



POLICY TITLE: CIVIL RIGHTS RESPONSIBILITIES FOR FEDERAL GRANT FUNDING		PAGE 1 OF 7
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CHAPTER 1: ADMINISTRATION, ORGANIZATION, AND MANAGEMENT		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
EFFECTIVE DATE: November 12, 2020	LATEST REVISION: November 3, 2021	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Entire Maine Department of Corrections

III. POLICY

The Maine Department of Corrections and its subrecipients receiving federal financial assistance through the Department are required to comply with applicable federal laws against discrimination and discriminatory practices in employment or in the provision of programs, services, or activities. This policy provides the procedures for Department employees to follow when they receive such a complaint alleging discrimination.

In addition, the State of Maine provides additional protections through the Maine Human Rights Act.

IV. DEFINITIONS

1. Beneficiary - the person who ultimately receives federally funded services or benefits from a federal grant program, e.g., subrecipient client, customer, program participant, applicant, or consumer.
2. Civil rights - Civil rights are personal rights guaranteed by the U.S. Constitution and federal laws enacted by Congress that protect against discrimination, such as the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990.
3. Complainant - a person who initiates a complaint alleging discrimination or retaliation.
4. Complaint Coordinator – the Department’s Director of Classification, or designee, who has been designated as the Department’s employee responsible for receiving and managing discrimination complaints received by the Department.

5. Discrimination - treating someone differently because of a particular characteristic such as race, color, gender, sexual orientation, gender identity, ancestry, national origin, genetic information, age, physical or mental disability, religion, creed, marital status, or retaliation against any person for having engaged in a protected activity.
6. DOC Equal Employment Opportunity (EEO) Coordinator - the Department's designated EEO Coordinator in the Bureau of Human Resources as listed in the EEO Contact Information (Attachment A) for Department Policies 3.8, Policy Prohibiting Employee Discrimination and Harassment and 3.9, Equal Employment Opportunity.
7. Protected activity - activities that workers may engage in without fear of retaliation by supervisors or employers. Protected activities include reporting harassing conduct, discrimination, or retaliation; filing a claim of harassment; providing evidence in any investigation; or intervening to protect others who may have suffered harassing conduct, discrimination, or retaliation.
8. Retaliation - adverse actions towards an individual engaged in a protected activity, such as opposing a discriminatory practice or participating in a discrimination complaint process.
9. Subrecipient - a non-federal entity, such as a group, organization, or other entity that receives a subaward from the Department and is accountable to the Department for the use of the federal funds provided through a contract.

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VI. ATTACHMENTS

None

VII. PROCEDURES

Procedure A: Federal Funding, General

1. The acceptance of federal grant funds creates an obligation to adhere to applicable federal laws that prohibit discrimination.
2. The Department of Corrections shall comply and ensure compliance by its subrecipients with the non-discrimination provisions as required by the following federal laws and regulations, which includes the following:
 - **Title VI of the Civil Rights Act (Title VI) of 1964**, as amended, 42 U.S.C. § 2000d, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpts. C & D (prohibiting discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits);

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- **Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968**, as amended, 34 U.S.C. §§ 10228(c) & 10221(a), and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpts. 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) & 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));
- **Section 504 of the Rehabilitation Act (Section 504) of 1973**, as amended, 29 U.S.C. § 794, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. G (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits);
- **Title IX of the Education Amendments (Title IX) of 1972**, as amended, 20 U.S.C. § 1681, and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpt. D & pt. 54 (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);
- **Title II of the Americans with Disabilities Act of 1990**, as amended, 42 U.S.C. § 12132, and the implementing regulation at 28 C.F.R. § 35.171(a)(1)(i), (3)(i) (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits);
- **Age Discrimination Act (Age Act) of 1975**, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits);
- **Juvenile Justice and Delinquency Prevention Act (JJDP A) of 1974**, as amended, 34 U.S.C. § 11182(b), and the DOJ implementing regulations, 28 C.F.R. §§ 31.202, .403 & pt.42, subpt. 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
- **Executive Order 13,559**, amending Executive Order 13,279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits).

3. As a recipient of federal grant funding, the Department shall:

- a. comply with the above federal laws and regulations that prohibit discrimination;
- b. not retaliate against an individual for opposing discriminatory practices or participating in any action to secure rights protected by law; and
- c. require that any of its subrecipients and contractors receiving federal funds through the Department comply with any applicable statutorily imposed nondiscrimination requirements:
 - 1) in the delivery of programs, services, or activities funded by federal funding; or
 - 2) in employment; and

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- 3) not retaliate against an individual for opposing discriminatory practices or participating in action to secure rights protected by law.
4. A person with a complaint of discrimination under the above-referenced laws may file a complaint with the subrecipient or contractor, the Maine Department of Corrections, the Maine Human Rights Commission, and/or the U.S. Equal Employment Opportunity Commission.
5. In addition, any person who submits a complaint of discrimination shall be 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 NW
Washington, DC 20531
<https://www.ojp.gov/program/civil-rights/filing-civil-rights-complaint>
6. Individuals who need auxiliary aids or services for effective communication in programs, services, and activities of the Department may make his or her needs and preferences known to the Complaint Coordinator, or designee.

