

**Idaho Department of
Juvenile Corrections
Administrative
Policy/Procedure**

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SUBJECT: COMPLAINT PROCEDURES FOR IDJC SUBGRANTEES

CATEGORY: ADMINISTRATION

Policy

The purpose of this policy is to provide written guidelines for Idaho Department of Juvenile Corrections (IDJC) Planning & Compliance unit when they receive a complaint alleging employment or services discrimination from employees, applicants, clients, customers, program participants, or consumers of the IDJC or of a subgrantee implementing funding from the U.S. Department of Justice (DOJ).

The IDJC is designated as the Designated State Agency for specific federal grants awarded by the DOJ. These grants are primarily managed by the IDJC and passed through to state, local, and tribal governments, as well as to faith-based and nonprofit organizations (referred to in these procedures as external subgrantees). Occasionally, departments within IDJC also receive funds through these programs (referred to in these procedures as internal subgrantees).

It is therefore the policy of the IDJC that that all individuals have the right to participate in programs and activities operated by the IDJC or IDJC subgrantees, regardless of race, color, national origin, sex, religion, disability, or age.

Operating Procedures

- I. Failure of a subgrantee to comply with applicable civil rights laws, regulations, and rules, or implement policies and procedures as stated below, may result in a loss of federal grant funding through the IDJC.
- II. All complaints of discrimination, regardless of where reported or from whom, are taken seriously. The IDJC will ensure that they and their subgrantees are in compliance with the following statutes, regulations, and executive orders:
 - Section 601 of 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;
 - Section 809(c) of Title I of 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;
 - 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;

- Section 1405(e) of the Victims of Crime Act of 1984, which prohibits discrimination on the basis of race, color, religion, national origin, handicap, or sex in the participation in, benefits of, or denial of employment (34 U.S.C. § 20110(e), and the DOJ implementing regulations at 28 C.F.R. Part 94;
- 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;
- The Juvenile Justice and Delinquency Prevention Act of 1974, 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. § 5672(b)), and the DOJ implementing regulations at 28 C.F.R. Part 31;
- Section 901 of Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54;
- Section 303 of 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; and
- 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, Executive Order No. 13279, and Executive Order No. 13559).

III. These laws also prohibit the IDJC and subgrantees from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

IV. Complaint Procedure for Internal IDJC subgrantees

- A. All complaints regarding IDJC internal subgrantees or IDJC employees will be addressed pursuant to the procedures in the following IDJC policies:
 1. Americans with Disabilities Act (ADA) (301)
 2. Equal Employment Opportunity (302)
 3. Harassment and Discrimination (307)
 4. Problem Solving Procedures for IDJC Employees (312)
- B. Any complaint received by the IDJC Planning & Compliance Unit involving an IDJC employee will be referred to the IDJC Human Resource Officer for investigation.

V. Complaint Procedure for External IDJC Subgrantees

- A. Responsibility of External Subgrantees
 1. The IDJC will ensure that external subgrantees have procedures in place for informing their clients of their right to file a complaint of discrimination, harassment or retaliation and how to file such complaints.
 2. External subgrantees must also have procedures in place for responding to

discrimination, harassment or retaliation complaints that employees, applicants, clients, customers, program participants, or consumers file directly with the external subgrantee.

3. If a complaint of discrimination, harassment or retaliation is received by an external subgrantee, the external subgrantee may investigate and respond directly to the complaining party in writing, refer the report to IDJC, refer a report of employment discrimination to the Equal Employment Opportunity Commission (EEOC), or refer a report of services discrimination to the Office for Civil Rights (OCR). Whichever option the subgrantee chooses, they must send notification to the complaining party in writing, via email or regular US mail, within 10 working days of its receipt of the complaint.
4. If the subgrantee refers the complaint to EEOC or OCR, it must also forward a copy of the complaint to IDJC. IDJC will also ensure that external subgrantees notify their employees, applicants, clients, customers, program participants, and consumers of prohibited discrimination and retaliation and the procedures for filing a civil rights complaint.

B. Discrimination, Harassment or Retaliation Complaints

1. Any employee, applicant, client, customer, program participant, or consumer of an external subgrantee may report allegations of discrimination, harassment or retaliation.
2. Allegations of discrimination, harassment or retaliation may be reported by the victim or by other persons aware of the discriminatory, harassing or retaliatory behavior.
3. The complaint of discrimination, harassment or retaliation by an external subgrantee must include:
 - i. The complaining party's name, address, telephone number, and email address; and
 - ii. An explanation of the conduct complained of, the identity of the subgrantee and individuals involved, including any witnesses to that conduct, and where and when such conduct occurred.
4. The complaint should be made as soon as possible upon the occurrence of the discriminatory, harassing or retaliatory behavior, but generally must be made within one year of the alleged discrimination, harassment or retaliation.
5. If the allegation involves a pattern of discriminatory, harassing or retaliatory behavior, the complaint should be made as soon as possible, but generally must be made within one year from the date of the most recent occurrence.
6. The complaint will be handled through the most confidential and direct means possible.

