

# South Carolina Department of Public Safety



Office of the Director

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<b>POLICY</b>	<b>100.11</b>
<b>EFFECTIVE DATE</b>	<b>FEBRUARY 9, 2018</b>
<b>SUBJECT</b>	<b>MANAGING DISCRIMINATION COMPLAINTS FROM CLIENTS, CUSTOMERS, PROGRAM PARTICIPANTS, OR CONSUMERS OF THE SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY OFFICE OF HIGHWAY SAFETY AND JUSTICE PROGRAMS OR U.S. DEPARTMENT OF JUSTICE FUNDED SUBGRANTEES</b>
<b>REPLACE POLICY DATED</b>	<b>N/A</b>
<b>APPLICABLE LEGAL AUTHORITIES</b>	<b>20 U.S.C. § 1681; 29 U.S.C. § 794; 34 U.S.C. §§ 10228 (c), 10221 (a), and 11182 (b); 42 U.S.C. §§ 2000 (d), 6102, and 12132; 28 C.F.R. Parts 35, 38, 42, and 54</b>
<b>APPLICABLE STANDARDS</b>	<b>N/A</b>
<b>APPLICABLE STANDARD OPERATING PROCEDURES (SOP)</b>	<b>N/A</b>
<b>FORMS</b>	<b>N/A</b>
<b>DISTRIBUTION</b>	<b>TO ALL EMPLOYEES</b>

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## **I. PURPOSE**

To establish written procedures for the employees of the South Carolina Department of Public Safety (“SCDPS”) Office of Highway Safety & Justice Programs (“OHSJP”) for receiving, addressing, and processing complaints alleging discrimination against OHSJP or United States Department of Justice (“USDOJ”) funded Subgrantees from clients, customers, program participants, or consumers.

## **II. POLICY**

All individuals are eligible to participate in employment, programs, and activities operated by OHSJP and its Subgrantees under USDOJ grant programs regardless of race, color, national origin, sex, religion, disability, or age. SCDPS and other state, federal, or local agencies are prohibited from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

## **III. DEFINITIONS**

For purposes of this policy, the following definition shall apply:

**Subgrantee** - State agency, local unit of government, or non-profit agency which has received a USDOJ grant award administered by OHSJP.

## **IV. COMPLIANCE WITH LEGAL AUTHORITIES**

OHSJP shall ensure its office and Subgrantees both are in compliance with the following statutes and regulations:

- A. 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. § 2000(d)], and the USDOJ implementing regulations at 28 C.F.R. Part 42, Subpart C;
- B. Applicable program statutes, including the Omnibus Crime Control and Safe Streets Act of 1968, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, and sex in the delivery of services and employment practices [34 U.S.C. § 10228 (c) & 10221 (a)], and the USDOJ implementing regulations at 28 C.F.R. Part 42, Subpart D; and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, and sex in the delivery of services and employment practices [34 U.S.C. § 11182(b)].
- C. 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 USDOJ implementing regulations at 28 C.F.R. Part 42, Subpart G;
- D. 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 USDOJ implementing regulations at 28 C.F.R. Part 35;
- E. Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in educational programs (20 U.S.C. § 1681), and the USDOJ implementing regulations at 28 C.F.R. Part 54;
- F. 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 USDOJ implementing regulations at 28 C.F.R. Part 42, Subpart I; and
- G. The USDOJ regulations on the Partnerships with Faith-Based and Other Neighborhood Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using USDOJ funding for inherently religious activities 28 C.F.R. Part 38.

## **V. FILING A COMPLAINT**

- A. Complaints from a Subgrantee's employee, client, customer, or program participant shall be filed with the appropriate entity within the statutorily-established amount of time after the alleged discrimination.
- B. OHSJP will verify that:
  - 1. Subgrantee's employees, clients, customers, and program participants are aware that they may file a discrimination complaint directly with the Subgrantee;
  - 2. Subgrantees have procedures in place to either investigate the complaint or forward the complaint within five (5) business days of receipt to OHSJP for referral to the proper investigative entity;
  - 3. Subgrantees notify all employees, clients, customers, and program participants that discrimination is prohibited; and
  - 4. Subgrantees notify all employees, clients, customers, and program participants of the procedures for addressing and investigating/filing a complaint of discrimination.
- C. Subgrantees must notify OHSJP of any complaint received by the Subgrantee within five (5) business days of receiving the complaint.

- D. Complaints filed with OHSJP must include:
1. The complainant's contact information; and
  2. A detailed description of the complaint to include dates and locations of the alleged discrimination, as well as a suggested resolution to the issue.
- E. Subgrantees and members of the public may file a complaint to OHSJP by submitting a written complaint to:

South Carolina Department of Public Safety  
Office of Highway Safety & Justice Programs  
Attention: Director  
Post Office Box 1993  
Blythewood, SC 29016

## **VI. OHSJP PROCEDURES UPON RECEIVING COMPLAINTS**

- A. Upon receipt of any discrimination complaint or Subgrantee investigation, the OHSJP employee receiving the complaint shall immediately forward the complaint through the appropriate chain of command to the OHSJP Director who is designated as the Civil Rights Coordinator and responsible for properly addressing questions relating to the complaint process. OHSJP may initiate an investigation of the complaint if it is deemed necessary.
- B. The Civil Rights Coordinator shall document the complaint in grant files accessible to federal monitors and send the complainant a letter acknowledging the department's receipt of the complaint. If applicable, the letter will explain that OHSJP has forwarded the complaint to the appropriate body for investigation. The letter will also notify the complainant that he/she may also file a complaint with the Office for Civil Rights ("OCR") by submitting a written complaint to:

Office for Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street, N.W.  
Washington, DC 20531

- C. Each complaint submitted to OHSJP will be investigated by the appropriate agency to include the U.S. Equal Opportunity Employment Commission, the South Carolina Human Affairs Commission, or the OCR.

## **VII. TRAINING**

- A. Through annual online training located on the OHSJP website ([www.scdps.gov/ohsjp/](http://www.scdps.gov/ohsjp/)), OHSJP employees and Subgrantees both are informed of the complaint procedures outlined within this policy which are also available on the OHSJP website.
- B. All Subgrantees shall:
1. Be required by a "Special Condition" of their applicable grant award to certify that they have received this training.
  2. Certify that they have notified or will notify all employees, clients, customers, and program participants that discrimination is prohibited and inform the aforementioned parties of the procedures for filing a discrimination complaint.
  3. Be subject to on-site grant monitoring visits by OHSJP staff, SCDPS Accounting-Grants staff, or both. As a condition of the Subgrantee's grant, the OHSJP may require the Subgrantee to provide evidence of its civil rights complaint procedures during these visits.

**By Order of the Director  
Date: February 9, 2018**

*Leroy Smith*

**Director  
S C Department of Public Safety**

**The Original Signed Copy of this Policy is  
on File in the Office of Strategic Services,  
Accreditation, Policy and Inspections**