



**ILLINOIS
CRIMINAL JUSTICE
INFORMATION AUTHORITY**

300 W. Adams Street • Suite 200 • Chicago, Illinois 60606 • (312) 793-8550

Civil Rights Policy and Procedures for Discrimination Complaints

Purpose

The Illinois Criminal Justice Information Authority (ICJIA) is committed to prohibiting discrimination, in the delivery of services and in employment by ICJIA and ICJIA grantees. ICJIA and ICJIA grantees have a legal and contractual obligation to provide employment and grant-funded services in a discrimination-free manner. Accordingly, this document establishes the policy and procedure for ICJIA to follow regarding civil rights compliance. This policy covers the training of ICJIA staff and ICJIA grantees in the area of civil rights compliance and the process for filing a complaint of discrimination for an ICJIA employee; ICJIA grantee employees; or ICJIA grantee program participants.

Impermissible Discrimination Policy

It is the public policy of the State of Illinois to secure for all individuals within Illinois the freedom from discrimination against any individuals because of his or her race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, pregnancy, sexual orientation, or unfavorable discharge from military service. 775 ILCS 5/1-102(A). Individuals have the right to participate in programs and activities provided by entities funded (in whole or in part) with federal funds regardless of race, color, national origin, sex, religion, disability, and age. In addition, individuals participating in programs provided by entities funded (in whole or in part) pursuant to the Violence Against Women Act have the right to participate in programs and activities regardless of sexual orientation, and gender identity.

ICJIA and ICJIA grantees have the legal and contractual obligation to comply with Federal and State of Illinois non-discrimination laws. Programs funded by ICJIA may be subject to the following laws as applicable based on the specific funding source:

- **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);
- **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 Plan));
- **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);
- **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);
- **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 of services or benefits);
- **Age Discrimination Act (Age Act) of 1975**, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits);
- **Juvenile Justice and Delinquency Prevention Act (JJJPA) 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);
- **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 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);
- **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); and
- **Executive Order 13,559**, amending Executive Order 13,279, and the DOJ implementing regulation, Partnerships 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).

- The Illinois Human Rights Act, 775 ILCS 5 *et seq.*;
- The Public Works Employment Discrimination Act, 775 ILCS 10 *et seq.*;
- The Illinois Environmental Barriers Act, 410 ILCS 25 *et seq.*;
- The Illinois Personnel Code, 20 ILCS 415 *et seq.*;
- The Illinois Personnel Rules, 80 Ill. Admin. Code 301 *et seq.*; and
- AFSCME Master Contract 2012-2015 as amended.

Definitions

Complainant – the person or persons who initiate a discrimination complaint.

Department of Justice, Office of Justice Programs, Office for Civil Rights (OCR) – a federal governmental entity that is responsible for ensuring that all direct recipients and subrecipients of federal funds from the Department of Justice comply with all applicable federal civil rights law.

Equal Employment Opportunity Commission (EEOC)—A federal entity that is responsible for ensuring compliance with applicable federal anti-discrimination laws as they relate to the workplace. These include discrimination based on age, disability, equal pay/compensation, genetic information, harassment, national origin, pregnancy, race/color, religion, retaliation, sex, and sexual harassment.

Grant Monitor or Grant Specialist – ICJIA employee who oversees the implementation of grants and is the point of contact between the grantee and ICJIA.

Grantee Employees – people who are employed by ICJIA’s grantees.

Program Participants—people who receive services provided by the grantee. Also referred to as grantee client, customer, or consumer.

Illinois Criminal Justice Information Authority (ICJIA) – the state administrating agency for grants from the Department of Justice (DOJ) and State of Illinois.

ICJIA Employees—people employed by ICJIA. ICJIA employees who are covered by a collective bargaining agreement are covered by the AFSCME Master Contract.

ICJIA’s Office of General Counsel (OGC) – ICJIA’s legal department, which is responsible for ensuring that the ICJIA is compliant with all state and federal laws. OGC will serve as the point of contact for ICJIA for all civil rights related matters.

ICJIA Civil Rights Officer (CRO) is designated as the ICJIA General Counsel who can be reached at 312-793-8550. Any member of OGC may be designated as the CRO by the ICJIA General Counsel.

