



## **Montana Board of Crime Control METHODS OF ADMINISTRATION**

This document serves as the Methods of Administration for the Montana Board of Crime Control (MBCC) to meet conditions of federal grant awards.

### **I. DESCRIPTION OF POLICY AND PROCEDURE FOR ADDRESSING COMPLAINTS OF IMPERMISSIBLE DISCRIMINATION**

As the State Administering Agency for Office of Justice Program federal funds, the MBCC will address any complaint of discrimination that violates a federal civil rights law applicable as a result of the OJP award and will address a complaint of discrimination in violation of a nondiscrimination provision applicable as a result of the OJP award.

MBCC provides services to grant applicants, subrecipients of MBCC funds, and clients of subrecipients. Per ARM [2.21.4005](#), MBCC will ensure that all subrecipients and prospective participants are notified of the types of impermissible discrimination including discrimination or harassment based on an individual's race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, sexual orientation, gender identity or expression, political beliefs, genetic information, military service or veteran's status, culture, social origin or condition, or ancestry. Likewise, agency management may not tolerate discrimination or harassment because of a person's marriage to or association with individuals in one of the previously mentioned protected classes. MBCC requires that recipient employees, subrecipients, and subrecipient employees be notified of the policy and procedures for handling any such complaints of impermissible discrimination as follows.

#### **A. Coordinators:**

The Montana Department of Justice (MTDOJ) has a designated Office for Civil Rights Coordinator (OCR Coordinator) who is responsible for overseeing the employee complaint process. This job duty is assigned to the agency human resources director. The job profile includes assignment of this responsibility.

The MBCC has designated the Executive Director as the Coordinator (MBCC Coordinator) responsible for overseeing the process for handling and addressing any complaint of impermissible discrimination from subrecipients, subrecipients' employees, program participants/beneficiaries, or prospective program participants/beneficiaries. The MBCC Coordinator will work with the MTDOJ OCR Coordinator to refer the complaint to the U.S. Equal Employment Opportunity Commission (EEOC); the Office for Civil Rights (OCR) within the Office of Justice Programs, United State Department of Justice; the appropriate state or local fair employment practices agency; or the Montana Human Rights Bureau.

**B. Notifying Employees and Subrecipients:**

The Montana Board of Crime Control adheres to the State of Montana Equal Employment Opportunity, Nondiscrimination, and Harassment Prevention Policy, ARM [2.21.40](#), for guidance about prohibited discrimination to employees in DOJ and MBCC programs and activities. This policy includes instructions for complaint resolution protocols.

The MBCC displays current Equal Employment Opportunity (EEO) posters in agency common areas with information on prohibited discrimination practices.

The MBCC utilizes comprehensive Civil Rights Compliance and Discrimination Complaint Instructions to provide information to subrecipients regarding requirements for compliance with all applicable state and federal laws regarding employment discrimination and affirmative action. The MBCC coordinator is responsible to review and update the Civil Rights Compliance and Discrimination Complaint Instructions annually and ensure that the most current regulations, requirements, and contact information are published.

The Civil Rights Compliance and Discrimination Complaint Instructions includes the following information:

1. An introduction that identified the MBCC statement of zero tolerance for discrimination, including the types of impermissible discrimination;
2. Requirements to provide training to subgrantees;
3. Subrecipients' responsibility to train their employees;
4. MBCC methods of monitoring for civil rights compliance;
5. Notice to subrecipients that they must have procedures in place to address complaints filed directly with their individual agency or organization;
6. Notice to subrecipients that they must have procedures in place to investigate any complaint and forward to MBCC for processing;
7. MBCC's responsibility to refer the complaint to the appropriate agency;
8. A web link to complaint policies and form;
9. Procedures to file a complaint alleging discrimination by subrecipients; and
10. OCR's enforcement responsibilities regarding nondiscrimination statutes and regulations.

The Civil Rights Compliance and Discrimination Complaint Instructions identifies training requirements for all subrecipients and their employees relative to Civil Rights and includes a web link to the online training course for the OCR training module, as well as the specialized training for Office on Violence Against Women subrecipients.

**C. Protocols to Receive Complaints:**

Protocols for receiving discrimination complaints regarding employees of MBCC are articulated in ARM [2.21.40](#).

Protocols for receiving discrimination complaints regarding a subrecipient, subrecipient's employee, client, customer or program participant are articulated in ARM [2.21.40](#) and include the following:

1. The MBCC employee will immediately notify the MBCC Coordinator regardless of the perception of the validity of the complaint;
2. The MBCC Coordinator will obtain documentation of the complaint using a complaint form (see [VII. ATTACHMENTS](#));
3. The MBCC Coordinator will work with the MTDOJ HR Coordinator to refer the complainant to the appropriate agency within 10 calendar days of receiving the complaint, and notify the complainant of this action; and
4. If the MBCC and MTDOJ HR Coordinators do not refer a complaint, the MBCC Coordinator will notify the complainant of this action within 10 business days of receiving the complaint.

**D. Filing a Complaint with the OCR:**

The Civil Rights Compliance and Discrimination Complaint Instructions provides specific instructions about the right to file a complaint, including contact information, with the Montana Department of Justice EEO Officer/Human Resources, the Montana Human Rights Bureau, the United States Equal Employment Opportunity Commission, or the Office for Civil Rights at the U.S. Office of Justice Programs.

