



OFFICE OF THE GOVERNOR

RESPONDING TO DISCRIMINATION COMPLAINTS RELATING TO FEDERAL GRANT PROGRAMS

Approved 9/29/2020

I. Purpose

This policy establishes the procedures for Office of the Governor (OOG) employees to follow when they receive or wish to make a complaint alleging discrimination concerning the implementation or administration of any program, activity, or service receiving federal financial assistance from the U.S. Department of Justice (DOJ) or the U.S. Department of Homeland Security (DHS), whether within the OOG or a subrecipient. This policy applies to complaints made by employees, clients, customers, program participants, or consumer of the OOG or of a subrecipient implementing funding from the federal government.

II. General Policy

Individuals have the right to participate in programs, activities, and services operated by the OOG and its subrecipients without discrimination. Statutes and regulations that apply include, but are not limited to, the following:

- 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), the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C and D, and DHS implementing regulations at 6 C.F.R. Part 21 and 44 C.F.R. Part 7;
- 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;
- Titles I, II, and III of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. §12101-12213 and §12131-34), and the DOJ implementing regulations at 28 C.F.R. Part 35;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in educational programs (20 U.S.C. §1681), the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D and 28 C.F.R. Part 54, and the DHS implementing regulations at 6 C.F.R. Part 17 and 44 C.F.R. Part 19;
- 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;
- Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. §3601);

- 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 (34 U.S.C. §10228(c), see also 34 U.S.C. §11182(b)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
- The Victims of Crime Act (VOCA) of 1984, which prohibits discrimination based on race, color, religion, national origin, handicap, or sex (34 U.S.C. §20110(e))
- The Violence Against Women Act (VAWA) of 2013, which prohibits discrimination on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability (34 U.S.C. §12291(b)(13));
- 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 DOJ funding on inherently religious activities (28 C.F.R. Part 38); and
- The DHS regulation, which prohibits discrimination based on religion in social service programs (6 C.F.R. Part 19).

III. Definitions

For the purposes of this discrimination complaint policy and procedure, the following terms shall have the meanings listed below.

1. Complaint Coordinator – person designated by the OOG to ensure that received complaints are acted upon in a timely manner.
2. Discrimination – any act, or failure to act, impermissibly based in whole or in part on a legally recognized protected category that adversely affects the privileges, benefits, or working conditions of, or that results in disparate treatment of, or that had a disparate impact on employees, applicants, or participants in programs, activities or services.

IV. Filing Procedures

An employee, client, customer, program participant, or consumer of the OOG or of an OOG subrecipient may submit a complaint of discrimination concerning the implementation or administration of any program, activity, or service receiving federal financial assistance from the DOJ or DHS on behalf of him/herself or on behalf of another.

1. If the relevant federal grant is funded by the DOJ, the complaint may be sent directly to the DOJ's Office for Civil Rights (OCR) using the *Complaint Verification Form* and *Identity Release Statement*, which are available at: <https://www.ojp.gov/program/civil-rights/filing-civil-rights-complaint>.

The completed forms should be sent to:

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

2. If the relevant federal grant is funded by the DHS, the complaint may be sent directly to the DHS's Office for Civil Rights and Civil Liberties (CRCL). There are three submission methods available. One method for submitting the complaint is via email: CRCLCompliance@hq.dhs.gov. A second available method is fax: 202-401-4708. The complaint may also be sent via mail:

U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop #0190
Washington, D.C. 20528

3. For federal grants funded by either DOJ or DHS, the complaint may also be submitted directly to the OOG. A complaint form can be downloaded from <https://gov.texas.gov/organization/cjd> and submitted by email to: GAD@gov.texas.gov. The completed form may also be sent to:

Office of the Governor
Public Safety Office
Grants Administration Director
P.O. Box 12428
Austin, Texas 78701

V. Additional Agencies for Filing Discrimination Complaints

In addition to the option for filing a discrimination complaint with the OOG, the OCR, or the CRCL, discrimination complaints may be filed directly with a court, as well as the following state and federal administrative agencies, whose function is to enforce state and federal laws that prohibit discrimination:

- Equal Employment Opportunity Commission (EEOC)
<http://www.eeoc.gov/employees/charge.cfm>
- Texas Workforce Commission Civil Rights Division (TWC, CRD)
<https://www.twc.texas.gov/jobseekers/how-submit-employment-discrimination-complaint>

VI. OOG Procedures for Processing Complaint

1. The Public Safety Office (PSO) Grants Administration Division Director is the Complaint Coordinator for complaints of discrimination associated with this policy.
2. If an employee, client, customer, program participant, or consumer of the OOG or of an OOG subrecipient contacts an OOG employee and wishes to file a complaint against the OOG or an OOG subrecipient concerning the implementation or administration of any program, activity, or service receiving federal financial assistance from the DOJ or DHS, the OOG employee shall instruct the complainant to file the complaint in writing, in accordance with the procedures above.
3. Any OOG employee receiving such a complaint submitted directly to the OOG, and any OOG employee wishing to submit such a complaint directly to the OOG, shall route it to the Complaint Coordinator. If the complaint is against an employee of the OOG, the complaint shall be forwarded to the Director of Human Resources.
4. For any complaint received by the Complaint Coordinator that is submitted directly to the OOG, the Complaint Coordinator shall provide written acknowledgment of the complaint to the complainant.
5. The Complaint Coordinator shall refer the complaint to the appropriate entity, which may include the Texas Office of the Attorney General; the TWC; the EEOC; the OCR; or the CRCL. If the Texas Office of the Attorney General either is the agency about which the complaint is filed or has a conflict, the complaint shall be referred to the EEOC, OCR, or CRCL, as appropriate.
6. Notwithstanding paragraph 5, for any complaint of discrimination concerning the implementation or administration of any program, activity, or service receiving federal financial assistance from the DOJ or DHS, the OOG shall notify the OCR or CRCL, as appropriate, in writing of the following:
 - a. Name of complainant
 - b. Entity named in the complaint
 - c. Description of the complaint of discrimination
 - d. Steps being undertaken to investigate and resolve complaint

In addition, the OOG shall notify the complainant that they may file a complaint directly with the OCR or CRCL, as appropriate, at the following address or using one of the electronic submission methods described above:

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

U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop #0190
Washington, D.C. 20528

VII. Notification Procedures

The OOG will post this policy on the OOG intranet and website, as well as the eGrants portal, to notify all interested parties of the appropriate procedures for addressing complaints of discrimination concerning the implementation or administration of any program, activity, or service receiving federal financial assistance from the DOJ or DHS.

VIII. Monitoring Subrecipients' Response Procedures

As part of a grant program review, OOG staff will review the subrecipient's procedures for responding to discrimination complaints that employees, clients, customers, program participants, or consumers of the subrecipients have filed directly with the subrecipient. If the procedures do not exist, or are found to need improvement, the report to the subrecipient will note the findings. At a minimum, the subrecipient's response should:

- a. Acknowledge complaint receipt to complainant in writing;
- b. Indicate which external agency the complaint is forwarded to for investigation;
- c. Comply with the appropriate timeframe by which to forward complaint;
- d. Notify the OOG of complaint; and
- e. Notify complainant that a complaint of discrimination may be filed directly with the OCR, CRCL, EEOC, TWC, or OOG, and where to locate those procedures.

IX. Training

1. The OOG will provide periodic training for all employees regarding the discrimination complaint procedures.
2. The OOG will facilitate civil rights requirements training for subrecipients. Such training may be arranged:
 - a. In conjunction with grant management training;
 - b. Online through the OOG eGrants website;
 - c. At the request of the subrecipient; or
 - d. As a result of a grant program review.