

**Region 4 Workforce Development Board
Nondiscrimination and Equal Opportunity Policy and Complaint Procedures**

Purpose

To provide initial guidance regarding the observance and enforcement of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations.

References: WIOA Section 188; 29 CFR Part 38, "Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act" Final Rule (January 3, 2017); DWD policy 2016-09

Element 1. Designation of the Tecumseh Area Equal Opportunity (EO) Officer [29 CFR Part 38].

Mellisa Leaming, Director of Operations for Tecumseh Area Partnership, Inc., is the designated EO Officer. Her office is at 976 Mezzanine Drive, Suite C; Lafayette, Indiana 47905. She can be reached by telephone at (765) 807-0888 (Voice), (765) 471-7830 (Fax). Her E-mail address is mleaming@tap.lafayette.in.us

She reports directly to the Chief Operations Officer of Tecumseh Area Partnership, Inc.

The EO Officer is responsible for coordinating the Region 4 Workforce Development Board (R4WDB) obligations set forth in 29 CFR part 38. Those responsibilities include, but are not limited to:

- Reporting EO/Nondiscrimination matters to the State EO Officer;
- Processing and investigating regional discrimination complaints;
- Monitoring compliance of regional WIOA Title I recipients;
- Undergoing training and providing training for staff and service providers (participation required for quarterly conference calls and training sessions conducted by DWD's State EO Officer);
- Surveying WorkOne offices to ensure compliance with applicable accessibility requirements;
- Reviewing the Region's policies to ensure they are nondiscriminatory;
- Conducting outreach and education about EO and nondiscrimination requirements and how an individual may file a complaint; and
- Ensuring overall implementation of the NDP.

Element 2. Notice and Communication [29 CFR 38].

A copy of the R4WDB's prescribed EO Policy Assurance Notice is attached to and made a part of this policy. The EO Officer's name and contact information will be prominently posted at each WIOA Title I recipient and subrecipient office in the Economic Growth Region 4 as part of each office's EO Assurance Notice. The Notice will be posted in English and Spanish. It will contain the EO Officer's TDD/TTY/Relay Indianan telephone number to accommodate the hearing impaired.

Recipient and subrecipient recruitment brochures and other materials routinely made available to the public as well as program-related information published or broadcast in the news media will include the statements "equal opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities." Where a telephone number is included on brochures or materials, a TDD/TTY/Relay Indiana number will also be included.

Element 3. Review assurances, job training plans, contracts, and policies and procedures [29 CFR 38].

The R4WDB will incorporate the required EO assurance into each grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available. Each application for financial assistance under Title I of WIOA will include the following assurance language:

"As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

Workforce Investment and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I-financially assisted program or activity;

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination of 1975, as amended, which prohibits discrimination on the basis of age; and

Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance."

Job training plans, contracts, assurances, and other similar agreements entered into by the R4WDB will be both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity. Subrecipients will be required to assure that their issuances are not discriminatory either in intent or effect. In lieu of including the assurance language in its entirety for smaller contracts or agreements (such as OJT contracts, etc.), the following reference to the language may be used:

"The equal opportunity and nondiscrimination assurances at 29 CFR Part 38.25 apply to this contract/agreement."

Each grant applicant, and each training provider seeking eligibility, must be able to provide programmatic and architectural accessibility for individuals with disabilities.

Element 4. Universal Access [29 CFR 38]

The R4WDB and its sub recipients will make continued efforts to broaden the composition of those considered for participation or employment in their programs and activities, including members of both sexes, various racial and ethnic groups, various age groups, and individuals with disabilities. Those efforts will include maintaining ongoing contacts with community groups, schools, organizations that provide services to the disabled, and minority organizations.

The R4WDB will establish its criteria for determining priority of service and publish its plans to expand the pool of those considered for participation or employment in its programs through its Local Workforce Plan.

Element 5. Compliance with section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR part 38

The R4WDB and its sub recipients will meet their obligation not to discriminate on the basis of disability by providing the following:

- Reasonable accommodation for individuals with disabilities.
- Reasonable steps to ensure meaningful access to limited English proficiency (LEP) individuals via every delivery method (written, electronic, and in person).