Illinois Department of Human Rights (IDHR) – a state governmental agency responsible for ensuring that employers comply with the Illinois Human Rights Act.

Publication of this Policy

ICJIA will maintain publicly online a copy of this policy, a downloadable complaint form that may be completed manually, and web based forms that may be completed and filed electronically. Upon request, the ICJIA will provide grantees printed copies of the procedure for distribution and display at their facilities.

Notification of Policy

I. Grantee Notification

ICJIA requires all grantees to notify employees and program participants of the grantee’s compliance with Federal and State civil rights laws and the procedure for filing discrimination complaints. This requirement is included in the grant agreement as well as the Civil Rights Compliance Questionnaire completed by each grantee. Grantees are required to certify prior to grant execution that the designated civil rights coordinator, and program staff and match volunteers who have direct contact with program beneficiaries, are provided with an ICJIA-approved civil rights compliance training within the first quarter of the grant period. Upon request, ICJIA may also provide grantees with a sample template for notifying grantee

employees and program participations of impermissible discrimination for distribution and display at their facility.

II. ICJIA Notification

ICJIA will notify its employees regarding prohibited activity and the procedures for filing a discrimination complaint with ICJIA or OCR by posting the notification on ICJIA's intranet and during the annual civil rights training. The training will include a component regarding prohibited discrimination and a component regarding the complaint procedure. ICJIA also posts the U.S. Equal Employment Opportunity Commission (EEOC) notice on the public bulletin board at the ICJIA office. ICJIA will also maintain a copy of this policy on its website.

Complaint Procedures

ICJIA's General Counsel (CRO) shall serve as the coordinator of complaints alleging discrimination and civil rights violations. While CRO shall serve as the coordinator for all complaints regarding civil rights violations, ICJIA does not have the authority to investigate any alleged discrimination or civil rights violations; but rather, will refer the complaint to the appropriate body for investigation. ICJIA will refer complaints to either/all IDHR, EEOC, or OCR. Complaints should be filed within 180 days or one year, as determined by the relevant statutory violation, of the alleged discriminatory conduct. Additionally, ICJIA will assist IDHR, EEOC, or OCR in conducting their investigation as necessary.

I. Grantee Employee Discrimination Complaints

Grantee employees who believe that they have encountered discrimination in any term or condition of employment, including but not limited to hiring, selection, promotion, transfer, pay, tenure, discharge, or discipline may file a complaint with ICJIA, who will then forward the complaint to the IDHR, the OCR, and/or the EEOC for investigation. The filing of a complaint with ICJIA does not supersede or supplant of any other remedies available at law to the aggrieved party.

Complaint and Limited Release of Information forms can be found on ICJIA's website at <http://www.icjia.org/grants/grant-resources> or obtained by contacting the ICJIA at 312-793-

8550. Complaints may be submitted via the ICJIA website, mail, or email. Complaints submitted via mail can be sent to: Illinois Criminal Justice Information Authority, Attn: Civil Rights Officer, 300 West Adams, Suite 200; Chicago, IL 60606. Complaints submitted via email can be sent to CJA.CivilRightsOfficer@illinois.gov. If an oral complaint is submitted, complainants will be assisted by ICJIA staff in completing the Complaint form. Complaints should include the following information: name and contact information of the complainant, name and contact information of the entity or individual complained, date of the discriminatory conduct, and a general description of the discriminatory conduct. Complainants may provide additional documentation or evidence with the complaint. Complainants should also complete a Limited Release of Information form.

If a grantee employee contacts an ICJIA employee other than the CRO regarding allegations of discrimination, whether in person, in writing, or over the telephone, the ICJIA employee will assist the grantee employee in completing a written complaint and submit it to the CRO. If an ICJIA employee receives a written complaint, she or he will forward the complaint to the CRO within three (3) business days.

Following the receipt of a written complaint, the CRO will forward the civil rights discrimination complaint to the IDHR/OCR/EEOC for investigation within five (5) business days of receiving the written complaint from the complainant. The CRO will send the complainant a letter acknowledging receipt of the complaint and explaining that ICJIA forwarded the complaint to the IDHR/OCR/EEOC for investigation and resolution.

