

STATE OF ALASKA DEPARTMENT OF HEALTH & SOCIAL SERVICES FINANCE AND MANAGEMENT SERVICES POLICY & PROCEDURE MANUAL	SECTION:	Number:	Page:
	SUBJECT: Services Discrimination Complaints		
	SUPERCEDES NUMBER/PAGE: Old P&P and SOP Manuals		
	APPROVED: 	DATE: 12/5/2011	

Subject: Responding to Services Discrimination Complaints from Clients, Customers, Consumers, Applicants, or Participants in programs of the Department of Health & Social Services (DHSS) or of DHSS Sub-recipients under Federal Grant Programs

Purpose: The purpose of this policy is to establish procedures for DHSS employees to follow when they receive a complaint alleging discrimination from clients, customers, consumers, applicants, or participants in programs of DHSS or of a DHSS sub-recipient implementing federal financial assistance from the U.S. Department of Justice (DOJ), the U.S. Department of Education (Education), the U.S. Department of Health and Human Services, or the U.S. Department of Agriculture.

Policy: All clients, customers, consumers, applicants, or participants in programs of DHSS or of our sub-recipients have the right to participate in programs and activities operated by DHSS or its sub-recipients regardless of race, color, national origin, sex, religion, disability, and age. Sub-recipients are required to comply with all applicable federal laws regarding discrimination as a condition of implementing federal financial assistance and certify compliance with the following statutes upon acceptance of the grant award:

- 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. § 2000d), the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C, and the DOE implementing regulations at 34 C.F.R. Part 100;
- The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services (29 U.S.C. § 794), the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G, and the DOE implementing regulations at 34 C.F.R. Part 104;
- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs (20 U.S.C. § 1681), the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I, and the DOE implementing regulations at 34 C.F.R. Part 106;
- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102), the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I, and the DOE implementing regulations at 34 C.F.R. Part 110; and
- The DOJ regulations on Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding on inherently religious activities (28 C.F.R. Part 38).
- The Food and Nutrition Act of 2008, formerly the Food Stamp Act of 1977, Section 11 (c), which prohibits discrimination on the bases of race, sex, religious creed, national origin, or

political affiliation. The Food and Nutrition Service (FNS) implementation regulation is at 7 C.F.R. § 272.6 (a), *et seq.*

- The USDA, FNS regulations require the state agencies that receive funding in the administration of Women, Infant, and Children (WIC) programs to comply with USDA and FNS civil rights regulations and policies. These regulations are at 7 C.F.R. § 246.8 (WIC); 7 C.F.R. § 248.7 (WIC Farmers Market Nutrition Program, or FMNP); and 7 C.F.R. § 249.7 (WIC Senior Farmers Market Nutrition Program, SFMNP). The USDA Departmental Regulations are at 7 C.F.R. Parts 15, 15a, and 15b.

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by these laws.

Application: All DHSS Employees; all clients, customers, consumers, applicants, and participants in programs of DHSS and Sub-recipients

Procedures:

1. Discrimination complaints from clients, customers, applicants, program participants, or consumers of DHSS or of DHSS sub-recipients may be filed using the Discrimination Complaint Form provided on the DHSS Civil Rights Compliance Obligations webpage <http://dhss.alaska.gov/Commissioner/Pages/civilrights.aspx> . The DHSS and sub-recipients will provide the Discrimination Complaint Form and contact information for the Civil Rights Complaint Coordinator to any person who raises civil rights compliance concerns.
2. Once completed, a copy of the Discrimination Complaint Form should be either:
 - a. emailed to the Civil Rights Complaint Coordinator listed on the department's civil rights website <http://dhss.alaska.gov/Commissioner/Pages/civilrights.aspx> who will provide a copy of the complaint to the Assistant Commissioner of Finance and Management Services; or
 - b. mailed to the Civil Rights Complaint Coordinator at **[3601 C Street, Ste. 902, Anchorage, AK 99503]**, who will provide a copy of the complaint to the Assistant Commissioner of Finance and Management Services. Individuals who have questions about the complaint process can contact the Civil Rights Complaint Coordinator at **[907-269-7800]**.

The Civil Rights Complaint Coordinator will confirm that the complaint alleges a violation of a pertinent federal civil rights statute and refer the complaint to each federal agency that has jurisdiction over the complaint. Depending on the sources of a sub-recipient's federal financial assistance, discrimination complaints will be referred to one or more of the following federal agencies:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, DC 20531
Telephone: 202.307.0690
TDD: 202.307.2027

Seattle Office
Office for Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174-1099
Telephone: 206.607.1600
TDD: 206.607.1647

Office for Civil Rights
U.S. Department of Health and Human Services
2201 Sixth Avenue - M/S: RX-11
Seattle, WA 98121-1831
Telephone: 206.615.2290
TDD: 206.615.2296

U.S. Department of Agriculture
Director, Office of Adjudication
1400 Independence Avenue, SW
Washington, DC 20250-9410
Telephone: 866.632.9992
TDD: 202.401.0216

The date of filing of the discrimination complaint will be considered the date on which the complaint is received by DHSS.

3. Within ten calendar days of receiving a complaint, the Civil Rights Complaint Coordinator will notify the Complainant that the complaint has been referred to a federal agency or has been administratively closed because it does not allege discrimination under any pertinent federal civil rights statute. If DHSS refers the complaint to an external agency, the Civil Rights Complaint Coordinator will notify the Complainant of the contact information for the office(s) to which the complaint was referred, of the civil rights provision(s) involved, that the date the Complainant filed the complaint with DHSS will be recognized as the complaint filing date by the federal funding agency, and that the Complainant can also file a complaint directly with a pertinent federal agency.
4. A general grant condition requires that sub-recipients have procedures in place for responding to discrimination complaints that clients, customers, applicants, program participants, or consumers file directly with the sub-recipient. Program managers will address this requirement by including them in their site review compliance checklists.
5. Notice of prohibited discrimination against clients, customers, applicants, program participants, or consumers of DHSS or of DHSS sub-recipients will be achieved through posting policies on the DHSS website, and distributing flyers outlining rights and complaint instructions at trainings and pertinent public meetings.
6. Sub-recipients must document the number of services discrimination complaints it receives and provide information to DHSS on an annual basis about the number of complaints received, the type of complaint(s), and the action(s) taken.

Training:

1. Complaint procedures, including a summary of the responsibility of department employees to refer services discrimination complaints to the Assistant Commissioner of Finance and Management Services and the DHSS Civil Rights Complaint Coordinator, will be available to department employees through the DHSS Intranet.
2. Compliance requirements and complaint procedures are incorporated in mandatory Program Management training for DHSS staff members who manage sub-recipient grants of Federal Grant Programs.
3. Compliance requirements and complaint procedures are incorporated in training for all DHSS grantees.

Implementation: This policy and procedure is effective as of the date signed by the Commissioner.