

<b>POLICY TITLE: CIVIL RIGHTS RESPONSIBILITIES FOR FEDERAL GRANT FUNDING</b>		<b>PAGE 1 OF 5</b>
<b>POLICY NUMBER: 1.6.1</b>		
<b>CHAPTER 1: ADMINISTRATION, ORGANIZATION, AND MANAGEMENT</b>		
 <b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>Approved by Commissioner:</b>  <hr/>		<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VIII</b>
<b>EFFECTIVE DATE:</b> November 12, 2020	<b>LATEST REVISION:</b>	<b>CHECK ONLY IF</b> 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. 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. 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.

5. 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.
6. 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.
7. Retaliation - adverse actions towards an individual engaged in a protected activity, such as opposing a discriminatory practice or participating in a discrimination complaint process.
8. 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 civil rights laws that prohibit discrimination.
2. As a recipient of federal grant funding, the Department shall:
  - a. comply with federal civil rights laws and regulations that prohibit discrimination;
  - b. not retaliate against an individual for opposing discriminatory practices or participating in action to secure rights protected by law; and

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- 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
  - 3) not retaliate against an individual for opposing discriminatory practices or participating in action to secure rights protected by law.
- 3. 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, the U. S. Equal Employment Opportunity Commission, and/or the Civil Rights Division of the U.S. Department of Justice.
- 4. 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 Commissioner, or designee.

**Procedure B: Internal Complaint Procedures**

- 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 prisoner, 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: Subrecipients or Contractors Responsibilities**

- 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 procedure for filing a civil rights 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 Department's Contract Administrator of any complaints made.

**Procedure D: Complaint Process for Subrecipient Beneficiaries**

1. A beneficiary who thinks he or she has been subject to discrimination by a Department subrecipient or contractor receiving federal funding may submit a complaint in writing to the:
  - a. subrecipient;
  - b. Commissioner, or designee, of the Maine Department of Corrections;
  - 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
  - g. Civil Rights Division of the U.S. Department of Justice.
2. The complainant shall include the following information:
  - a. name, address, and telephone number of the complainant;
  - b. the victim or other witness of the alleged discrimination, if it is someone other than the complainant, if known;
  - c. the basis for the complaint, e.g., the complaint alleges (1) discrimination in services or employment based on race, color, national origin, sex, religion, or disability, or discrimination in services based on age, or (2) retaliation for engaging in protected activity to include as much detail as possible;
  - d. the date of the alleged discriminatory or retaliatory conduct; and
  - e. the name and title of the person(s) who is alleged to have engaged in the discriminatory or retaliatory conduct.
3. The complaint must be in writing, dated, and signed by the complainant.

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4. A person who thinks he or she has been subject to:
  - a. employment discrimination should file a complaint alleging such as soon as possible after the first date an alleged act of discrimination has occurred and in most cases no later than one hundred eighty (180) calendar days after the last date an alleged act of discrimination has occurred; and
  - b. discrimination by a federally funded subrecipient must file a complaint within one year from the last act of alleged discrimination or retaliation.
5. Upon receipt of either of the above complaint, the Commissioner, or designee:
  - a. shall review the complaint and 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.
6. Upon final disposition, and if appropriate, the Commissioner, 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.

**Procedure E: Training and Notification**

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 Professional Development, or designee, shall ensure that staff receive training on the responsibility of staff to refer civil rights discrimination complaints to appropriate staff.
3. Department staff shall receive training when assigned as a grant manager and periodically thereafter as needed. The training will inform them of their responsibilities to refer complaints or potential discrimination issues to the appropriate staff for processing as soon as the alleged discrimination is brought to the attention of the staff.
4. The Department shall require the subrecipient to conduct and document periodic training on the procedures set forth in this policy to subrecipient employees.

**VIII. PROFESSIONAL STANDARDS**

**ACA:** None

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