If a complainant submits a complaint about a grantee that receives federal funding, the CRO will inform the complainant that he or she may also file a complaint directly with the OCR at the following address: Office for Civil Rights; Office of Justice Programs; U.S. Department of Justice; 810 Seventh Street N.W.; Washington, DC 20531 or by visiting: <https://ojp.gov/about/ocr/complaint.htm>. The complainant may submit a complaint directly to the EEOC, at <https://www.eeoc.gov/employees/howtofile.cfm> or to the Illinois Department of Human Rights, at <https://www2.illinois.gov/dhr/FilingCharge/Pages/default.aspx>.

II. Grantee Program Participant Discrimination Complaints

If a grantee's program participant believes that he or she has been discriminated against or that his or her civil rights have been violated by the grantee, the individual may file a complaint with ICJIA's CRO, who will then forward the complaint to the IDHR or the OCR for investigation. Filing a complaint with ICJIA, does not supersede or supplant of any other remedies available at law to the aggrieved party.

Complaint and Limited Release of Information forms can be found on ICJIA's website at <http://www.icjia.org/grants/grant-resources> or obtained by contacting the ICJIA at 312-793-8550. Complaints may be submitted via the ICJIA website, mail, or email. Complaints submitted via mail can be sent to: Illinois Criminal Justice Information Authority, Attn: Civil Rights Officer, 300 West Adams, Suite 200; Chicago, IL 60606. Complaints submitted via email can be sent to CJA.CivilRightsOfficer@illinois.gov. If an oral complaint is submitted, complainants will be assisted by ICJIA staff in completing the Complaint form. Complaints should include the following information: name and contact information of the complainant, name and contact information of the entity or individual complained, date of the discriminatory conduct, and a general description of the discriminatory conduct. Complainants may provide additional documentation or evidence with the complaint. Complainants should also complete a Limited Release of Information form.

If a grantee program participant contacts an ICJIA employee other than the CRO regarding allegations of discrimination, whether in person, in writing, or over the telephone, the ICJIA employee will assist the program participant in completing a written complaint and submit it to the CRO. If an ICJIA employee receives a written complaint, s/he will forward the complaint to the CRO within three (3) business days.

Following the receipt of a written complaint, the CRO will forward the civil rights discrimination complaint to the IDHR/OCR for investigation within five (5) business days of receiving the written complaint from the complainant. The CRO will send the complainant a letter acknowledging receipt of the complaint and explaining that ICJIA forwarded the complaint to the IDHR/OCR for investigation and resolution.

If a complainant submits a complaint about a grantee that receives federal funding, the CRO will inform the complainant that he or she may also file a complaint directly with the OCR at the following address: Office for Civil Rights; Office of Justice Programs; U.S. Department of Justice; 810 Seventh Street N.W.; Washington, DC 20531 or by visiting: <https://ojp.gov/about/ocr/complaint.htm>. The complainant may submit a complaint directly to the Illinois Department of Human Rights, at <https://www2.illinois.gov/dhr/FilingCharge/Pages/default.aspx>.

III. ICJIA Employee Discrimination Complaints

If an ICJIA employee believes that he or she has been discriminated against or that his or her civil rights have been violated by ICJIA, the ICJIA employee may file a complaint in accordance with the grievance procedures as outlined in the Illinois Personnel Code and Illinois Personnel Rules. If the ICJIA employee is covered by the AFSCME Master Contract, the employee may file a grievance in accordance with the AFSCME Master Contract. An ICJIA employee may also file a complaint directly with the EEOC or OCR.

Upon the filing of a complaint by an ICJIA employee, the CRO will inform the complainant that he or she may also file a complaint directly with the OCR at the following address: Office for Civil Rights; Office of Justice Programs; U.S. Department of Justice; 810 Seventh Street N.W.; Washington, DC 20531 or by visiting: <https://ojp.gov/about/ocr/complaint.htm>. The complainant may submit a complaint directly to the EEOC, at <https://www.eeoc.gov/employees/howtofile.cfm> or to the Illinois Department of Human Rights, at <https://www2.illinois.gov/dhr/FilingCharge/Pages/default.aspx>.