



Civil Rights Compliance

5 South Last Chance Gulch
Helena, MT 59601
406-444-3604
www.mbcc.mt.gov



Introduction

The Montana Department of Corrections, Crime Control Bureau (CCB) provides services and equal employment opportunity (EEO) to all persons regardless of actual or perceived race, color, religion, creed, sex, sexual orientation, gender identity or expression, national origin, age, mental or physical disability, marital status, or political beliefs, discrimination or harassment because of a person's marriage to or association with individuals in one of the previously mentioned protected classes.

This encompasses all employees of CCB, grant applicants, subrecipients of CCB funds, subrecipients' employees, and clients of CCB subrecipients.

CCB will ensure that all subrecipients shall comply with all applicable state and federal laws regarding employment discrimination and affirmative action. It is CCB's position that all employees and subrecipients have a right to work in an environment free from all forms of discrimination, including sexual harassment. As such, CCB practices zero tolerance of harassment in any form.

Training

It is the responsibility of CCB to provide training to subrecipients on Civil-Rights-Related Award Requirements. All subgrantees must complete the online Civil Rights Training available on the agency website at <http://mbcc.mt.gov/Working-Together/Training>.

This training must be completed at the beginning of each grant award. OVW subrecipients will complete the OVW Subrecipients Training while remaining subrecipients will complete Subrecipients Training. Upon completion of the training, participants must certify the training and return a copy of the signed certification with the signed award documents (within 45 days of award) in order to receive reimbursement of any grant funds.

Methods of Monitoring

During subrecipient monitoring visits and desk audits, CCB requires that a Civil Rights Questionnaire be completed ensuring that subrecipients have appropriate policies, procedures and training in place pertaining to discrimination. Additionally, CCB will check subrecipient files, policies, and procedures regarding Civil Rights to ensure compliance with OCR requirements.

Filing a Complaint

Subgrantees' Responsibilities

When a subrecipient's employee, client, customer or program participant files a discrimination complaint directly to the subrecipient, the subrecipient must have procedures in place to address complaints filed directly with their individual agency or organization. Subrecipients must have procedures in place to either investigate the complaint or forward the complaint to CCB for processing. Subrecipients must notify CCB of any complaint being investigated by the subrecipient or if a subrecipient will be forwarding a complaint to CCB or another appropriate agency for processing.

CCB's Responsibilities

Any CCB employee who receives a report of alleged discrimination shall immediately notify the CCB Bureau Chief of a report regardless of their perception of the validity of the complaint. The CCB Bureau Chief, upon receiving notification of a complaint, shall obtain and document information regardless of their perception of the validity of the complaint on CCB's [Discrimination Complaint Referral Form](#).

Upon receipt of a report alleging discrimination, CCB's Bureau Chief will work with the Dept. of Corrections HR Coordinator to refer the complainant to the appropriate agency. The Bureau Chief and the HR Coordinator shall notify complainant of referral to appropriate agency within 10 business days of receiving the complaint. If the CCB Bureau Chief and the DOC HR Coordinator do not refer a complaint, the Bureau Chief will notify the complainant of this action within 10 business days of receiving the complaint. CCB does not investigate complaints of discrimination and does not collect information for investigative purposes pertaining to complaints alleging discrimination.

The CCB Bureau Chief can be reached at:

CCB Bureau Chief
5 South Last Chance Gulch
Helena, MT 59601
406-444-3604



Filing a Complaint, continued

Filing Options

Upon receipt of a complaint, the CCB Bureau Chief and the DOC HR Coordinator will determine if one or more of the following agencies has jurisdiction over the complaint, seeking additional information from the complainant if necessary. If one or more of these agencies has jurisdiction, the CCB will refer the complaint to the appropriate agency within 10 business days of receiving the complaint, and notify the complainant of this action. If the CCB does not refer a complaint, it will notify the complainant of this action within 10 business days of receiving the complaint as well.

Montana Department of Corrections, EEO Officer/Human Resources
5 South Last Chance Gulch
Helena, MT 59620
406-444-0445
corhr@mt.gov

Complaints filed with CCB or Dept. of Corrections EEO/Human Resources Division must be received within one hundred eighty (180) calendar days of the alleged discriminatory occurrence.

Complaints of Sexual Harassment are filed by notifying the ADA/EEO/AA Officer of MDOC, Human Resources Division within sixty (60) calendar days of the alleged harassment.

