

COMPLAINT PROCEDURES

Objective:

The Nevada Office of the Attorney General (OAG) Grants Unit recognizes the necessity in establishing a policy and procedure addressing complaints. This document establishes written procedures for OAG Grants Unit staff to follow when a complaint is received alleging discrimination from clients, customers, program participants, or consumers or of a sub-recipient of funding from the U.S. Department of Justice.

All individuals have the right to participate in programs and activities regardless of race, color, national origin, sex, religion, disability, and age. These classes are protected from discrimination in employment and in the provision of services. In addition to these, sub-recipients of grants under the Violence Against Women Act (VAWA) of 1994, as amended, are prohibited from discriminating on the basis of sexual orientation or gender identity.

The OAG Grants Unit will ensure compliance with the following statutes and regulations:

1. Title VI of the Civil Rights Act (Title VI) of 1964, as amended, 42 U.S.C. § 2000d, and the DOJ implementing regulation, 28 CFR part 42, subparts C & D (prohibiting discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits);
2. Section 504 of the Rehabilitation Act (Section 504) of 1973, as amended, 29 U.S.C. § 794, and the DOJ implementing regulation, 28 CFR part 42, subpart G (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits);
3. Title IX of the Education Amendments (Title IX) of 1972, as amended, 20 U.S.C. § 1681, and the DOJ implementing regulations, 28 CFR part 42, subpart D & part 54 (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);
4. Age Discrimination Act (Age Act) of 1975, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 CFR part 42, subpart I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits); and
5. Executive Order 13,559, amending Executive Order 13,279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 CFR part 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits).

If a funded organization is a public entity, it must also comply with Title II of the Americans with Disabilities Act of 1990, as amended, 42 USC § 12132, and the implementing regulation at 28 CFR § 35.171(a)(1)(i), (3)(i) (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits).

The OAG and sub-recipients must also comply with the nondiscrimination provisions within the applicable DOJ program statutes, which may include the following:

1. Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. §§ 10228(c) and 10221(a), and the DOJ implementing regulations, 28 CFR part 42, subparts D (prohibiting discrimination in programs funded under the statute, both in

- employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion) and E (requiring certain DOJ-funded programs subject to the administrative provisions of the statute to prepare, maintain, and submit an Equal Employment Opportunity Plan (EEO));
2. Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, as amended, 34 U.S.C. § 11182(b), and the DOJ implementing regulations, 28 CFR §§31.202, .403 and part 42, subpart D (prohibiting discrimination in programs funded under the statute, both in employment and the delivery of services or benefits, based on race, color, national origin, sex, and religion);
 3. Victims of Crime Act (VOCA) of 1984, as amended, 34 U.S.C. § 20110(e) and the regulation implementing the Victim of Crime Act Victim Assistance Program, 28 CFR § 94.114 (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability); and
 4. Violence Against Women Act (VAWA) of 1994, as amended, 34 U.S.C. § 12291(b)(13) (prohibiting discrimination in programs either funded under the statute or administered by the Office on Violence Against Women, both in employment and in the delivery of services or benefits, based on actual or perceived race, color, national origin, sex, religion, disability, sexual orientation and gender identity).

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

Written Procedures to Address Complaints Filed Against Sub-Recipients:

1. Complaints from any source are to be submitted on the Written Complaint Statement of Concern/Complaint with Grant Programs Form to the OAG Grants Manager.
2. The complaints are to be submitted to:

Debbie Tanaka, Grants Manager
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701

Or dtanaka@ag.nv.gov

3. The OAG Grants Manager will review any and all complaints in an objective and impartial manner and provide the complainant with written acknowledgement of the complaint and how correspondence will be administered throughout the investigation as well as an explanation of how the complaint will be investigated upon and resolved.
4. Any person who submits a complaint of impermissible discrimination is notified promptly that a complaint also may be filed with the Office of Justice Programs' (OJP) Office for Civil Rights, by submitting a written complaint to the following address:

Office for Civil Rights
Office of Justice Programs

U.S. Department of Justice
810 Seventh Street N.W.
Washington, DC 20531

Training

The OAG Grants Unit staff will complete training on these complaint procedures, including staff's responsibilities to refer discrimination complaints from clients, customers, program participants, or consumers to the Grants Manager. This procedure will be provided to current and new staff as part of their orientation and discussed during applicable training sessions.

Approved by:

_____	<u>Grants Manager</u>	_____
Signature	Title	Date