

**SOUTH DAKOTA DEPARTMENT OF PUBLIC SAFETY
OFFICE OF VICTIMS SERVICES
NONDISCRIMINATION POLICY AND COMPLAINT PROCEDURES**

The South Dakota Department of Public Safety (“DPS”) Office of Victims Services recognizes the necessity of establishing a policy and procedure addressing complaints of discrimination lodged against DPS or one of its sub-recipients. This document establishes written procedures for Victims Services staff to follow when a complaint is received against a sub-recipient of funding from the U.S. Department of Justice or DPS itself, on behalf of a client or another DPS employee, alleging discrimination from clients, customers, program participants, employees, or consumers

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 Office of Victims Services 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 Office of Victims Services and its sub-recipients must also comply with the non-discrimination provisions within any applicable Department of Justice 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 DPS or a Sub-Recipient:

1. Complaints from any source are to be submitted on the Written Complaint Statement of Concern/Complaint with Grant Programs Form to the Office of Victims Services Program Director. This form is available on-line by visiting <https://dps.sd.gov/victims-services>. Complaints must be filed within 180 days or one year from the date of the alleged discrimination, depending on the alleged discrimination and the relevant statutes.

Complaints received without use of this form should include the following:

- Name of the complainant
- Contact information for the complainant including phone number, email and mailing address of the complainant
- Grant or subrecipient program, or DPS, as program of concern/complaint
- Relationship to the program of concern/complaint as employee, client or other identified public service relationship.
- If the complainant would like a response to the statement and the preferred method of contact.
- Complainant preference is to be contacted by DPS Victims' Services but wishes *not* to be contacted by the program in question OR if the complainant is open to contact from *either* DPS Victims' Services or the program in question.
- If the statement of concern/complaint contains alleged discrimination of age, color, disability, gender identity, national origin, race, religion, sex or sexual orientation as well as the basis for that discrimination.

- The statement of concern should also include detailed program information such as the name of the program, program phone number, city the program is located, names of individual(s) involved as well as dates and times of the alleged discrimination.
- The concern/complaint should also provide who has already been contacted regarding the concerns and the result of previous contacts.

2. The complaints are to be submitted to:

Victims' Services Program Director
 South Dakota Department of Public Safety
 118 W. Capitol Avenue
 Pierre, SD 57501
 or email: VictimsServices@state.sd.us

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 Office of Victims Services staff or employees will complete training on these complaint procedures, including staff's responsibilities to refer discrimination complaints from clients, customers, program participants, or consumers to the Program Director no later than 14 business days from receipt. This procedure will be provided to current and new staff as part of their orientation and discussed during applicable training sessions.

Approved by:

[NAME]

[TITLE]

[DATE]