

FLORIDA DEPARTMENT OF JUVENILE JUSTICE PROCEDURE



Title: Discrimination in Service Delivery – Methods of Administration Procedures
(For Clients, Customers, Program Participants, or Consumers of the Department and its Contract Providers)

Related Policy: FDJJ – 1070

I. DEFINITIONS

Complainant – The individual or individuals who initiate a complaint under these procedures.

Contract Provider – Any person or business entity that contractually operates a program or provides services on behalf of the Department.

Department – The Florida Department of Juvenile Justice (DJJ).

Discrimination – An adverse action, unequal treatment, or the creation of a hostile environment based on race, color, national origin, sex, religion, disability, or age.

Equal Employment Opportunity (EEO) Officer – The employee located at Headquarters responsible for receiving tracking, reviewing, and coordinating the resolution of complaints.

Management Official – The supervisor or manager who has been delegated the authority to take preventive and disciplinary actions for the Department and/or its Contract Provider.

Resolution Administrator – The Assistant Secretary of Jurisdiction or comparable level manager, staffed with the EEO Officer, an Assistant General Counsel, and an OIG representative, who reviews and determines the disposition of a complaint.

Resolution Panel – A committee which includes the following: the Resolution Administrator (the Assistant Secretary of Jurisdiction, or comparable level manager for department complaints or a designated Management Official for Contract Provider complaints); staffed with the EEO Officer, an Assistant General Counsel, and an Office of Inspector General (OIG) representative.

Respondent – An organization, agency, or agent thereof against whom a complaint has been initiated.

Retaliation – Any adverse action by an organization, agency, or agent thereof against an individual or individuals because the person(s) engaged in a protected activity, including opposition to a discriminatory practice or participation in an investigation of discrimination.

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II. STANDARDS/PROCEDURES

The Department of Juvenile Justice (DJJ) is committed to maintaining an environment that is free of any form of discrimination. All individuals have the right to participate in programs and activities operated by the department and its Contract Provider regardless of race, color, national origin, sex, religion, disability, age, and, sexual orientation, or gender identity. Adverse actions, unequal treatment, or the creation of a hostile environment by DJJ employees or its Contract Provider employees is strictly prohibited. It is the Department's policy to investigate complaints of allegations of civil rights violations. These procedures and related policy address responding to discrimination complaints from clients, customers, program participants, or consumers of the Department and its Contract Providers.

A. Filing a Complaint

1. The complainant shall submit a written statement (if possible, but not mandatory) or make a verbal statement alleging discrimination to a Management Official or the EEO Officer.
Complaints can be emailed to: HREEEOfficer@djj.state.fl.us.
2. When the Management Official receives a complaint, they shall contact the EEO Officer within one (1) working day of receipt for guidance in addressing the complaint and forward the written statement and or Complaint Form (Attachment 1), when applicable.
3. The EEO Officer shall assess whether the complaint appears to rise to the level of discrimination by comparing the complainant's allegation(s) to the official definition, as outlined under DEFINITIONS in Section I of this procedures.
4. The EEO Officer shall advise the Management Official and forward the Complaint Form (Attachment1) to the Chief of Investigations in the Office of Inspector General (OIG) within two (2) working days of receiving the complaint when the complaint appears to rise to the level of discrimination.
5. The EEO Officer shall advise the complainant or their designated representative and the Management Official of potential alternative resolutions when the complaint does not appear to rise to the level of discrimination.
6. Complainant or their designated representative have the right to file complaints externally with:

U.S. Department of Justice, Office for Civil Rights (OCR)

Office of Justice Programs

U.S. Department of Justice

810 Seventh Street N.W.

Washington, DC 20531

Web Address: <https://www.ojp.gov/program/civil-rights/filing-civil-rights-complaint>

or,

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Executive Director

Florida Commission on Human Relations (FCHR)

2009 Apalachee Parkway, Suite 200

Tallahassee, Florida 32301-4857

Phone: (850) 488-7082; Fax (850) 488-5291

or,

U.S. Equal Employment Opportunity Commission (when the complainant is an employee)

131 M Street, NE

Washington, DC 20507

Phone: (202) 663-4900; (202) 663-4494 (TTY)

7. A complainant shall not be coerced into withdrawing a complaint. Any employee who coerces a withdrawal shall be subjected to disciplinary action up to and including dismissal. The agency reserves the right to complete an investigation of a withdrawn complaint.
8. It is unlawful to discriminate against or take retaliatory action against any person because that person filed a complaint; has testified, or participated in any manner in an investigation, proceeding, or hearing relating to discrimination.

