



EmergencyCare Civil Rights Complaint Review Process

EmergencyCare complies with Federal civil rights laws and is committed to providing its programs and services without discrimination in accordance with:

- *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination based on **race, color, or national origin** (including **language**).
- *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on **disability**.
- *Title IX of the Education Amendments Act of 1972*, which prohibits discrimination based on **sex** in education programs or activities.
- *Age Discrimination Act of 1975*, which prohibits discrimination based on **age**.
- *U.S. Department of Homeland Security regulation 6 C.F.R. Part 19*, which prohibits discrimination based on **religion** in social service programs.

It is against the law for *EmergencyCare* to retaliate against anyone who takes action to oppose discrimination, files a grievance, or participates in the investigation of a grievance in accordance with the above authorities.

Discrimination Complaint Resolution Process

EmergencyCare is committed to resolving discrimination complaints in a timely and effective manner and providing prompt corrective action if discrimination is believed to have occurred. The discrimination complaint resolution process is intended to provide effective resolution for complaints of discrimination based on race, color, national origin (including language), disability, sex, age, or religion. In addition, affected persons, including patients, students, staff, community members, or others involved in *EmergencyCare* events or programs, may utilize the process to address complaints of discrimination.

Who may utilize the Discrimination Complaint Procedures?

Any person claiming to be aggrieved by a prohibited discriminatory practice at the *EmergencyCare* may contact the Compliance Officer. This may include persons receiving *EmergencyCare* services or participating in *EmergencyCare* program and events, as well as staff. In addition, a person in the community may ask that the Compliance Officer initiate an investigation of a specific matter. The Compliance Officer may also initiate an investigation when it has reason to believe that discriminatory or retaliatory action is occurring.

Complaint Evaluation

EmergencyCare evaluates the written information that it receives to determine whether it constitutes a complaint that is subject to further processing. Evaluation criteria:

- Complaint was filed within 180 calendar days of alleged discrimination.
- If the complaint is not filed on time, the complainant should provide the reason for the delay and request a waiver of this filing requirement. *EmergencyCare* will decide whether to grant the waiver.
- Complaint contains enough information about the alleged discrimination to proceed to investigation. If *EmergencyCare* needs more information to clarify the complaint, it will contact the complainant; and the complainant has twenty calendar days within which to respond.

Reasons for *EmergencyCare*'s dismissal of a complaint include:

- The complaint fails to state a violation of the law.

- The complaint was not filed timely (within 180 calendar days of the date of the alleged discrimination) and a waiver of the timeliness requirement was not granted.
- The allegations raised by the complaint have been resolved and are therefore no longer appropriate for investigation.

Complaint Resolution Actions and Procedures

The process for resolving discrimination complaints may include some or all the following actions: informal inquiry and discussion, mediation, disciplinary action, or other appropriate action. If the subject matter or issue of the complaint does not fall within the jurisdiction of this policy, the Compliance Officer will advise the complainant of other available procedures.

Complainants are encouraged to file their complaints within one hundred eighty (180) days of the most recent occurrence of the alleged discrimination.

Complaint

Any individual who believes that they have been the subject of discrimination should contact the Compliance Officer to initiate the filing of a complaint. A complaint should include the following, to the extent known and available:

- Name and contact information (address, telephone, e-mail) for the complainant.
- Name of person(s) directly responsible for the alleged discrimination or retaliation.
- Date(s), time(s), and place(s) of the alleged violation(s);
- Nature of the alleged violation(s); i.e., race, sex, disability discrimination etc.;
- Detailed description of the specific conduct that is the basis of the alleged violation(s);
- Copies of any documents or other tangible items pertaining to the alleged violation(s);
- Names and contact information for any witnesses to the alleged violation(s);
- Any other relevant information.

Upon receiving a complaint, the Compliance Officer will provide the complainant with an acknowledgement of receipt within seven (7) working days and will include in that acknowledgement the web address where the Discrimination Complaint Resolution Process can be found.

Complaint Evaluation

Upon receiving a complaint, the Compliance Officer shall conduct an initial evaluation of the merits of the complaint and determine the appropriate investigatory action required. The Compliance Officer will contact the director, administrator, or supervisor responsible for the unit to inform them of the filing of the complaint. When necessary, appropriate administrator(s) or faculty member(s) may be designated by the Director of the Department of Human Resource Management, or by the Executive Director to participate in the evaluation of the complaint and to facilitate necessary action.

Administrative Closure of a Complaint without Investigation

EmergyCare may not proceed with a complaint investigation under a variety of circumstances, for instance:

- A complainant, even after contact and follow up with an investigator, fails to describe in sufficient detail the conduct that is the basis of the complaint.
- The conduct alleged in the complaint is not covered by this policy.
- The complaint is untimely.
- The complainant refuses to cooperate with the *EmergyCare's* investigation.

- The complainant is anonymous.

If it is determined that the *EmergencyCare* will not proceed with investigation of a complaint, the Compliance Officer will notify the complainant (if not anonymous) in writing explaining the reasons why the complaint is not being investigated. The notification letter will include a statement notifying the complainant that the complainant may appeal the determination not to proceed with an investigation of the complaint to the Executive Director of *EmergencyCare* with ten (10) working days of the notice. The request for an appeal must be a signed, written document articulating why the decision to administratively close the complaint without an investigation was in error. The Executive Director will respond to the request for appeal within twenty (20) working days of receipt of the appeal. If the decision to administratively close the complaint without an investigation is upheld, then that decision will constitute final agency action. If the decision to administratively close the complaint without an investigation is overturned, the complaint will be sent back to the Compliance Officer for investigation in accordance with this procedure.