- Reasonable modification of policies, practices and procedures, as required.
- Architectural accessibility for individuals with disabilities.
- An annual schedule that will be adhered to for the purpose of evaluating job qualifications to ensure that the qualifications do not discriminate on the basis of disability.
- A limitation on pre-employment/employment medical inquiries to those permitted by and in accordance with WIOA section 188, Section 504, the Americans with Disabilities Act of 1990, and their implementing regulations.
- Administration of their WIOA Title I-financially assisted programs and activities so that each individual with a disability participates in the most integrated setting appropriate to that individual.
- Communication with persons with disabilities that is as effective as with others.

Element 6. Data and Information Collection and Maintenance [29 CFR 38].

The R4WDB and its sub recipients will assist the Indiana Department of Workforce Development to ensure EO compliance by ensuring the following:

- R4WDB and its sub recipients will collect EO data for applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment and record the race/ethnicity, sex, age, and where known, disability status. Beginning on January 3, 2019, each Recipient must also record LEP and preferred language.
- Records, particularly those containing medical information, will be treated in a manner that ensures their confidentiality.
- A log of complaints that allege discrimination will be maintained and submitted to the Indiana Department of Workforce Development, as required by IDWD policy. State Form 46001 will be used for this purpose.
- All such data and records will be maintained for a period of three years from the close of the applicable program year. Records regarding complaints and actions taken on complaints will be maintained for a period of three years from the date of resolution of the complaint.
- IDWD will be notified of administrative enforcement actions and lawsuits filed that allege discrimination on one or more of the bases prohibited by WIOA section 188.

Element 7. Monitor Subrecipients for Compliance [29 CFR 38].

The R4WDB will establish procedures to periodically monitor all aspects of its subrecipients' compliance with WIOA section 188 and 29 CFR part 38 (e.g., assurances, notice and communication). The R4WDB will monitor programs and activities to determine whether discrimination is occurring. The monitoring of programs and activities will involve, at a minimum:

Analysis of the data and records collected by the subrecipient pursuant to 29 CFR 38 through 41, to determine whether any differences based upon race/ethnicity or sex have practical or statistical significance. Where significant differences are found, follow-up investigations to determine, through records review, interviews, and other appropriate investigative techniques, whether the differences are due to discrimination.

Element 8. Complaint Processing [29 CFR 38].

A copy of the R4WDB's Complaint Procedure is attached to and made a part of this policy.
A copy of the R4WDB's EO Complaint Procedure is attached to and made a part of this policy.

Element 9. Corrective Actions/Sanctions [29 CFR 38]

The R4WDB's grant oversight processes involve ongoing desktop and field monitoring to identify strengths and weaknesses. Deficiencies are addressed through technical assistance and corrective action requirements. In this manner, the R4WDB affords maximum opportunity to address problem areas and comply with legal mandates.

The R4WDB will assess adherence to EO requirements throughout the grant period by various review processes. The R4WDB may require sub recipients to take certain corrective actions, including the requirement to develop plans to correct deficiencies or situations which, if not corrected, could result in the subrecipient not complying with or continuing not to comply with the EO requirements.

An essential prerequisite for issuance or continuation of a grant is a good faith response by the sub recipient to the R4WDB's corrective action or clarification requirements. Failure to respond in good faith to the R4WDB's corrective action or clarification requirements will lead to progressive sanction activity.

Lack of good faith is defined as: 1) the subrecipient does not respond to the corrective action plan or clarification requirements within the timeframe allowed (or fails to negotiate an acceptable timeframe); 2) the response is inadequate and the subrecipient fails to develop an adequate response within the timeframe allowed; or 3) the response is adequate, but the subrecipient fails to fully implement the corrective action plan or implement/follow the clarification provided within the timeframe agreed upon.

Before the imposition of any sub recipient sanctions, the R4WDB will transmit a letter to the subrecipient indicating the violation. The letter will address the possible sanctions if the violation or problem is not remedied, appropriate clarifications are not submitted and adhered to, or the appropriate needed corrective action has not yet been undertaken. The letter may include a request for a meeting between the relevant parties and R4WDB staff to review the violation(s) and discuss appropriate corrective and other actions and will also include timelines for instituting corrective action. This meeting should take place within 15 working days after receipt of the letter as indicated by certified mail.

