STATE OF MAINE
Department of Public Safety

Paul R. LePage
Governor

John E. Morris
Commissioner

Subject: Procedures for Responding to Discrimination Complaints from Clients, Customers, Program Participants, or Consumers of the Maine Department of Public Safety and the Maine Department of Public Safety's Subrecipients		**Number:** DPS 24
Effective Date: September 1, 2011	**Rescinds:** New	
Reference: Title 5, Chapter 337: HUMAN RIGHTS ACT		
Review Date: Annually		

I. PURPOSE

The Maine Department of Public Safety ("DPS", "department") receives federal financial assistance and serves as the State Administering Agency (SAA) for many federal grant programs. As such, the department must ensure that the civil rights of persons who receive services from the department, as well as from any recipient of federal grant funding received through the department ("sub-recipient"), are protected.

The purpose of this policy is to establish written procedures for individuals to follow when a complaint alleging discrimination or retaliation in the delivery of services is made against an employee or contractor of the department or a sub-recipient.

Complaints alleging discrimination in employment practices by the department are covered by State of Maine Policy Statement Against Harassment, along with a policy that DPS is developing addressing employment discrimination complaints against sub-recipients.

II. POLICY

In using and administering federal grant funds, neither the Department of Public Safety nor any sub-recipient may discriminate against any person on the basis of the person's race, color, national origin, sex, religion, physical or mental disability, or age, or retaliate against any person for having engaged in protected activity.

By virtue of receiving federal grant funding, DPS, including its employees and contractors, and sub-recipients must comply with the following federal civil rights laws:

1. 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);
2. 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);

3. 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);
4. Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in educational programs (20 U.S.C. § 1681); and
5. The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102).

Additionally, if the DPS or a sub-recipient is receiving funding from the Department of Justice (DOJ), the agency must comply with the DOJ regulations implementing the above-referenced statutes at 28 C.F.R. Part 42, Subparts C, G, and I; 28 C.F.R. Part 35; and 28 C.F.R. Part 54. Recipients of DOJ funding must also comply with the DOJ regulations on the Equal Treatment for Faith-Based Organizations, 28 C.F.R. Part 38, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding on inherently religious activities. Recipients of DOJ funding who receive a grant authorized under the Omnibus Crime Control and Safe Streets Act of 1968 must also comply with the nondiscrimination provisions contained at 42 U.S.C. § 3789d(c)(1) and 28 C.F.R. Part 42, Subpart D, which prohibit discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices.

III. DEFINITIONS

For the purposes of this policy, the terms included in this section are defined as follows, unless otherwise indicated in the policy.

A. Complainant. "Complainant" means a person who initiates a complaint alleging discrimination or retaliation.

B. Equal Employment Opportunity Coordinator. "DPS EEO Complaint Coordinator" means the DPS Equal Employment Opportunity Complaint Coordinator. Contact information for the current Equal Employment Opportunity Coordinator is listed in Appendix B of this policy.

C. "Retaliation" refers to adverse actions towards an individual engaged in a protected activity, such as opposing a discriminatory practice or participating in a discrimination complaint process.

D. Sub-recipient. "Sub-recipient" means an agency that receives federal grant funding through the department as the State of Maine SSA.

IV. COMPLAINT PROCEDURES

A. Filing a Complaint

A person who thinks he or she has been discriminated against by an employee or contractor of the department or a sub-recipient on the basis of race, color, national origin, sex, age, religion, or physical or mental disability, or thinks he or she has been retaliated against for having engaged in protected activity, is encouraged to file a complaint alleging such with the office of the Equal Employment Opportunity Coordinator .

B. When to Report

A person who thinks he or she has been subject to discriminatory or retaliatory conduct should file a complaint alleging such *as soon as possible* after the first date an alleged act of discrimination or retaliation occurred, and in most cases no later than one hundred eighty **(180)** calendar days after the last date an alleged act of discrimination or retaliation has occurred. A person complaining of discrimination under the Omnibus Crime Control and Safe Streets Act must file a complaint within one year from the last act of alleged discrimination or retaliation.

C. How to Report

Complaints alleging discrimination or retaliation must be submitted to the office of the Equal Employment Opportunity Coordinator in writing, using the *DPS Discrimination Complaint* form, which is attached as Appendix A; exceptions to this requirement, however, may be made on a case-by-case basis by the Equal Employment Opportunity Coordinator. In making a complaint, a complainant must disclose the identity of the person or persons alleged to have engaged in discriminatory or retaliatory conduct, and the location, date and a description of each act of alleged discrimination or retaliation.

D. Response

1. An employee or contractor of the Department of Public Safety other than the Equal Employment Opportunity Coordinator who receives a complaint that an employee or contractor of the department or a sub-recipient has allegedly engaged in discriminatory or retaliatory conduct shall, as soon as practicable, notify the Equal Employment Opportunity Coordinator, who shall ascertain the details of the complaint for evaluation and assignment.
2. Upon receipt of a complaint, the Equal Employment Opportunity Coordinator shall determine whether the complaint should be investigated, and, if so, by whom.
3. The Equal Employment Opportunity Coordinator shall promptly provide the complainant with a written notice acknowledging receipt of the complaint.
4. The Equal Employment Opportunity Coordinator shall inform a complainant that it may be impossible to keep the complainant's identity confidential.