Investigation

A formal investigation will be initiated if a complaint is complete, timely, within the scope of this policy and articulates sufficient facts, which if determined to be accurate, would support a finding that discrimination policies have been violated. Investigators assigned to investigate will be impartial in conducting investigations into violations, and will use a preponderance of the evidence standard in making factual determinations. A preponderance of the evidence standard means the fact in issue is more probably true than not.

Investigation Timeframe

EmergencyCare will strive to complete discrimination complaint investigations, including issuance of a report of findings to the complainant and respondent, in as timely and efficient a manner as possible within sixty (60) days of receipt of a complaint. However, this timeframe may be extended based on factors such as, but not limited to, schedule and availability of witnesses, and complexity of the complaint. If an investigation cannot be completed within sixty (60) days of receipt of the complaint, then the investigator(s) will notify the complainant and respondent of that fact and provide a timeframe for completing the investigation.

Investigation Procedure

The investigation will include the following steps:

Notice to Respondent. The respondent will be provided with a statement of the complaint in writing, and the complainant will be provided a copy of this notification. The respondent will be provided an opportunity to meet with the investigator(s) investigating the complaint and to respond to the allegation. Respondents may respond in person or in writing within a reasonable time to be determined by the investigators. If a respondent chooses not to participate or refuses to answer a complaint, the nonparticipation will not prevent the investigation from proceeding and could result in a finding based solely on the information provided by the complainant.

Notice regarding Retaliation. All parties to a complaint (complainant, respondent, witnesses, and appropriate administrators or supervisors) will be informed that retaliation by an individual or an individual's associates against any person who files a complaint or any person who participates in the investigation of a complaint is prohibited. Individuals who engage in retaliation are subject to disciplinary action.



Contact with Complainant. If the investigator did not speak with the complainant at the time that the complaint was received by the Compliance Officer, then the investigator will meet or speak with the complainant at the start of the investigation and throughout the investigation as appropriate.

Representation. In any meeting with the investigators, the parties to the complaint (complainant and the respondent) may bring a representative to the meeting. If the representative is an attorney, the party must notify the Compliance Officer in writing at least three (3) working days before the meeting date.

Information relevant to Investigation. The parties to a complaint (complainant and respondent) will be informed that they can identify witnesses, present witness statements, and any other evidence they believe relevant to resolution of the complaint. The investigator(s) will interview other persons whom, at the investigator(s)' discretion, determines to be necessary to gather relevant information. The investigator will review any written materials, e-mails or other media that, at the investigator's discretion may provide relevant information regarding the complaint.

Findings of Investigation. The investigator(s) will provide a written summary of their findings to the respondent and the complainant within a reasonable time following the conclusion of the investigation. In addition, the investigator(s) will provide a written report of the investigation findings and recommendations to the Executive Director who will determine the appropriate action to be taken considering the investigation findings and recommendations. The Executive Director will have twenty working days from receipt of the investigation findings and recommendations to determine, in consultation with the Compliance Officer, an appropriate resolution(s). Upon making their decision, the Compliance Officer will provide written notification of their decision to both the respondent and complainant.

Respondent, Finding of Discrimination or Retaliation with Imposition of Discipline. If formal disciplinary action is imposed as a result of a finding of violation of the policies prohibiting discrimination and retaliation, then a respondent may seek review of disciplinary actions as specified by *EmergencyCare* policy handbook.

Complainant Appeals. If the complainant believes that the Compliance Officer investigation findings was in error (that there was no discrimination or retaliation), then the complainant may file a civil rights complaint with the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL):

E-mail: CRCLCompliance@hq.dhs.gov (fastest method to submit your complaint)

Fax: 202-401-4708

U.S. Mail:

U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch, Mail Stop #0190
2707 Martin Luther King, Jr. Ave., SE
Washington, D.C. 20528



Extensions of Time

The Compliance Officer will make every reasonable attempt to adhere to the time limits set forth in these procedures. However, it is recognized that circumstances may necessitate an extension of time. Therefore, the Executive Director of *EmergencyCare* may extend the time limits set forth in these procedures.

Retaliation

Retaliation against persons who file discrimination complaints or persons who participate in an investigation of a complaint, whether by an individual directly involved or by associates of the individual involved, is a violation of law. Complainants who utilize these procedures or persons who participate in an investigation of a complaint should not be subjected to retaliation. Retaliation may take the form of unwanted personal contact from the respondent, Phone calls, e-mail or other attempts to discuss the complaint may be perceived as retaliation under certain circumstances. Retaliation will not be tolerated and could result in suspension, termination, or other disciplinary action.

Confidentiality

The Compliance Officer will handle all discrimination and harassment complaints discreetly but cannot guarantee confidentiality or anonymity because the *EmergencyCare* has an obligation to investigate complaints of discrimination and harassment and to maintain a safe environment, free from harassment and discrimination. Because of its obligations under the law, *EmergencyCare* will not be able to honor all requests for confidentiality or all requests that a complaint not be pursued.

However, complainants, respondents, witnesses, and any other parties involved in a complaint of discrimination shall refrain from disclosing information about a complaint of discrimination to anyone who does not have a legitimate, business need or right to know. Such disclosures are inappropriate and unprofessional and may result in disciplinary action. The foregoing does not preclude either party from seeking the advice or counsel of a supervisor, counselor, attorney, or other person in a similar role.

State and Federal Reporting of Discrimination

Employees may file employment discrimination complaints with the Equal Employment Opportunity Commission.

CONSEQUENCES:

Staff Members of *EmergencyCare* who are found to have violated the *EmergencyCare*'s Nondiscrimination Policy are subject to disciplinary action.