If this meeting or the subrecipient's response and corrective action plan fails to resolve the difficulty, the R4WDB will notify the subrecipient and relevant parties of its intent to impose a specific sanction. Such notification shall be received by the parties involved at least ten (10) working days before the scheduled imposition of sanctions, as evidenced by certified mail. The letter will also reiterate the violation, the corrective action needed, and the appeal process.

If satisfactory evidence of needed corrective action initiation is presented to the R4WDB within this ten (10) working day period, the R4WDB may postpone the initiation of sanctions until either the completion of the action within the R4WDB approved timelines or attainment of any IDWD imposed deadline without completion of the action. In the former case, the implementation of the sanctions may be lifted; in the latter, sanctions will be imposed.

Sanctions which may be imposed by the R4WDB upon sub recipients include the following (in order of increasing severity):
Sanctions that may be imposed include, but are not limited to:

- Termination of future funding;
- Disallowance of selected costs;
- Restriction from bidding on competitive or discretionary funds; and
- Reduction in funding.

Appeals may be made to the R4WDB designee within ten (10) working days after receipt of notification of pending sanctions. Such an appeal, however, will not forestall the initiation of sanctions (unless the R4WDB designee extends the deadline).

If satisfactory evidence of needed corrective action initiation is presented to the R4WDB within this ten (10) working day period, the R4WDB may postpone the initiation of sanctions until either the completion of the action within the R4WDB approved timelines or attainment of the IDWD deadline without completion of the action. In the former case, the implementation of the sanctions may be lifted; in the latter, sanctions will be imposed.

Effective Date: July 1, 2006

Revised:

Revised July 2015 to add WIOA and WDB
Revised February 2016 to reflect new EO Officer Mellisa Leaming
Revised November 2016 to reflect new DWD EO Officer Kalena James
Revised May 2017 to reflect new DWD Policy and WIOA Final Rules

USE THE FOLLOWING INFORMATION FOR HANDLING COMPLAINTS
NOT BASED ON DISCRIMINATION

Complaint Procedure:

- Grievances must be filed within one year of the alleged violation by certified mail.
- Written complaints must be signed and dated by the complainant and include the complainant's name and address, the identity of the respondent and a detailed description of the complainant's allegations.
- Grant recipients may use DWD Complaint Form SF 45153 for complaints, or they may develop their own form.
- Grant recipients are to provide a written acknowledgement of receipt of the complaint to the complainant. The acknowledgement should include a notice of the complainant's right to be represented in the complainant process; a list of the issues raised in the complaint, and for each issue a statement whether the recipient will accept the issue for investigation or reject the issue, and if rejected, the reasons for each rejection; the option of resolving the complaint by alternative dispute resolution instead of an investigation; and a statement that the complainant is due a decision or "Notice of Final Action" within 60 days after receipt of the complaint.
- The "Notice of Final Action" should inform the complainant that if he/she is dissatisfied with the decision the local decision must be appealed to the DWD EEO Officer within 10 days of receipt of adverse decision. The appeal should be sent to DWD-EO Officer, Kalena James, 10 N. Senate, Room SE 105, Indianapolis, IN 46204. For all complaints, DWD will issue a determination within 60 days of the filing.

RECORDKEEPING REQUIREMENTS

Complaint records must be retained for a minimum of 3 years following the resolution of the complaint. All complaints must be entered on the DWD Complaint Log (SF 46001) which is to be submitted quarterly to DWD-EO Officer, Kalena James, 10 N. Senate, Room SE 105, Indianapolis, IN 46204. The logs should contain the name and address of the complainant, the grounds for the complaint, a description of the complaint, the date the complaint was filed and the disposition of the complaint.

The DWD EO Officer, Kalena F. James, may be contacted for technical assistance by calling (317)232-0603.

The Region 4 Workforce Development Board (R4WDB) has delegated the authority to operate and maintain the grievance procedure to its subrecipients and vendors except for the following situations which will necessitate directly filing with the Grant Recipient:

- Issues between the R4WDB and the R4WDB designee (RO)
- Issues involving more than one of the R4WDB's sub recipients, vendors, or community based organizations.
- Complaints directly involving the operations or responsibilities of the R4WDB.