Procedure B: Internal Complaint Process within the Department of Corrections

1. The Department shall follow its internal policies for:
 - a. complaints of employment discrimination made by the Department employees as addressed in Department Policies 3.8, Policy Prohibiting Employee Discrimination and Harassment and 3.9, Equal Employment Opportunity;
 - b. complaints of discrimination from persons outside the Department made to Department staff as addressed in Department Policy 1.6, Prohibition on Discrimination; and
 - c. complaints of discrimination by any resident, probationer, student intern, volunteer, visitor, or other person involved with the Department as addressed in Department Policy 1.6, Prohibition on Discrimination or other applicable Departmental policies.

Procedure C: Responsibilities of Subrecipients or Contractors

1. A subrecipient or contractor who receives federal funding from the Department is required to respond to complaints of discrimination from individuals or groups (e.g. beneficiaries or employees) who are aggrieved by the subrecipient or contractor.
2. A discrimination complaint may be related to a claim to have been denied the benefits of, excluded from participation in, subjected to discrimination under, or denied employment in connection with any federally funded program, service, or activity.

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3. A subrecipient or contractor is required to:
 - a. have a nondiscrimination policy that contains, but is not limited to, the following:
 - 1) how to report a complaint;
 - 2) when to report; and
 - 3) responding to complaints;
 - b. post the nondiscrimination policy and the procedures for filing a discrimination complaint prominently in the organization and display it on all forms of communication available to the public regarding federally funded program availability;
 - c. provide a copy of this policy to all subrecipient employees; and
 - d. notify the applicable Department Contract Administrator of any discrimination complaints made.
4. The applicable Department's Contract Administrator shall refer any discrimination complaint to the Complaint Coordinator, or designee.

Procedure D: Complaint Process for Subrecipient Beneficiaries

1. A person who thinks he or she has been subject to who believes that he or she has been subjected to unlawful discrimination by a Department subrecipient or contractor receiving federal funding may file a complaint within either 180 days or one year of the most recent incident of alleged discrimination, depending on the relevant statute, in writing, as applicable, to the:
 - a. subrecipient;
 - b. Maine Department of Corrections to the:

Complaint Coordinator (the Department's Director of Classification), or designee
 Maine Department of Corrections
 25 Tyson Drive 3rd floor
 State House Station 111
 Augusta, Maine 04333-0111
 Telephone: (207) 287-2711
 Fax: (207) 287-4370
 TTY: Relay Service Dial 711 or
 Email: ben.beal@maine.gov
 - c. State EEO Coordinator in the Bureau of Human Resources;
 - d. Maine Human Rights Commission;
 - e. appropriate federal awarding agency;
 - f. U.S. Equal Employment Opportunity Commission; and/or

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- g. 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 NW
Washington, DC 20531

<https://www.ojp.gov/program/civil-rights/filing-civil-rights-complaint>

- 2. The complainant should include the following information:
 - a. name of the complainant;
 - b. contact information for the complainant including phone number, email, and mailing address;
 - c. name of the victim or other witness(es) of the alleged discrimination or retaliation, if it is someone other than the complainant, if known;
 - d. the date(s) of the alleged discriminatory or retaliation;
 - e. a brief description of the alleged discriminatory or retaliation;
 - f. name and address of the person(s) or organization the complaint is against;
 - g. if the complainant would like a response to the statement and the preferred method of contact; and
 - h. name of other person(s) contacted regarding the complaint and the result of previous contacts, if any.

Procedure E: Responding to Discrimination Complaints Against U.S. Department of Justice-funded Subgrantees

- 1. Upon referral or receipt of a discrimination complaint, the Department’s Complaint Coordinator (CC), or designee:
 - a. shall review the complaint and acknowledge receipt of the complaint in writing;
 - b. determine what action in addition to the internal complaint procedure addressed above should be taken, which may include:
 - 1) referral of the complaint for an investigation as set out in Department Policy 7.3, Administrative and Personnel Complaint Investigations;
 - 2) referral of the complaint to the State EEO Coordinator in the Bureau of Human Resources; and/or
 - 3) any other action deemed appropriate.
- 2. Upon final disposition, and if appropriate, the CC, or designee, shall notify the complainant of the outcome of any review to the extent permitted by civil service rules, applicable law, and contractual requirements, and, if referred to an external agency, advise the complainant of the external agency’s contact information.

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3. The Department's Complaint Coordinator (CC), or designee, shall ensure the matter is reported to the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice, and notify the complainant of this action. The CC, or designee, shall also notify the complainant that they may file a complaint directly with the Office for Civil Rights (see above address).

Procedure F: Training

1. This policy shall be made available for all Department staff on the Department's online document management system and on the Department's website.
2. The Department's Director of Training, or designee, shall ensure that staff receive training on the responsibility of staff to refer discrimination complaints to appropriate staff.
3. Department staff assigned as a grant manager and/or contract administrator shall be trained on this policy.
4. The Department shall require the subrecipient to conduct and document periodic training on discrimination and retaliation on the procedures set forth in this policy to subrecipient employees.

VIII. PROFESSIONAL STANDARDS

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None

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