B. Investigating the Complaint:

1. The Chief of Investigations, OIG shall assign the complaint to an investigator within five (5) working days of receipt of the complaint form from the EEO Officer.
2. The OIG investigator shall make a good faith effort to complete the investigation within sixty (60) working days of assignment.
3. The OIG investigator shall report their findings in the investigative report.
4. The Management Official shall take precautionary or remedial measures to ensure that there is no further alleged misconduct by the respondent towards the complainant during the investigation.
5. The Chief of Investigations and Inspector General shall review the completed investigative report and forward it to the EEO Officer.

C. Disposing of the Complaint:

1. The EEO Officer shall receive the investigative report and coordinate a Resolution Panel.

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2. The Resolution Panel shall review and assess the findings of the investigative report.
3. The Resolution Administrator, after staffing with the Resolution Panel, shall determine whether there is:
 - i. “Cause” to substantiate the allegations of discrimination has occurred;
 - ii. “No cause but other misconduct has occurred”; or
 - iii. “No cause” to substantiate the allegation of discrimination, or other misconduct.
4. The EEO Officer shall complete the [Incident/Complaint Disposition Form](#) (Attachment 2) and forward it to the Chief of Investigations within five (5) working days of the Resolution Panel’s determination.

D. Closing the Complaint File:

1. The EEO Officer shall notify the complainant or their designated representative and the respondent, in writing, of “no cause” determinations.
2. The EEO Officer shall place a copy of “no cause” to substantiate the allegation of discrimination or other misconduct letter in the complaint file.
3. The EEO Officer shall officially close the “no cause” complaint file.
4. The EEO Officer shall notify the complainant and the Management Official, in writing, of “cause” or “no cause but other misconduct has occurred” determinations.
5. In the event of “cause” or “no cause but other misconduct has occurred” determinations, the Management Official shall be responsible for the appropriate disciplinary or corrective action.
6. The Management Official shall provide a copy of the final disciplinary or corrective action to the EEO Officer within 30 business days of notification of the determination.
7. The EEO Officer shall place a copy of the final action in the file where there is a “cause” finding to substantiate the allegations of discrimination or a finding of “no cause but other misconduct has occurred.”
8. The EEO Officer shall officially close the complaint files where there was a “cause” or “no cause but other misconduct has occurred.”

E. Training:

1. These procedures and related policy shall be posted on the Department of Juvenile Justice’s (DJJ) internet for access to Contract Provider employees, clients, customers, program participants, or consumers. DJJ and its Contract Provider employees are required to take civil rights training within 30 days of the date of hire, pursuant to FDJJ – 1520P.

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F. Compliance and Monitoring:

1. The Department of Juvenile Justice Office of Accountability and Program Support and program areas emphasizes a commitment to ensure compliance of civil rights laws through training and periodic monitoring of department programs and its Contract Providers using, at a minimum, the [Federal Civil Rights Compliance Checklist](#) or an effective alternative tool for compliance.

III. RESPONSIBILITY AND DUTIES

A. EEO Officer:

1. Receives verbal or written statements from complainant alleging discrimination.
2. Assesses whether the complaint appears to rise to the level of discrimination.
3. Provides advice related to discrimination and potential alternative resolutions.
4. Forwards the complaint form to the Chief of Investigations, OIG within two (2) working days of receiving the complaint, when the complaint appears to rise to the level of discrimination.
5. Receives the investigative report from the OIG and coordinates the Resolution panel.
6. Completes the Complaint Disposition Form following a determination by Resolution Panel and forwards it to the Chief of Investigations within five (5) working days.
7. Notifies the complainant or designated representative, Management Official, and/or respondent based on findings of Resolution Panel.
8. Closes the complaint in accordance with procedures.

B. Management Official:

1. Receives verbal or written statements from complainant or designated authority alleging discrimination.
2. Notifies the EEO Officer within one (1) working day of complaint receipt.
3. Responsible for taking precautionary or remedial measures to ensure that there is no further alleged misconduct by the respondent towards the complainant during the investigation.
4. Serves on the Resolution Panel, unless a designee attends.
5. Responsible for ensuring the appropriate disciplinary or corrective action in the event of “cause” or “no cause but other misconduct has occurred.”
6. Provide a copy of the final disciplinary or corrective action in the event of “cause” or “no cause but other misconduct has occurred,” to the EEO Officer within 30 business days of the determination notification.

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C. Resolution Panel:

1. Reviews and assesses the findings of the investigative report.
2. Reviews discrimination complaints investigated by the OIG.
3. Meets with the Resolution Administrator to consider the information presented.

D. Resolution Administrator:

1. Receives verbal or written statement from complainant alleging discrimination or sexual harassment.
2. Considers information presented and makes the final determination as to “cause” or “no cause” for the complaint.

IV. ATTACHMENTS

Attachment 1 – Complaint Form

Attachment 2 – [Incident/Complaint Disposition Form](#)