5. Investigations of complaints are to be completed within a reasonable time.
6. In the event a written report of an investigation is warranted, all information relevant to the complaint that is obtained by an investigator shall be included in the report.
7. All investigations shall comply with the provisions of the applicable collective bargaining agreement, as well as with any and all applicable provisions of the State of Maine Civil Service Laws

V. EXTERNAL AGENCIES

DPS encourages individuals to file complaints of the kind discussed in this policy with the office of the Equal Employment Opportunity Coordinator; however, this policy is not intended to impair or limit the rights of anyone to seek a remedy available under state or federal law. The procedures discussed in this policy need not be utilized first or in any sequence, nor does such procedure need to be exhausted before another is used.

If a complaint is against the department or a sub-recipient implementing funding from the DOJ and alleges discrimination on the basis of race, color, national origin, sex, religion, physical or mental disability, or age, or alleges retaliation against a person for having engaged in protected activity, an individual may also submit a complaint to the United States Department of Justice, Office of Justice Programs, Office for Civil Rights, 810 7th Street NW, Washington, DC 20531, tel: 202-307-0690, 202-307-2027 (TDD/TTY). Complaints must be filed within 180 days or one year from the date of the alleged discrimination, depending on the federal civil rights law that is involved.

Individuals may also submit a complaint to the Maine Human Rights Commission at Maine Human Rights Commission, #51 State House Station, Augusta, Maine 04330, Ph: 207.624.6060, Fax: 207.624.6063, TTY: 1.888.577.6690. Complaints must be filed within 300 days of the alleged discrimination.

VI. TRAINING

The department shall provide periodic training on the procedures set forth in this policy to department and sub-recipient employees. This training shall include instruction about the responsibility of employees to refer discrimination complaints to the Equal Employment Opportunity Coordinator.

VII. CONTRACTS

The department may neither enter into contracts nor continue existing contracts with any organization that discriminates against any person on the basis of race, color, national origin, sex, religion, physical or mental disability, or age, or that retaliates against any person for having engaged in protected activity.

VIII. DISTRIBUTION

A copy of this policy shall be made available to all department and sub-recipient employees and contractors. A copy of the policy also will be included with orientation materials that are provided to new employees of the department, and will be posted on the department's main website.

Adopted by: _____ Date 8/24/11
John E. Morris, Commissioner

WARNING
This policy is for Department use only and does not apply in any criminal or civil proceeding. The Department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for Department administrative sanctions.

Maine Department of Public Safety
Discrimination Complaint Information Form

1. Complainant Information:

Name	
Address	
City	
State	
Zip	
Home Phone Number	
Work Phone Number	

2. Respondent Information:
   Provide name and address of agency involved:

Name	
Address	
City	
State	
Zip	
Telephone Number	

3. What is the most convenient time and place for us to contact you about this complaint?

   _____

4. To your best recollection on what date(s) did the discrimination take place?

   Date of first occurrence: _____

   Date of most recent occurrence: _____

5. Have you ever attempted to resolve this complaint? ☐ yes ☐ no

6. Explain as briefly and clearly as possible what happened and how you were discriminated against. Provide as many specific details as possible. Also attach any written material pertaining to your case. (Attach additional sheets if needed)

_____

_____

_____

_____

_____

7. Basis of Complaint: Which of the following best describes why you believe you were discriminated against: (Check)

☐ Race: Specify _____

☐ Color: Specify _____

☐ Religion: Specify _____

☐ National Origin: Specify _____

☐ Sex: Specify ☐ Male ☐ Female

☐ Age: Specify Date of Birth: _____

☐ Disability: Specify _____

☐ Political Affiliation: Specify _____

☐ Citizenship: Specify _____

☐ Reprisal/Retaliation: Specify _____

☐ Other: Specify _____

11. What other information do you think is relevant to this situation?

_____

_____

_____

_____

_____

12. If this complaint is resolved to your satisfaction, what remedies do you seek?

_____

_____

_____

_____

_____

13. Please list below any persons (witnesses, fellow employees, supervisors, or others) that we may contact for additional information to support or clarify your complaint:

Name	Address	Telephone Number

14. Do you have an attorney? ☐ Yes ☐ No

If yes, please provide name, address and phone:

Attorney Name	Address	Telephone Number

15. Have you filed a case or complaint with any of the following?

- ☐ Civil Rights Division, U.S. Dept of Justice
- ☐ U.S. Equal Employment Opportunity Commission
- ☐ Federal or State Court
- ☐ Your State of local Human Relations/Rights Commission

16. For each item checked in #15 above, please provide the following information:

Agency:
Data Filed:
Case or Docket Number:
Date of Trial or Hearing:
Location of agency or court:
Name of Investigator:
Status of Case:
Comments:

17. Sign (Complaint NOT VALID unless signed)

Name _____ Date _____

MAINE DEPARTMENT OF PUBLIC SAFETY
EEO COMPLAINT COORDINATOR CONTACT INFORMATION

The current Equal Employment Opportunity Coordinator is Michaela Loisel of the Department of Administrative & Financial Services, Security & Employment Service Center.

- **Mailing address:**
  Department of Administrative & Financial Services, Security & Employment Service Center
  Attn: Ms. Michaela Loisel, Equal Employment Opportunity Coordinator
  45 Commerce Dr., Suite 4
  Augusta, ME 04333-0108

- **Office telephone number:** 207.623.6735
- **E-mail address:** michaela.t.loisel@maine.gov