The R4WDB will assure all subrecipient service provider staff members, vendors and other organizations that they will have access to the WIOA grievance procedure.

The identity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the Act, shall be kept confidential to the maximum extent possible, consistent with a fair determination of the issues.

GRIEVANCE PROCEDURE PROCESS

Step 1: Acceptance of Complaint and Investigation by Complaint Officer

After a complaint is received by the Complaint Officer, he/she will conduct an investigation to gather relevant information and facts. The Complaint Officer will render a written decision or resolution within seven (7) calendar days of the date of the filing of the complaint. The complainant will also be notified of his/her right to appeal the Complaint Officer's decision.

Step 2: Informal Hearing

If a satisfactory decision or resolution is not reached in Step One, the Complaint Officer and the complainant will attend an informal hearing with the complainant's supervisor or other relevant party connected with the grievance. If in the judgment of the Complaint Officer, a representative of the R4WDB designee or a Service Provider should be involved in the informal hearing, the attendance of that representative will be requested by the complaint Officer. This decision rests with the Complaint Officer.

The Complaint Officer will conduct the informal hearing and a resolution will be written and given to the complainant within fifteen (15) calendar days of the initial filing of the complaint. Notification of the complainant's right to appeal the decision to a formal hearing officer will also be given in writing within this same 15-day period. If a complainant fails to appear at the informal hearing, he/she will be sent a letter explaining that another informal hearing will be held at an appointed time and place. The Complaint Officer will assume the responsibility of having the informal hearing completed and proper notification being sent to the complainant within 15 calendar days of the initial filing of the complaint.

Step 3: Formal Hearing

When informal resolution is unsuccessful or upon the request of the complainant, a formal hearing before an impartial hearing officer will be provided within 30 days of the complaint filing date. The following elements will be included in the hearing process:

- Written notice of the formal hearing will be sent to both the complainant and the respondent. The notice will include the following:
 - Date, time and place of the hearing
 - Purpose of the hearing
 - Name and address of the Hearing Officer
 - Issues to be decided
 - Manner in which the hearing will be conducted
- A written decision will be rendered by both the Hearing Officer and the R4WDB designee within 60 calendar days of the date of the initial filing of the complaint.
- The hearing will take place in the locale of the complainant and respondent.
- The R4WDB designee has the final decision superceding that of the Hearing Officer.
- Hearings shall be conducted by an impartial hearing officer who shall be named by the R4WDB designee. In order to meet the requirements of impartiality, individuals selected as hearing officers may have neither direct nor indirect involvement with the ordinary application or, operation, and/or administration of the recipient's WIOA program.

- Both parties will be informed of his/her right to be represented by an attorney or other representative designated by the complainant.
- Both parties may bring witnesses and/or evidence to the hearing and question witnesses and examine evidence.
- Both parties may have access to documents relevant to the issues produced by the Service Provider.
- Interested parties supporting the complainant's position and/or affected by the outcome of the hearing may attend and will be notified to attend by the service Provider.
- Sections of WIOA or Federal regulations that are relevant will be provided by the Service Provider.
- The complainant may amend the complaint or withdraw it in writing prior to the hearing.
- Both complainant and respondent will have the opportunity to request rescheduling of the hearing for a reasonable cause.

The formal hearing itself will:

- Have due process observed to ensure fairness.
- Allow the formal hearing officer to have complete independence in obtaining facts and making decisions.

The Hearing Officer will:

- Prepare and review a file of the case prior to the hearing
- Direct parties to appear at the hearing
- Conduct the hearing
- Receive evidence
- Dispose of procedural requests
- Question witnesses and parties
- Evaluate facts and evidence
- Render a decision
- Make a complete record including any material relevant to appeal or review. The formal hearing officer will tape (audio) the proceedings in order to have a verbatim record of the proceedings.
- Determine order of proof
- Present relevant facts if the complainant does not pursue relevant questions.
- Attempt to resolve issues before the hearing ends. The decision of the hearing officer will be given in writing to the respondent and to the complainant within 60 days of the initial filing of the complaint. The formal hearing officer's decision will include, at a minimum:
 - Synopsis of the facts
 - Statement of the reason for the decision
 - Statement of applicable remedies
 - Names of people attending the hearing
 - Statement that the R4WDB designee will review the hearing officer's decision and render a written administrative decision within 60 days of the initial filing of the complaint. The R4WDB designee's decision may concur, approve or disapprove with the hearing officer's decision. The R4WDB designee's decision is binding unless appealed to the State EO Officer. The R4WDB designee's written decision will include:
 - Summary of facts
 - Statement of the decision(s) and reason(s)
 - State of remedy(ies)

