Policy or Procedure Name / Subject:	Civil Rights Complaint and Grievance Policies and Procedures for DHS Clients and DHS Program Applicants
Policy or Procedure Number:	1512-474
Effective Date:	October 2015 Updated: June 2023
Policy Being Updated / Replaced	1512-474
Referenced Policies and Procedures	Policy #1109-3901 Non-Discrimination Policy Policy #1109-389 Grievance Procedure Under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act of 1990 (No Policy Number): Procedure for Handling Civil Rights Complaints 0801-032 Telephone Interpreter Services
Online location:	DHS Administration Policy and Procedure Section of the DHS Sharepoint
Executive Director: **Date:**	Jay Morein July 10, 2023

Background

Federal and State regulations prohibit Denver Human Services (DHS) employees from excluding, denying benefits, or otherwise discriminating against anyone seeking services on the basis of race, color, ethnic or national origin (including Limited English Proficiency (LEP) Status), ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability.

This document pertains to any DHS client and/or applicant and does not pertain to DHS employees who have a complaint or grievance. DHS employees must follow CSA rules.

Any individual who believes they have been discriminated against by DHS may file a complaint with DHS, the State, or directly with the Federal Government. No DHS employee may interfere with a person's right to make any complaint or grievance. All DHS employees must readily accept any complaints, whether verbal or written.

Further, county human service agencies are directed to designate a person to coordinate and receive complaints. The DHS Privacy Officer is designated to receive all civil rights complaints,

as well as act as the coordinator for the Americans with Disabilities Act and Section 504 complaints.

While the Privacy Officer has been delegated the responsibility to act as the liaison, ensuring the proper routing and monitoring of resolution by DHS Divisions, it is the DHS Division and/or DHS Program that will be assigned to investigate, resolve and document the complaint/grievance process.

Policies:

1. Any individual who believes they have been discriminated against by an employee or program of Denver Human Services, according to the federal and state anti-discrimination laws, may file a grievance or complaint with DHS.
    a. This includes complaints or grievances clients may have pertaining to a DHS vendor or contactor providing a direct service to a DHS client.
2. The individual filing the complaint will be afforded the opportunity to have that complaint reviewed by DHS
3. Whenever possible, complaints filed against a program or employee of DHS should be received in writing. It is encouraged for the person filing the complaint ("Complainant") to use the attached complaint form (Attachment 1). However, the individual filing the complaint is not required to use a form as long as they provide all the necessary information.
4. If the Complainant is unable and/or unwilling to put their complaint in writing, the DHS employee to whom the allegation is made shall document the complaint in writing and make every effort to secure the information in 5 (a through f) below.
5. Complaints must include all of the following information:
    a. The name, address and telephone number, or other means of contacting the person alleging discrimination.
    b. The location and name of the office, program or person that is accused of discriminatory practices.
        i. This includes vendors and contractors providing a service to a DHS client on behalf of DHS.
    c. The nature of the incident or action, or the policy or aspect of program administration that led to the person alleging discrimination.
    d. The basis for the alleged discrimination (race, color, ethnic or national origin (including Limited English Proficiency (LEP) Status), ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability).
    e. The name(s) and title(s), if appropriate, of person(s) who may have knowledge of the alleged discriminatory act.
    f. The date(s) on which the alleged discriminatory action(s) occurred.

6. The Complainant shall be advised that a complaint may not be investigated unless it includes the information in 5 (a-f) above.
7. The DHS employee receiving the complaint and/or writing up the complaint if information was passed along verbally, shall date stamp the complaint immediately upon receipt by DHS.
8. Limitations:
   a. Complaints filed under this policy should not be related to eligibility determination or eligibility for any program – unless the complaint is specific to a protected status (race, color, ethnic or national origin (including Limited English Proficiency (LEP) Status), ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability). Complaints concerning eligibility determination and program participation that are not based on a protected status need to be addressed through the dispute process outlined by the specific program.
   b. Individuals may not file a complaint that interferes with or modifies the process of civil or criminal investigation, or seeks relief from any court action.
   c. Complaints must be filed within 180 days from the date of the alleged discriminatory action.
9. Recommendations to resolve a complaint are limited to actions within the authority of the Executive Director of Denver Human Services. If a recommendation to resolve a complaint results in disciplinary action against an employee, then all Career Service Authority rules and regulations shall be followed.
   a. DHS contractors and vendors may face compliance sanctions, including termination of contact, as outlined in their contract and/or Memorandum of Understanding.
10. Complaints should be resolved at the program level by the designated Division Director. If complaints are unable to be successfully resolved at the program level, escalation to DHS Executive Management and/or DHS Legal for resolution shall occur.
    a. Complaints against contractors or vendors shall be resolved by collaborative effort of the DHS program and DHS Financial Services.
11. The DHS Privacy Officer is designated as the person to accept complaints alleging discrimination, log for audit purposes, and disperse to the program level for resolution.
12. Disposition of the complaint will be forwarded to the DHS Privacy Officer for logging/audit trail purposes.
    a. If the Privacy Officer does not receive a disposition within the allotted time, the DHS Division Director will be notified. It is the DHS Division Director's responsibility to provide the disposition to the Privacy Officer within the allotted time period.
13. If a complaint cannot be resolved at the program level, the DHS Privacy Officer will consult with DHS Legal and DHS Executive Management for appropriate routing for resolution.
14. Filing a complaint and/or grievance with DHS does not prevent a person from filing a complaint with:
    Office for Civil Rights, Region VIII

