-4276 or Williamst8@michigan.gov
Fax. 517-373-7123
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 OPA's 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 will be promptly forwarded to the OPA's Civil Rights Complaint Coordinator (CRCC).
2. Within 10 business days of the OPA Civil Rights Complaint Coordinator receiving the program complaint form, contact will be made to the complainant to clarify information and/or obtain additional information, if needed.
3. The OPA CRCC will conduct a review of the issues involved in the program 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 OPA CRCC will facilitate arrangement of the resolution and make a record of the agreement.
4. The OPA Civil Rights Complaint Coordinator will determine if the program complaint meets the criteria to warrant an investigation.
5. The OPA Civil Rights Complaint Coordinator will determine for each program complaint if they will investigate the allegations or have the MDHHS EEO contact, conduct the investigation.
6. The OPA Civil Rights Complaint Coordinator will notify the complainant in writing, if the program complaint is being investigated or was rejected.
7. The OPA Civil Rights Complaint Coordinator will notify CVSC, as determined, that a program complaint has been filed and the disposition of the complaint.
8. If determined that MDHHS EEO should conduct the investigation, the program complaint will be forwarded to the MDHHS EEO. The MDHHS EEO will have 45 business days to complete the investigation.
 - a. The MDHHS EEO may request a time extension prior to the due date by contacting the complainant by email or letter. The request must include the reason for the delay and the anticipated completion date.
 - b. The MDHHS EEO will forward the investigative report to the OPA Civil Rights Complaint Coordinator (CRCC) for review.
 - c. The OPA CRCC 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 OPA CRCC will notify the complainant of the outcome of the investigation.

9. If the OPA Civil Rights Complaint Coordinator is conducting the investigation, the MDHHS EEO will be notified in writing within 10 business days of receiving the complaint that a program discrimination complaint has been filed 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 program 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 state and federal agencies if they are unsatisfied with the decision rendered by the OPA CRCC.
11. In the event of a substantiated complaint (violation), the U.S. OPA's 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 program 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 grant 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

The OPA will provide documentation that includes policies, procedures and processes for ensuring compliance with the applicable civil rights laws and the nondiscrimination provisions and the DOJ implementing regulations. The OPA has utilized the checklist recommended by DOJ to ensure compliance with these requirements.

VIII. TRAINING

OPA staff will attend CVSC trainings to ensure compliance with grant obligations and applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations. OPA staff will attend CVSC periodic training sessions or webinars (at a minimum of once per grant period of performance) including the Federal Civil Rights Training Webinar.

The OPA CRCC will provide training to OPA staff on their responsibility to refer discrimination complaints or potential discrimination issues to the OPA CRCC for processing according to this policy.