- Statement indicating that this decision constitutes the final action of the R4WDB designee
- Instructions on how to file an appeal with the State EO Officer, including time frame

A transcript of the hearing will be kept by the hearing officer and copy of the tape will be provided the complainant and subrecipient/Service Provider upon request.

APPEAL

For local complaints, grievances may be appealed to the Indiana Department of Workforce Development when no decision is reached within 60 days or either party is dissatisfied with the local hearing decision.

- Such appeals should be made within ten (10) days of receipt of the adverse decision or within ten (10) days after expiration of the 60-day period with no decision. The appeal should be sent to the Indiana Department of Workforce Development; ATTN: **Kalena James, State EO Office; 10N. Senate Avenue; Indianapolis, IN 46204.**
- For all complaints, the Indiana Department of Workforce Development will issue a determination within 60 days of the filing of the grievance.
- Appeals of state-level decisions must be filed within 60 days of the receipt of the decision being appealed. Appeals must be submitted by certified mail, return receipt required, to the Secretary; U. S. Department of Labor; Washington, DC 20210; Attention: ASET. A copy of the appeal must be simultaneously provided to the Region V Administrator; U. S. Department of Labor; Employment and Training Administration; 230 S. Dearborn, 6th Floor; Chicago, IL 60604-1505; and the opposing party.
- A final decision on the appeal will be made no later than 120 days after receiving the appeal.

RECORD OF COMPLAINT INFORMATION State Form 45153 (R2/6-00) CONFIDENTIAL RECORD Pursuant to IC 22-4-19-8, IC 4-1-8 NOTICE: You have the right to file a complaint of discrimination <u>either</u> directly with this office or with the Director, Civil Rights Center (CRC) U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-4129, Washington, D.C. 20210.	INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT
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PART I COMPLAINANT'S INFORMATION	INFORMATION ON WHO THE COMPLAINT IS AGAINST
1. SOCIAL SECURITY NUMBER _____	5. NAME OF PERSON COMPLAINT MADE AGAINST _____
2. NAME _____	6. BUSINESS NAME AND ADDRESS _____
3. ADDRESS (Number, Street, City, State, ZIP Code) _____ _____	
4. TELEPHONE NUMBER () _____	7. TELEPHONE NUMBER () _____
8. DESCRIPTION OF COMPLAINT (If additional space in needed, use reverse and make an X in the box in the lower right-hand corner of this section.) <div style="text-align: right; border: 1px solid black; width: 20px; height: 20px; margin-left: auto;"></div>	

TYPE OF COMPLAINT		
Discrimination Complaint	Program Complaint	Referral of Complaint
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> Sex <input type="checkbox"/> National Origin <input type="checkbox"/> Disability <input type="checkbox"/> Political Affiliation/Belief <input type="checkbox"/> Citizenship <input type="checkbox"/> Participation in WIA 1	<input type="checkbox"/> Job Service <input type="checkbox"/> non-MSFW <input type="checkbox"/> MSFW <input type="checkbox"/> non-Job Service Related <input type="checkbox"/> non-MSFW <input type="checkbox"/> MSFW Related <input type="checkbox"/> WIA Training Programs <input type="checkbox"/> Unemployment Insurance <input type="checkbox"/> Other (Explain): _____	<input type="checkbox"/> Agency (Name): _____ _____

CERTIFICATION
I certify that the information furnished above is true and accurately stated to the best of my knowledge. I authorize the disclosure of this information to enforcement agencies for the proper investigation of my complaint. I understand that my identity will be confidential to the maximum extent possible, consistent with applicable law and a fair determination of my complaint.
_____ Signature of Complainant Date Signed

PART II FOR OFFICE USE ONLY		
1. PRINTED NAME AND TITLE OF PERSON RECEIVING COMPLAINT	SIGNATURE	
2. OFFICE ADDRESS AND PHONE NUMBER _____ () _____	DATE ____/____/____	
3. DISPOSITION Action Taken _____ _____		

**Region 4 Workforce Development Board
Equal Opportunity Policy Complaint Procedures**

Equal Opportunity Is the Law

It is against the law for Region 4 Workforce Development Board, a Recipient of Federal financial assistance, or its Sub-recipients to discriminate on the following bases:

- Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
- Against any beneficiary of programs funded under Title I of the Workforce Investment and Opportunity Act (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his/her participation in any WIOA Title 1-financially assisted program or activity.

