

## **Iowa Governor's Office of Drug Control Policy (ODCP)**

### **Policy: Addressing Civil Rights/Discrimination Complaints**

**Revised/Effective 1-3-11**

#### **Complying with Laws and Policies that Prohibit Discrimination:**

The Iowa Governor's Office of Drug Control Policy (ODCP) shall comply with all applicable federal and state laws prohibiting discrimination, as well as the State of Iowa's Equal Opportunity, Affirmative Action and Anti-Discrimination Policy for Executive Branch Employees (Section 2.40 of Iowa Department of Administrative Services Managers and Supervisors Manual).

Federal law prohibits discrimination against individuals or groups, either in employment or in the delivery of services or benefits, on the basis of age, race, color, national origin, religion, sex, or disability.

State law prohibits discrimination in the areas of employment, housing, credit, public accommodations and education. Under the Iowa Civil Rights Act of 1965, discrimination, or different treatment, is illegal if based on race, color, creed, national origin, religion, sex, sexual orientation, gender identity, pregnancy, physical disability, mental disability, retaliation (because of filing a previous discrimination complaint, participating in an investigation of a discrimination complaint, or having opposed discriminatory conduct), age (in employment and credit), familial status (in housing and credit) or marital status (in credit).

State policy requires all employees and applicants for employment in the executive branch be afforded equal access. The intent of this policy is to ensure that employment opportunities, within the executive branch of state government, are accessible to all persons, and that executive branch agencies do not discriminate against any person because of race, creed, color, religion, sex, national origin, age, or physical or mental disability.

#### **Addressing "External" Complaints:**

ODCP shall address all external complaints from members of the public who believe ODCP and/or any of its grant recipients has discriminated against them in violation of federal and/or state law or policy (as outlined above), either in employment or in the delivery of services or benefits, in the following manner.

Any person who feels he or she has been discriminated against, either in employment or in the delivery of services or benefits, because of age, race, color, creed, national origin, religion, sex, sexual orientation, gender identity, pregnancy, physical disability, mental disability or retaliation has the right, and is encouraged, to file a written complaint with ODCP, pursuant to procedures outlined in this policy. A person may also file a complaint with the Iowa Civil Rights Commission, the U.S. Equal Employment Opportunity Commission or the Office for Civil Rights in the U.S. Department of Justice, whichever is appropriate.

There shall be no discrimination or retaliation against an individual who files a complaint alleging discriminatory practices of any kind, or who aids another individual in filing a complaint alleging discrimination.

Any person who believes he or she has been the victim of discrimination under this policy, or who has a concern about potential violations of this policy, is directed to bring the matter to the attention of ODCP, in accordance with this policy.

ODCP's director is responsible for administration and enforcement of this policy. When applicable, ODCP, grant recipients and their employees shall cooperate fully with all appropriate individuals in the investigation of violations of this policy in order to create and maintain a workplace free from discrimination or discriminatory harassment. Each agency shall take final agency action in response to a complaint.

Corrective action shall be taken immediately to remedy violations of this policy, whenever warranted, up to and including the discharge of parties whose conduct violates this policy. A manager or supervisor who fails to properly act upon complaints, or who has personal knowledge of a violation of this policy and fails to take appropriate action, shall be subject to disciplinary action up to and including discharge.

Upon receipt of a written complaint of discrimination from any member of the public against ODCP and/or any of its grant recipients, ODCP shall review the complaint within ten working days. ODCP shall either investigate the complaint or refer the complaint to the appropriate state or federal agency for investigation and resolution.

Upon a positive finding of discrimination, ODCP shall take disciplinary action as prescribed by law, policy and/or contractual agreement. Upon a negative finding, ODCP shall suspend its review, pending outside investigation. All complaint and review documentation shall remain on file at ODCP, and ODCP shall report the outcome of its review in writing to the complainant.

In all cases, upon a finding of discrimination, ODCP shall act in a timely fashion to forward the finding directly to the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights and the Iowa Civil Rights Commission (see contact information below) for further review and possible investigation and/or action.

As a preventive measure, and as appropriate, ODCP's director and employees shall attend training offered through the Iowa Department of Administrative Services/Human Resources Enterprise intended to sensitize and inform them concerning the elimination of discrimination and harassment in the workplace. This training shall include, but is not limited to, equal opportunity, affirmative action, diversity and prevention of discrimination/harassment.

