

Vermont Center for Crime Victim Services (VCCVS)
Procedures for responding to complaints of unlawful discrimination
Policy Effective Date: 10/1/14

I. Introduction

The purpose of this policy is to set forth the VCCVS's procedures for responding to complaints of unlawful discrimination from employees, applicants for employment and beneficiaries of VCCVS or the VCCVS's subrecipients of funding from the U.S. Department of Justice, the U.S. Department of Health & Human Services and funding from the state of Vermont.

I. Policy

All eligible beneficiaries will be treated equally in all programs and activities operated by the VCCVS or the VCCVS's subrecipients, irrespective of race, color, national origin, sex, religion, disability, age, and in the case of subrecipients under Violence Against Women Act (VAWA) grant programs, sexual orientation and gender identity. All employees and applicants for employment will be treated equally by the VCCVS and the VCCVS's subrecipients, irrespective of race, color, national origin, sex, religion, disability, and in the case of subrecipients under VAWA grant programs, sexual orientation and gender identity.

The VCCVS will comply and will ensure that its subrecipients comply with the following federal statutes:

- 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 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;
- The Violence Against Women Act of 1994, which prohibits discrimination on the basis of race, color, national origin, sex, religion, disability, sexual orientation, and gender identity in the delivery of services and employment practices (42 U.S.C. 13925(b)(13));
- 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 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; and
- 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 prohibit organizations from using Department of Justice funding on inherently religious activities.

The VCCVS will comply and will ensure that its subrecipients comply with the following state statutes:

9 V.S.A. Chapter 139, §4500: VT Fair Housing and Public Accommodations Act

21 V.S.A. Chapter 5, §495: VT Fair Employment Practices

21 V.S.A. Chapter 5, §470: The Parental and Family Leave Act

21 V.S.A. Chapter 5, §495h: Sexual Harassment

II. Definitions

Beneficiary: A beneficiary is an individual who ultimately receives a service or benefit from a recipient or subrecipient of federal and state financial assistance.

Subrecipient: A subrecipient is an entity to whom federal and state financial assistance is extended through the VCCVS.

Complaint Coordinator: The Complaint Coordinator is the VCCVS Executive Director.

III. Complaint Procedures

A. Complaints against subrecipients of the VCCVS:

Individuals who believe that they have been subjected to impermissible discrimination by a subrecipient of VCCVS funds may submit a complaint verbally or in writing to the VCCVS, by contacting the VCCVS Grants Manager at gene.nelson@ccvs.vermont.gov. A complaint should contain, at a minimum, a brief summary of the allegations with the relevant dates.

The Grants Manger will forward the complaint to the Complaint Coordinator, who may take any or all of the following steps:

- Seek additional information from relevant parties
- Attempt to resolve the complaint voluntarily
- Refer the matter to an appropriate state or federal agency with jurisdiction over the matter

The complainant will be notified of each action taken in the matter, including the date the matter is referred to another agency, if applicable. The complainant will also be notified of his or her right to file a complaint directly with any other state or federal agency having jurisdiction over the matter, without necessarily using or exhausting the VCCVS complaint process.

A. Complaints against the VCCVS alleging discrimination in services:

Individuals who believe that the VCCVS has discriminated against them in the provision of services may submit a complaint verbally or in writing to the Victims Compensation Program Manager at carol.morgan@ccvs.state.vt.us. A complaint should contain, at a minimum, a brief summary of the allegations with the relevant dates.

The Victims Compensation Program Manager will forward the complaint to the Complaint Coordinator, who will begin an internal investigation within five (5) business days of receiving the complaint, taking appropriate measures to prevent retaliation. If the internal investigation reveals impermissible discrimination, the VCCVS will take appropriate corrective action to remedy the violation and to prevent future violations. If the internal investigation reveals a violation of state or federal law, the Complaint Coordinator will notify the appropriate state or federal agency with jurisdiction over the matter.

The complainant will be notified of each action taken in the matter, including the date the matter is referred to another agency, if applicable. The complainant will also be notified of his or her right to file a complaint directly with any other state or federal agency having jurisdiction over the matter, without necessarily using or exhausting the VCCVS complaint process.

B. Complaints against the VCCVS alleging employment discrimination:

Individuals who believe that the VCCVS has discriminated against them in employment may submit a complaint to any of the following: the employee's supervisor, the VCCVS's Human Resources Manager or the Executive Director. If the complaint is against the Executive Director, it can be reported to the Chair of the VCCVS's governing board. A complaint should contain, at a minimum, a brief summary of the allegations with the relevant dates.

The Executive Director or Board Chair will initiate an internal investigation, taking appropriate measures to prevent retaliation. If the internal investigation reveals impermissible discrimination, the Executive Director or Board Chair will take appropriate corrective action to remedy the violation and to prevent future violations.

If the internal investigation reveals insufficient evidence of impermissible discrimination, the complaint will be closed and the employee will be notified. The employee will also be notified of his or her right to file a complaint directly with any other state or federal agency having jurisdiction over the matter.

IV. Referrals to other State and Federal Agencies:

A complaint may be referred to one of the following state or federal agencies with jurisdiction over the matter.

- Equal Employment Opportunity Commission
1 Congress Street
Boston, Massachusetts 02114
(617) 565-3200 (voice)
(617) 565-3204 (TDD)

- Vermont Attorney General's Office
Civil Right Division
109 State Street
Montpelier, Vermont 05602
(802) 828-3171

- Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street, N.W.
Washington, D.C. 20531
(202) 307-0690
(202) 307-2027 (TDD/TTY).

- State of Vermont Human Rights Commission
135 State Street
Drawer 33
Montpelier, Vermont
(800) 416-2010

Complainants will be notified of their right to file with one or more of these agencies directly, without using or exhausting the VCCVS complaint process.

V. Notice

This policy will be disseminated in the following ways:

- Subrecipients will be given a copy of this policy in their award package, and reminded of this policy during onsite monitoring visits.
- VCCVS employees will be given a copy of this policy when they are hired.
- A copy of the policy will be maintained in VCCVS Employee Manual of personnel policies.
- A copy of this policy will be posted on the VCCVS's website.
- A notice of nondiscrimination will be posted area of the VCCVS offices open to the public, with a reference to this policy.
- Subrecipients will be asked to post a notice of nondiscrimination in public areas, which references a beneficiary's right to file a complaint with the VCCVS.
- Beneficiaries of VCCVS will be given a copy of this policy at the time of service.