The Recipient or its Sub-recipients must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIOA Title 1-funded program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

What to Do If You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIOA Title 1-funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

- The Recipient's Equal Opportunity Officer (or the person whom the Recipient has designated for this purpose); or
- The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington DC 20210.

If you file your complaint with the Recipient, you must wait either until the Recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the Recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the Recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the Recipient). If the Recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

The Recipient's EO Officer, Ms. Mellisa Leaming, can be contacted at (765) 477-1710 (Voice), Relay Indiana 800-743-3333 (TTY) for assistance in filing a complaint.

**Region 4 Workforce Development Board
Nondiscrimination and Equal Opportunity Policy Complaint Procedures**

The Complaint Resolution Process by Investigation

A written complaint must be signed and dated by the complainant must sign and include his/her name and address, the identity of the person the complaint is made against, and a detailed description of the Complainant's allegations. The Recipient's Equal Opportunity (EO) Officer will assist the Complainant in filing his/her complaint. The Recipient will provide a written acknowledgement of receipt of the complaint to the Complainant within 7 calendar days from the date the complaint is filed. The Recipient will notify the Complainant of the following:

- His/her right to be represented in the complaint process;
- A list of the issues raised in the complaint; for each issue, a statement that the Recipient will accept the issue for investigation or reject it; and, if rejected, the reason for each rejection;
- The option of resolving the complaint by the *Alternative Dispute Resolution (ADR) or Mediation Process* instead of an investigation (see below);
- That there will be a period of 15 calendar days (Days 8 – 22) during which the EO Officer will investigate the facts underlying the complaint;
- That there will be a period of 8 calendar days (Days 23 – 30) during which the Recipient will attempt to resolve the complaint, including the ADR Process; and
- A statement that the Complainant is due a decision or *Notice of Final Action* within 60 days after receipt of the complaint.

The *Notice of Final Action* will contain, for each issue raised in the complaint, either a statement of the Recipient's decision on the issue and an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue. The *Notice of Final Action* will advise the Complainant that if he/she is dissatisfied with the decision, he/she must appeal the local decision to the Indiana Department of Workforce Development (IDWD) EO Officer within 5 days of receipt of the decision. The IDWD EO Officer will issue a response to the appeal within 25 days after receipt or 90 days after the initial filing date of the complaint, whichever is later. The *Notice of Final Action* will also advise the Complainant of his/her right to file a complaint with the Civil Rights Center within 30 days of the date on which the IDWD EO Officer issues a response to the his/her appeal if he/she is dissatisfied with that response.

The Complaint Resolution Process by Alternative Dispute Resolution or Mediation

If the Complainant chooses to have his/her complaint resolved by the Alternative Dispute Resolution (ADR) or Mediation process rather than by investigation, the Recipient will provide the following:

- An impartial mediator who is trained in mediation techniques and the principles of equal opportunity;
- That both parties to the complaint must sign a consent form affirming that the contents of the mediation will be kept confidential and that both parties agree not to involve the mediator in any litigation;
- That any successful resolution obtained shall be recorded in a written settlement agreement and signed by both parties. There should be no written record or other recording made of the meeting; and
- That if the parties cannot reach agreement under the ADR process, the Complainant may file directly with the Civil Rights Center (at the address provided herein) within 180 days of the alleged act of discrimination. In the event the agreement is breached, the non-breaching party may file the complaint directly with the Civil Rights Center within 30 days of the date on which the non-breaching party learns of the alleged breach.

The Recipient's EO Officer, Ms. Mellisa Leaming, can be contacted at (765) 477-1710 (Voice), Relay Indiana 800-743-3333 (TTY) for assistance in filing a complaint.