This policy shall be posted on site, in a conspicuous place, at ODCP.

Written complaints to ODCP should include the following information:

- Date(s), time(s) and the nature(s) of the alleged discrimination;

- Name(s) and contact information of the alleged victim(s) of discrimination;
- Name(s) and contact information of the alleged perpetrator(s) of discrimination;
- Name(s) and contact information of person(s) who witnessed the alleged discrimination;
- Name(s) and contact information of similarly situated individuals of a different protected class who received preferential treatment;
- Records or other documentary evidence of the alleged discrimination; and
- A detailed accounting of the alleged discrimination, in the order in which it took place.

Contacts for More Information, Submitting Questions and Filing Complaints:

**Iowa Governor's Office of Drug Control Policy**

Wallace State Office Building, 1<sup>st</sup> Floor  
 502 East 9<sup>th</sup> Street  
 Des Moines, Iowa 50319  
 Phone: 515-725-0300  
 Fax: 515-725-0304  
 E-Mail: [dale.woolery@iowa.gov](mailto:dale.woolery@iowa.gov)  
 Website: <http://www.state.ia.us/government/odcp/>

**Iowa Civil Rights Commission**

Grimes State Office Building  
 400 East 14<sup>th</sup> Street  
 Des Moines, Iowa 50319  
 Phone: 515-281-4121 or Toll Free 800-457-4416  
 Fax: 515-242-5840  
 E-Mail: [tom.good@iowa.gov](mailto:tom.good@iowa.gov)  
 Website: <http://www.state.ia.us/government/crc/index.html>

**Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice**

810 7<sup>th</sup> Street, N.W.  
 Washington, DC 20531  
 Phone: 202-307-0690  
 Fax: 202-616-9865  
 TDD/TTY: 202-307-2027  
 E-Mail: [askOCR@ojp.usdoj.gov](mailto:askOCR@ojp.usdoj.gov)  
 Website: <http://www.ojp.usdoj.gov/about/offices/ocr.htm>

**U.S. Equal Employment Opportunity Commission**

500 West Madison, Suite 2000  
 Chicago, Illinois 60661  
 Phone: 800-669-4000  
 TTY: 800-669-6820  
 E-Mail: [info@eoc.gov](mailto:info@eoc.gov)  
 Website: <http://www.eoc.gov/>

### **Addressing “Internal” Complaints:**

In addition to all other sections of this policy that apply, ODCP shall address all internal complaints from employees who believe ODCP and/or any of its grant recipients has discriminated against them in violation of federal and/or state law or policy (as outlined above), either in employment or in the delivery of services or benefits, in the following manner.

Any person who feels he or she has been denied an employment opportunity, or in the delivery of services or benefits, at ODCP because of age, race, color, creed, national origin, religion, sex, sexual orientation, gender identity, pregnancy, physical disability, mental disability or retaliation has the right, and is encouraged, to file a written complaint with ODCP, pursuant to procedures outlined in this policy. A person may also file a complaint with the Iowa Civil Rights Commission, the U.S. Equal Employment Opportunity Commission or the Office for Civil Rights in the U.S. Department of Justice, whichever is appropriate.

There shall be no discrimination or retaliation against an individual who files a complaint alleging discriminatory harassment, or who aids another individual in filing a complaint alleging discriminatory harassment. An employee who has reason to believe she or he has been retaliated against because of participation in an investigation of discriminatory harassment may also file a charge with the Iowa Department of Administrative Services/Human Resources Enterprise, the Iowa Civil Rights Commission, the U.S. Equal Employment Opportunity Commission or the Office for Civil Rights in the U.S. Department of Justice, whichever is appropriate.

Any person who believes he or she has been the victim of discrimination under this policy, or who has a concern about potential violations of this policy, is directed to bring the matter to the attention of his or her immediate supervisor, appointing authority, or their designees, in accordance with ODCP policy. If the concern or complaint involves the employee’s immediate supervisor, the employee is encouraged to file the concern or complaint with the next highest supervisor, or, in the alternative, with the Chief Operating Officer of the Iowa Department of Administrative Services/Human Resources Enterprise.

ODCP’s director is responsible for administration and enforcement of this policy. When applicable, state officials and employees shall cooperate fully with all appropriate individuals in the investigation of violations of this policy in order to create and maintain a workplace free from discrimination or discriminatory harassment. Each agency shall take final agency action in response to a complaint.

