



Civil Rights Compliance & Discrimination Complaint Instructions

5 South Last Chance Gulch
PO Box 201408
Helena, MT 59620-1408
(406) 444-3604
www.mbcc.mt.gov

INTRODUCTION

The Montana Board of Crime Control (MBCC) 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 MBCC, grant applicants, subrecipients of MBCC funds, subrecipients' employees, and clients of MBCC and its subrecipients.

MBCC will ensure that all subrecipients shall comply with all applicable state and federal laws regarding employment discrimination and affirmative action. It is MBCC'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, MBCC practices zero tolerance of harassment in any form.

TRAINING

It is the responsibility of the MBCC to direct subrecipients to the appropriate Civil-Rights-Related Award Requirements **and training through the Office for Civil Rights**. All subgrantees must complete the online [Office for Civil Rights – Training for Grantees](https://www.ojp.gov/program/civil-rights/online-training) available on the Office of Justice Programs website at <https://www.ojp.gov/program/civil-rights/online-training>. This training must be completed at the time of application. OVW subrecipients will complete the online [Civil Rights Training for Montana Board of Crime Control OVW Subrecipients](http://mbcc.mt.gov/Working-Together/Training) in addition to the standard OCR training while remaining subrecipients. Upon completion of the training, participants must certify the training and return a copy of the signed certification with their grant application in order to receive reimbursement of any grant funds. Blank certification forms can be downloaded here: <http://mbcc.mt.gov/Working-Together/Training>.

METHODS OF MONITORING

During subrecipient monitoring visits and desk audits, MBCC requires that a Civil Rights Questionnaire be completed ensuring that subrecipients have appropriate policies, procedures and training in place pertaining to discrimination. Additionally, MBCC 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 MBCC for processing. Subrecipients must notify MBCC of any complaint being investigated by the subrecipient or if a subrecipient will be forwarding a complaint to MBCC or another appropriate agency for processing.

MBCC's Responsibilities

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

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

How to File a Complaint

The MBCC Discrimination Complaint Form must be completed and submitted to the MBCC Executive Director within either one hundred eighty (180) calendar days or 1 year of the alleged discrimination, depending on the relevant statute (see [Filing Options](#)).

MBCC Executive Director
5 South Last Chance Gulch
PO Box 201408
Helena, MT 59620-1408
(406) 444-3604

Filing Options

Upon receipt of a complaint, the MBCC Executive Director and the DOJ 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 MBCC 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 MBCC 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 Justice, EEO Officer/Human Resources

215 N Sanders St.
Helena, MT 59620
(406) 444-5528
dojcsdhr@mt.gov

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

Complaints of Sexual Harassment are filed by notifying the MT DOJ EEO Officer/Human Resources 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 for Civil Rights, Office of Justice Programs, United States Department of Justice

810 7th Street, NW
Washington, DC 20531
(202) 307-0690
(202) 307-2027 (TTY)

<http://ojp.gov/about/offices/ocr.htm>

Complaints against recipients of OJP and OVW funds filed with OCR must be filed within 180 days or 1 year of the alleged discrimination, depending on the applicable statute.

GENERAL INFORMATION

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

Equal Employment Opportunity (EEO) and Nondiscrimination, [ARM 2.21.4005](#) (prohibiting 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).

The 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) (referring to the Safe Streets Act for enforcement).

The Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, [34 U.S.C. §§ 10228\(c\) & 10221\(a\)](#), and the DOJ implementing regulations, [28 C.F.R. pt. 42](#), subpts. [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) & [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)).

The Juvenile Justice and Delinquency Prevention Act of 1974, as amended, [34 U.S.C. § 11182\(b\)](#) and the DOJ implementing regulations, [28 C.F.R. §§ 31.202, .403](#) & pt.42, subpt. 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)

Title VI of the Civil Rights Act (Title VI) of 1964, as amended, [42 U.S.C. § 2000d](#), and the DOJ implementing regulation, [28 C.F.R. pt. 42](#), subpts. [C](#) & [D](#) (prohibiting discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits).

Section 504 of the Rehabilitation Act (Section 504) of 1973, as amended, [29 U.S.C § 794](#), and the DOJ implementing regulation, [28 C.F.R. § pt. 42, subpt. G](#) (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits).

Victims of Crime Act (VOCA) of 1984, as amended, [34 U.S.C. § 20110\(e\)](#) and the regulation implementing the Victims of Crime Act Victim Assistance Program, [28 C.F.R. § 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).

Title II of the Americans with Disabilities Act of 1990, as amended, [42 U.S.C. § 12132](#), and the implementing regulation at [28 C.F.R. § 35.171\(a\)\(1\)\(i\), 3\(i\)](#) (prohibiting discrimination based on disability both in employment and in the delivery services division))

Title IX of the Education Amendments (Title IX) of 1972, as amended, [20 U.S.C. § 1681](#), and the DOJ implementing regulations, [28 C.F.R. pt. 42, subpt. D](#) & [pt. 54](#) (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits).

The Age Discrimination Act (Age Act) of 1975, as amended, [42 U.S.C. § 6102](#) and [28 C.F.R. § 42 subpt. I](#). (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits).

Partnership With Faith-Based and Other Neighborhood Organizations

Executive Order 13359, amending Executive Order 13279, and the DOJ implementing regulation, Partnership with Faith-Based and Other Neighborhood Organizations, [28 C.F.R. pt. 38](#) (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits) 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 explicitly religious activities, such as proselytizing, scripture study, or worship. Funded FBOs may engage in explicitly 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 explicitly religious activities. Detailed information is available online at <https://ojp.gov/about/ocr/partnerships.htm>.