US Department of Health and Human Services
1961 Stout Street – Room 08.148
Denver, CO 80294
303-844-2024; 303-844-3439 (TDD)
303-844-2025 Fax

The DHS employee receiving the complaint and/or grievance will notify the Complainant that they may contact the Federal Office of Civil Rights directly. The DHS employee may direct the client to the Office of Civil Rights website: www.hhs.gov/civil-rights/ or print materials from the U.S. Department of Health and Human Services Civil Rights website for the client.

Procedures:

Procedures are separated into five (5) categories based upon federal and state rules related to processing allegations of discriminatory practices.

For complaints and/or grievances received by DHS alleging discriminatory practices related to cases of child dependency and neglect.

- Follow DHS Policy and Procedure Number 1407-459 Grievances concerning County Child Welfare Employee Conduct.

For complaints and/or grievances received by DHS alleging discriminatory practices related to Supplemental Nutrition Assistance Program (food assistance).

- Federal Rule is found in FNS Instruction 113-1 – Food and Nutrition Service: Civil Rights Compliance and Enforcement – Nutrition Programs and Activities.
    - Follow DHS FAAD process "Handling Civil Rights Complaints for Food Assistance"

For complaints received by DHS alleging discriminatory practices related to the Americans with Disabilities Act (ADA) and/or Section 504 of the Rehabilitation Act of 1973.

- Complaints/grievances must be submitted to DHS Section 504/ADA Coordinator and/or the Complainant's designee as soon as possible, but no later than sixty (60) calendar days after the date the person filing the complaint/grievance becomes aware of the alleged discriminatory action.
    - The DHS Privacy Officer is the acting Section 504/ADA Coordinator.

    - In the Privacy Officer's absence, the Executive Assistant for the Executive Director may accept the complaint/grievance.
- The complaint/grievance must be in writing, containing the name and address of the person filing the complaint.
- The complaint/grievance must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The DHS section 504/ADA Coordinator (or their designee) will conduct an investigation of the complaint/grievance.
    - DHS Legal, and if deemed necessary, City Risk Management, will be consulted as part of the DHS investigation.
    - The DHS investigation may be informal, but must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint/grievance.
    - The DHS Section 504/ADA Coordinator will maintain the files and records relating to such complaints/grievances.
    - The DHS Section 504/ADA Coordinator or their designee, will issue a written decision to the individual on the complaint/grievance no later than thirty (30) calendar days after its filing.
- The Complainant may appeal the decision of DHS' Section 504/ADA Coordinator by writing to the DHS Executive Director within 15 days of receiving DHS' Section 504/ADA Coordinator's decision.
- The DHS Executive Director, or their designee, will issue a written decision on the appeal no later than thirty (30) calendar days after its filing.
- The DHS Section 504/ADA Coordinator, or their designee, will make appropriate arrangements to ensure that individuals with disabilities are provided reasonable modifications and appropriate auxiliary aids and services where necessary to participate in the complaint/grievance process. Such arrangement may include making the complaint grievance procedure available in alternate formats such as large print, providing interpreters for the deaf or hard-of-hearing, or assuring a barrier free location for proceedings. See Policy # 1109-390: Auxiliary Aids and Services for Persons with Disabilities.

For all other complaints received by DHS alleging discriminatory practices, the procedures are as follows:

- Once a written grievance or complaint is received, it is to be immediately date-stamped with the correct data and time of receipt.
- If a verbal complaint/grievance is made to a DHS employee, the employee must document the complaint/grievance in writing on the Complaint form and/or attempt to obtain all of the required information from the person alleging the discriminatory act(s).

- The DHS employee will immediately notify their program leadership, including their direct supervisor and route the written complaint to the DHS Privacy Officer.
    - If the DHS Privacy Officer is not available, the complaint may be given to the Executive Assistant of the Executive Director.
- The DHS Privacy Officer will provide a copy of the complaint/grievance to the DHS Division Director(s) with the authority to address the complaint/grievance.
- The DHS Privacy Officer will log the complaint and retain documentation as an audit trail.
- The DHS Privacy Officer will staff the complaint with DHS Legal.
    - If the complaint does not allege discriminatory act(s), then the complaint will be managed by the respective DHS Division.
- The DHS Privacy Officer, in consultation with DHS Legal and DHS Management, will investigate the complaint and determine the appropriate resolution.
    - The investigation may include reviewing case files and interviewing DHS employees and collateral contacts identified by the Complainant.
- Within ten (10) business days the DHS Privacy Officer will prepare and deliver a written report, with recommendations for the DHS Executive Team for their review and approval.
- Within thirty (30) business days of the initial complaint, a final written decision will be provided to the complainant.
- If complications and/or barriers to the investigation occur, the Complainant will be notified that an extension up to thirty (30) days is required.