Corrective action shall be taken immediately to remedy violations of this policy, whenever warranted, up to and including the discharge of parties whose conduct violates this policy. A manager or supervisor who fails to properly act upon complaints, or who has personal knowledge of a violation of this policy and fails to take appropriate action, shall be subject to disciplinary action up to and including discharge.

A copy of any written complaint received, and its resolution, shall be forwarded to the Chief Operating Officer of the Iowa Department of Administrative Services/Human Resources Enterprise within ten working days after receipt of the written complaint. ODCP shall either

investigate the complaint or refer the complaint to the appropriate state or federal agency for investigation and resolution.

A person, other than a state employee, who believes she or he is the victim of discrimination prohibited under this policy shall report the incident immediately to the ODCP director.

Upon a positive finding of discrimination, ODCP shall take disciplinary action as prescribed by law, policy and/or contractual agreement. Upon a negative finding, ODCP shall suspend its review, pending outside investigation. All complaint and review documentation shall remain on file at ODCP, and ODCP shall report the outcome of its review in writing to the complainant.

In all cases, upon a finding of discrimination, ODCP shall act in a timely fashion to forward the finding directly to the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights and the Iowa Civil Rights Commission (see contact information below) for further review and possible investigation and/or action.

As a preventive measure, and as appropriate, ODCP's director and employees shall attend training offered through the Iowa Department of Administrative Services/Human Resources Enterprise intended to sensitize and inform them concerning the elimination of discrimination and harassment in the workplace. This training shall include, but is not limited to, equal opportunity, affirmative action, diversity and prevention of discrimination/harassment.

This policy shall be posted on site, in a conspicuous place, at ODCP.

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- Name(s) and contact information of the alleged perpetrator(s) of discrimination;
- Name(s) and contact information of person(s) who witnessed the alleged discrimination;
- Name(s) and contact information of similarly situated individuals of a different protected class who received preferential treatment;
- Records or other documentary evidence of the alleged discrimination; and
- A detailed accounting of the alleged discrimination, in the order in which it took place.

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Website: <http://www.state.ia.us/government/odcp/>

**Iowa Civil Rights Commission**

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E-Mail: [tom.good@iowa.gov](mailto:tom.good@iowa.gov)  
Website: <http://www.state.ia.us/government/crc/index.html>

**Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice**

810 7<sup>th</sup> Street, N.W.  
Washington, DC 20531  
Phone: 202-307-0690  
Fax: 202-616-9865  
TDD/TTY: 202-307-2027  
E-Mail: [askOCR@ojp.usdoj.gov](mailto:askOCR@ojp.usdoj.gov)  
Website: <http://www.ojp.usdoj.gov/about/offices/ocr.htm>

**U.S. Equal Employment Opportunity Commission**

500 West Madison, Suite 2000  
Chicago, Illinois 60661  
Phone: 800-669-4000  
TTY: 800-669-6820  
E-Mail: [info@eeoc.gov](mailto:info@eeoc.gov)  
Website: <http://www.eeoc.gov/>

**Iowa Office of Citizens' Aide/Ombudsman**

Complaints may also be registered with the Citizens' Aide/Ombudsman's Office, which was established by and operates under the authority of [Iowa Code Chapter 2C](#). The office has adopted rules, [Iowa Administrative Code \[141\]](#), regarding the office's organization, practices and procedures.

The Office of Citizens' Aide/Ombudsman serves as an independent and impartial agency to which citizens can air their grievances about government. By facilitating communications between citizens and government and making recommendations to improve administrative practices and procedures, the Ombudsman promotes responsiveness and quality in government.

The Ombudsman has authority to investigate complaints about Iowa state and local government, with certain exceptions. The Ombudsman attempts to resolve most problems informally. Following an investigation, the Ombudsman may make findings and recommendations and publish a report.

Contacts for More Information, Submitting Questions and Filing Complaints with the State of Iowa Office of Citizens' Aide/Ombudsman:

**Office of Citizens' Aide/Ombudsman**

Ola Babcock Miller Building, 1<sup>st</sup> Floor

1112 East Grand Avenue

Des Moines, Iowa 50319

Phone: 515-281-3592 or 888-426-6283

Fax: 515-242-6007

TTY: 515-242-5065

E-Mail: [ombudsman@legis.state.ia.us](mailto:ombudsman@legis.state.ia.us)

Website: <http://www.legis.state.ia.us/ombudsman/>