

CIVIL RIGHTS COMPLIANCE

I. LEGAL AUTHORITY:

The Civil Rights Act of 1964, Title VI (42 U.S.C. 2000d et seq.); the Rehabilitation Act of 1973, as amended, Section 504 (29 U.S.C. 794); the Education Amendments of 1972, Title IX (20 U.S.C. 1681 et seq.); 45 CFR Parts 80 and 84; and 34 CFR Parts 104 and 106; Americans with Disabilities Act of 1990 Title 42 U.S.C 12101 et seq.).

II. POLICY STATEMENT AND PURPOSE:

The Rhode Island Department of Human Services (DHS), Office of Rehabilitation Services (ORS) is committed to the impartial and equitable treatment of all individuals in the administration of its programs and in the provision of its services.

The following notice which is posted in all DHS offices, and reflects ORS' recognition of its responsibility to ensure that services are rendered to residents of the State in compliance with all applicable federal and state laws.

NONDISCRIMINATION NOTICE

In accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Americans with Disabilities Act of 1990 (42 U.S.C., 12101 et seq.), and Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the U.S. Department of Health and Human Services implementing regulations (45 CFR Parts 80 and 84), and the U.S. Department of Education implementing regulations (34 CFR Parts 104 and 106), the Rhode Island Department of Human Services (DHS), does not discriminate on the basis of race, color, national origin, disability or sex in acceptance for or provision of services, employment or treatment, in its educational and other programs and activities. Under other provisions of applicable law, DHS does not discriminate on the basis of age, religion, or sexual orientation.

For further information about these laws, regulations and DHS' grievance procedures for resolution of complaints of discrimination, contact DHS at 600 New London Avenue, Cranston, RI 02920, telephone number 462-2130 (TDD 464-3363). The Community Relations Liaison Officer is the coordinator for implementation of Title VI; and the ORS Administrator or his/her designee is the coordinator for implementation of Title IX, Section 504 and ADA. The Director of DHS or his/her designee has the overall responsibility for DHS' civil rights compliance.

Inquiries concerning the application of Title IX and 34 CFR Part 106 to DHS may also be made directly to the Assistant Secretary for Civil Rights, U.S. Department of Education, Washington, D.C. 20202 or the Office for Civil Rights, U.S. Department of Education, Region I, Boston, Massachusetts 02109.

III. PROCEDURES:

The Rhode Island Office of Rehabilitation Services (ORS) has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by (1) the U. S. Department of Health and Human Services regulations (45 CFR Part 80) or (2) the U. S. Department of Education regulations (34 CFR Part 106), or (3) the Department of Health and Human Services regulations (45 CFR Part 84) and the Department of Education regulations (34 CFR Part 104) Section 504.

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) states, in part, that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies."

Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) states, in part, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance..."

Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) states, in part, that "no otherwise qualified handicapped individual ... shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance..."

The Americans with Disabilities Act of 1990 prohibits discrimination against persons with disabilities in the areas of employment, public accommodations, transportation, and communication.

A. Filing a Civil Rights Complaint

The grievance procedure, outlined below, must be utilized to receive and process complaints with DHS of alleged discriminatory activity. Pursuant to R.I. Executive Order No. 85-11, an individual may also file a complaint with the State Equal Opportunity Office and Commission on Human Rights.

1. A complaint should be in writing, contain the name and address of the person filing it, and briefly describe the action alleged to be prohibited by the laws and regulations.
2. A complaint alleging a violation of Title VI, Title IX, ADA, and/or Section 504 should be filed with the Office of the Community Relations Liaison Officer, 600 New London Avenue, Cranston, Rhode Island 02920 within ninety (90) days of the date the complainant becomes aware of the alleged act of discrimination.

3. The Title VI coordinator, Title IX coordinator, the Section 504 coordinator, or ADA coordinator shall conduct such an investigation of the complaint as may be appropriate to determine its validity. Such investigation shall include, but is not limited to, a hearing affording all interested persons and their representatives, if any, an opportunity to submit evidence or give testimony relevant to the complaint.
4. The DHS Director or his/her designee shall review the results of the investigation and issue a written decision determining the validity of the complaint no later than thirty (30) days after its filing. A copy of the decision shall be mailed to all interested parties.
5. A complainant aggrieved by the decision of the DHS Director may obtain judicial review of the decision by the Rhode Island Superior Court in accordance with Chapter 42-35 of the General Laws of Rhode Island entitled "Administrative Procedures Act."
6. The Community Relations Liaison Office shall maintain the files and records relating to complaints filed hereunder.
7. The rights of a person to prompt and equitable resolution of a complaint filed hereunder is not impaired by the person's pursuit of other remedies such as the filing of a Title VI, Title IX, or Section 504 complaint with the Office for Civil Rights of the U. S. Department of Health and Human Services or the U. S. Department of Education. ADA complaints are to be filed with the Equal Employment Opportunity Commission (EEOC) or the Governor's Commission on the Handicapped (employment-related issues); or the U.S. Department of Justice (all other issues). Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be liberally construed to protect the substantial rights of interested persons, to meet appropriate due process standards and to assure DHS' compliance with Title VI, Title IX, Section 504, and ADA and their implementing regulations.

The aforementioned laws and implementing regulations may be examined in the Office of the Community Relations Liaison Officer, 600 New London Avenue, Cranston, Rhode Island 02920. The Community Relations Liaison Officer is the coordinator for implementation of Title VI; and the ORS Administrator or his/her designee is the coordinator for implementation of Title IX, Section 504, and ADA. The Director of DHS or his/her designee has the overall responsibility for DHS civil rights compliance.