**E. Investigations:**

Investigation protocols for complaints against MTDOJ/MBCC employees are included in ARM [2.21.40](#)

For complaints against subrecipients, subrecipients are required to conduct an internal investigation and report all complaints to MBCC. MBCC does not investigate these complaints of discrimination. MBCC will refer the complainant to the appropriate agency. Contact information for the Montana Department of Justice Office of Human Resources, the Montana Human Rights Bureau, the United States Equal Employment Opportunity Commission, and the Office for Civil Rights at the U.S. Office of Justice Programs are all included in the Civil Rights Compliance and Discrimination Complaint Instructions.

**F. Training:**

MBCC staff receive training in accordance with MTDOJ policy as part of New Employee Orientation on their responsibilities to refer discrimination complaints, or potential discrimination issues, to the MBCC Coordinator. In addition, all staff are required to complete OCR training a minimum of once every 3 years, and more often if substantive changes have been enacted.

**G. Notice of Prohibited Discrimination:**

Notice is provided to employees via the MTDOJ EEO Policy Statement Poster, posters displayed in employee common areas, new employee orientation, and ongoing refresher training. Notice is provided to subrecipients, customers and program participants via the Civil Rights Compliance and Discrimination Complaint Instructions, onsite monitoring visits, training programs, website notices and individual communications. The MBCC verifies that subrecipients are meeting OCR requirements through routine onsite visits,

desk audits, and other direct contact. These requirements include display of EEO posters, information, and training on impermissible discrimination.

**H. Ensure Subrecipients Have Procedures:**

The Civil Rights Compliance and Discrimination Complaint Instructions provides information on the requirements for a subrecipient to meet compliance criteria, including responding to discrimination complaints and maintaining procedures with respect to coordination, submission/receipt, training, notification, and investigation. All subrecipients are required to provide a signed acknowledgement form with their application, before funds can be released, accepting these conditions of the award. Monitoring of compliance is conducted by the MBCC.

**II. NOTIFYING SUBRECIPIENTS OF CIVIL RIGHTS REQUIREMENTS**

1. All notice to subrecipients of civil rights requirements is provided using the tools listed below. These tools may be used to meet the notification requirements of standard assurances, subgrant agreements, and other documents binding on MBCC funded subrecipients.
  - a. Notice to potential subrecipients of civil rights requirements is provided in MBCC. The applicant is required to certify and agree to comply with any applicable federal nondiscrimination requirements if awarded federal funds. This certification is included in the Special Assurances and Conditions section of the application.
  - b. Postings on the MBCC Website <https://mbcc.mt.gov/Funding/Training-Technical-Assistance/Training>.
  - c. Provisions in all applications with a requirement that applicants complete the appropriate training and sign an acknowledgment that they received the information and understand OCR compliance is a requirement of the funding award.
  - d. Civil Rights Compliance and Discrimination Complaint Instructions is distributed at multiple points of contact, throughout the relationship between MBCC and the grant funded entity. A copy of the instructions is included with this document for reference (see [VII. ATTACHMENTS](#)).

**III. MONITORING FOR CIVIL RIGHTS COMPLIANCE**

1. The MBCC monitors the compliance of subrecipients from the initial point of award notice and throughout the grant cycle as follows:
  - a. Applicants are required to take the online OCR compliance training at the time of application.
  - b. Subrecipients must provide written acknowledgement that they have received, and understand, compliance requirements. This assurance document is placed in the grant file. No funding is released until the signed acknowledgement has been received.
  - c. All subgrantees are required to complete the online OCR training course and submit verification of course completion with their application to the MBCC.

- d. Subrecipients who have been awarded funds from OVW must provide a completion certificate for the OVW training course in addition to the standard course for all other grant recipients.
- e. Desk audits are conducted by administrative staff of the MBCC to verify that all grant files have the required documentation.
- f. Desk reviews and onsite visits are conducted routinely for all subgrantees on a schedule determined by the subgrantee's Risk Assessment score (at minimum, a desk review once every grants cycle and an onsite visit every 3 years), and OCR compliance monitoring is conducted using the [MBCC Federal Civil Rights Compliance \(OCR\) Monitoring Form](#) (see [VII. ATTACHMENTS](#))

#### **IV. TRAINING SUBRECIPIENTS ON CIVIL RIGHTS REQUIREMENTS**

1. The MBCC requires all subgrantees to complete [Office for Civil Rights – Training for Grantees](#) on the OJP website. Subrecipients of OVW grant awards are required to complete the online [Civil Rights Training for Montana Board of Crime Control OVW Subrecipients](#). Each applicant is notified of the training requirement and directed to the appropriate course. A copy of the completion certificate is required to be submitted to the MBCC at the time of application. No funds are released until the certificate has been received.
2. If a change in personnel occurs, new project directors at the grant funded organization have 45 days to complete the training course and submit the certificate to the MBCC.

#### **V. FUNDING TO FAITH-BASED ORGANIZATIONS**

1. The MBCC provides information to all potential subrecipients regarding Equal Treatment of Faith Based Organizations in the Civil Rights Compliance and Discrimination Complaint Instructions. The instructions provide an overview of Executive Order 13359 for Faith Based Organizations.
2. Any eligible faith-based organization seeking to favor co-religionists in hiring practices and seeking federal grant funding must complete and submit a signed Certification Regarding Hiring Practices On The Basis of Religion as required through the MBCC application process and as applicable to their grant request.

#### **VI. CLOSING**

Questions should be directed to the MTDOJ OCR Coordinator or MBCC Coordinator.

#### **VII. ATTACHMENTS**

[MBCC Discrimination Complaint Form](#)  
[Civil Rights Compliance and Discrimination Complaint Instructions](#)  
[MBCC Federal Civil Rights Compliance \(OCR\) Monitoring Form](#)



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Natalia Bowser, Executive Director

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