C. External Subgrantee Complaints filed with the IDJC Planning & Compliance Unit

1. Complaints of discrimination, harassment or retaliation by an external subgrantee may be reported in writing or via email or regular US mail to the IDJC's Planning & Compliance Program Supervisor, who is the coordinator

for complaints subject to this policy:

Planning & Compliance Program Supervisor
Idaho Dept. of Juvenile Corrections
PO Box 83720
Boise, ID 83720-0285
IDJCGrants@idjc.idaho.gov

2. If the IDJC Planning & Compliance Program Supervisor is the subject of the complaint, the complaint may be filed directly with the IDJC Human Resource Officer or agency Director.
3. Any IDJC employee who receives a complaint of discrimination, harassment or retaliation involving an external subgrantee should forward the complaint to the IDJC Planning & Compliance Program Supervisor. If the IDJC Planning & Compliance Program Supervisor is the subject of the complaint, the IDJC employee will refer to complaint directly to the IDJC Human Resource Officer or Director.
4. The IDJC Planning & Compliance Program Supervisor will not investigate any complaints of discrimination, harassment or retaliation involving an external IDJC subgrantee. The IDJC will refer these complaints to the appropriate authority within ten working days of receipt.
5. The IDJC Planning & Compliance Program Supervisor will also serve written notice to the complaining party, via email or regular US mail, that the report was received and the agency it was forwarded to. Notice to the complaining party will be provided within ten days of referral and notice is effective upon date of postmark or transmission of email.

VI. Complaints Against the IDJC

- A. Any employee, applicant, client, customer, program participant or consumer of the IDJC, including of an internal IDJC subgrantee, may report allegations of discrimination, harassment or retaliation.
- B. A complainant who seeks to allege discriminatory, harassing or retaliatory conduct against the IDJC should report their allegations in writing or via email or regular US mail, to the IDJC Planning & Compliance Program Supervisor or the IDJC Human Resource Officer who is the coordinator for complaints subject to this policy.
- C. Any employee of the IDJC who receives a discrimination, harassment or retaliation complaint involving a subgrantee should promptly send the complaint to the IDJC Planning & Compliance Program Supervisor who will be responsible for notifying the IDJC Human Resource Officer. If the IDJC Planning & Compliance Program Supervisor is the subject of the complaint, the IDJC employee will refer the complaint directly to the IDJC Human Resource Officer or Director.
- D. Investigations of discrimination, harassment or retaliation complaints against the IDJC will be conducted in accordance with IDJC policy.

VII. Complaints may also be filed directly with the following agencies:

- A. Office for Civil Rights

Office of Justice Programs
U.S. Department of Justice
810 7th Street, N.W.
Washington, DC 20531

- B. Equal Employment Opportunity Commission
San Francisco District Office
350 The Embarcadero, Suite 500
San Francisco, CA 94105-1260
- C. Idaho Commission on Human Rights
317 West Main Street
Boise, ID 83735-0660

VIII. Dissemination and Training

- A. The IDJC will notify all subgrantees of the subgrantee discrimination procedure via an online training module and the current year Formula Grants Manual. The training module and manual will be posted on the Planning and Compliance page of the IDJC website (www.IDJC.idaho.gov/). Subgrantees will be required to confirm knowledge of this procedure as a condition of their subgrantee award.
- B. The IDJC will provide periodic training for pertinent employees on this policy, including an employee's responsibility to promptly refer to the complaint coordinator pertinent discrimination complaints from or potential discrimination issues involving the IDJC, including an internal or an external subgrantee.

Reference: [Glossary of Terms and Acronyms](#)
Title VI of the Civil Rights Act of 1964
The Omnibus Crime Control and Safe Streets Act of 1968
Section 504 of the Rehabilitation Act of 1973
Title II of the Americans with Disabilities Act of 1990
The Juvenile Justice and Delinquency Prevention Act of 1974
Title IX of the Education Amendments of 1972
The Age Discrimination Act of 1975
DOJ Regulations on Equal Treatment for Faith-Based Organizations

Desk Manual(s): None

Related Policies: [Americans with Disabilities Act](#) (301)
[Equal Employment Opportunity](#) (302)
[Harassment and Discrimination](#) (307)

Related Forms: None