Montana Human Rights Bureau (HRB)
PO Box 1728
Helena MT 59624
(406) 444-2884
(406) 444-0532 (TTY)
<http://erd.dli.mt.gov/human-rights/human-rights>

Complaints with the HRB must be filed within one hundred eighty (180) calendar days of the alleged discriminatory occurrence. It is necessary to file a charge with the HRB or EEOC in order to preserve the right to file a private lawsuit at a later date.

United States Equal Employment Opportunity Commission (EEOC)
Denver District Office
303 E. 17th Avenue, Ste. 510
Denver CO 80203
(303) 866-1300
(303) 866-1950 (TTY)
www.eeoc.gov

Complaints with EEOC must be filed within three hundred (300) calendar days of the alleged discriminatory occurrence. It is necessary to file a charge with the HRB or EEOC in order to preserve the right to file a private lawsuit at a later date.

Office of Civil Rights, Office of Justice Programs, United States Department of Justice
810 7th Street, NW
Washington, DC 20531
(202) 514-4609
(202) 514-0716 (TTY)
<http://ojp.gov/about/offices/ocr.htm>

Statutes and Regulations

General Information

OCR's enforcement responsibilities are derived from civil rights requirements contained in the following several nondiscrimination statutes and regulations:

The Violence Against Women Act (VAWA) of 1994, as amended, which prohibits discrimination on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in programs authorized under VAWA. See [U.S. Department of Justice Funded Grant Programs Generally Covered by the Nondiscrimination Grant Condition of the Violence Against Women Act of 1994](#) for a chart of covered programs.

The Omnibus Crime Control and Safe Streets Act of 1968, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, or sex, in OJP, OVW, and COPS funded programs or activities. ([34 U.S.C. § 10228\(c\)](#) and [28 C.F.R. §42.201 et seq.](#)) See [U.S. Department of Justice Grant Programs Generally Covered by the Nondiscrimination Provision of the Omnibus Crime Control and Safe Streets Act of 1968](#) for a chart of covered programs.

The Juvenile Justice and Delinquency Prevention Act of 1974, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in OJP funded programs or activities ([34 U.S.C. § 11182](#)). See [U.S. Department of Justice Grant Programs Generally Covered by the Nondiscrimination Provision of the Juvenile Justice and Delinquency Prevention Act of 1974](#) for a chart of covered programs.

Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in OJP and COPS funded programs or activities. ([42 U.S.C. § 2000d](#) and [28 C.F.R. §42.101 et seq.](#))

Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability in OJP and COPS funded programs or activities. ([28 C.F.R. § 42.501 et seq.](#))

Section 1407 of the Victims of Crime Act (VOCA) of 1984, which prohibits discrimination on the basis of race, color, national origin, religion, sex, or disability in VOCA funded programs or activities ([34 U.S.C. § 20110](#)). See [U.S. Department of Justice Grant Programs Generally Covered by the Nondiscrimination Provision of the Victims of Crime Act of 1984](#) for a chart of covered programs.

Title II of the Americans with Disabilities Act of 1990, as it relates to discrimination on the basis of disability in OJP or COPS funded programs or activities. ([42 U.S.C. § 12132](#) and [28 C.F.R. part 35](#))

Title IX of the Education Amendments of 1972, as it relates to discrimination on the basis of sex in OJP and COPS funded training or educational programs. ([20 U.S.C. § 1681](#) and [28 C.F.R. part 54](#))

The Age Discrimination Act of 1975 as it relates to services discrimination on the basis of age in OJP or COPS funded programs or activities. ([42 U.S.C. § 6102](#) and [28 C.F.R. § 42.700 et seq.](#))

Faith-Based Organizations

Executive Order 13279 issued in 2002 requires funding organizations to treat faith-based organizations (FBOs) the same as any other applicant or recipient of DOJ funding, neither favoring nor discriminating against FBOs in making and administering grant awards, and requires that FBOs be allowed to retain their independence, autonomy, expression, and religious character when competing for DOJ financial assistance used to support social service programs and participating in the social service programs supported with DOJ financial assistance.

The Executive Order and regulations also prohibit recipient FBOs from using Justice Department funding to engage in inherently religious activities, such as proselytizing, scripture study, or worship. Funded FBOs may engage in inherently religious activities; however, these activities must be separate in time or location from the federally assisted program. Moreover, funded FBOs must not compel program beneficiaries to participate in inherently religious activities. Funded faith-based organizations must also not discriminate on the basis of religion in the delivery of services or benefits. Detailed information is available online at <http://ojp.gov/funding/Explore/SolicitationRequirements/CivilRightsRequirements.htm>.