Interpreter Services for Limited English Proficiency (LEP):

- Per Executive Order 13166, Federal agencies and state and local jurisdictions receiving federal aid, must "take reasonable steps to provide meaningful access to limited English proficient persons."
- The DHS workforce (including contractors, vendors, and volunteers) will assess a client's ability to communicate in English and provide interpreter services for all DHS clients assessed as LEP.
    - The federal Department of Justice defines LEP status as:
        - Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter.
- Each DHS Division is required to assess how to provide meaningful access to LEP clients by conducting an assessment that includes the following:
    - (1) the number or proportion of LEP persons in the eligible services population;

  - (2) the frequency with which LEP individuals come into contact with the program;
  - (3) the importance of the services provided by the program; and,
  - (4) the resources available to the recipient.
- Each DHS Division, dependent upon the four (4) factors noted above, will ensure that LEP clients are afforded interpreter and translator services as needed.
  - Adult Protective Services – utilizes interpreter services through Denver Center for Crime Victims
  - The remaining DHS Divisions utilize United Language Group.

Related Policies or procedures:
1407-459: Grievances Concerning County Child Welfare Employee Conduct
201305-002: FAAD Procedure – Client Escalation
1109-390: Auxiliary Aids and Services for Persons with Disabilities,

Refer Questions To:
DHS Privacy Officer

Attachments:
Attachment 1: Civil Rights Complaint/Grievance Form

Key Words: Complaint, Civil Rights, Discrimination, Limited English Proficiency Interpreter Services, ADA Section 504

Jason Vert, Privacy Officer
1200 Federal Boulevard – 4th Floor
Denver, Colorado 80204
jason.vert@denvergov.org
www.denvergov.org/HumanServices

Complaint/Grievance Form

The purpose of this form is to assist you in filing a complaint with Denver Human Services. You are not required to use this form. A letter with the same information will also work. Or you may ask any DHS employee to help you complete this form. The information marked with a (*) must be provided. You may also file a complaint or grievance directly with the State of Colorado or with the Federal Office of Civil Rights.

Section I: Complainant Information - we need this information so we know how to reach you.

* Name (First, MI, Last): _____

* Address (Street, City, State, Zip Code): _____

* Telephone Number(s): _____

Optional - Email Address: _____

Section II: Complainant Representative Information - Are you a representative filing this complaint on behalf of someone else? If yes, please provide the following information.

* Name of Representative (First, MI, Last): _____

* Address (Street, City, State, Zip Code): _____

* Telephone Number(s): _____

Optional - Email Address: _____

Section III: Basis of Alleged Discrimination

I believe that I have been discriminated against on the basis of: (Only check the boxes at are the reason(s) for the alleged discrimination complaint.)

___Race ___Color ___Ethnic or National origin ___ancestory ___age __sex ___gender ___sexual orientation ___gender identity and expression ___religion ___creed ___political beliefs ___disability

___public assistance status ___Other (Please describe)_____

Section IV: Information about the alleged discrimination, incident and/or complaint.

Please provide information about the alleged discrimination and/or complaint including the name(s) of the person(s), the program or division. Please explain as clearly as possible what happened, why you believed it happen, and, if applicable, how you were discriminated against. You may use additional sheets if necessary, just attach a copy to this form.

_____
_____
_____
_____
_____
_____
_____
_____
_____

List the date(s) of the incident(s):

_____
_____

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Section V: Additional Information

If applicable, provide the name(s) and title(s) of person(s) who may have knowledge of the alleged discriminatory practice and/or of the complaint. Please include phone numbers.

_____
_____
_____
_____
_____
_____
_____
_____
_____

Section VI: DHS Program Participation

Please list the DHS Programs you are involved with. (For example, Child Care Assistance, Medicaid, Adult Protection, Child Welfare, Colorado Works, etc...)

_____
_____
_____
_____
_____
_____

Section VII: Signature

Please sign and date this complaint form.

_____ _____

Complainant Signature Date Signed

Under state and federal rule, anyone can file a complaint and DHS may not retaliate against you for filing a complaint. You are not required to use this form. You may also submit your complaint directly to the Federal Office of Civil Rights, or the Colorado Department of Human Services:

Office for Civil Rights, U.S. DHHS
1961 Stout Street - Room 1426
Denver, CO 80294
(303) 844-2024; (303) 844-3439 (TDD); (303) 844-2025 FAX

Colorado Department of Human Services
Client Civil Rights Program
3550 W. Oxford Ave., 2nd Floor
Denver, CO 80236
(303) 866-7129
FAX (303) 866-7108