



The Commonwealth of Massachusetts

Executive Office of Public Safety & Security

Office of Grants & Research
Ten Park Plaza, Suite 3720
Boston, Massachusetts 02116

Tel: 617-725-3301

Fax: 617-725-0260

www.mass.gov/eops

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Daniel Bennett
Secretary

Angela F. F. Davis
Executive Director

Procedures for Responding to Discrimination Complaints

The following are the procedures that EOPSS/OGR will follow for accepting and responding to discrimination complaints from applicants, employees, clients, customers, program participants, or consumers of EOPSS/OGR grant recipients or subrecipients.

1. The laws and regulations may be examined in the office of ADA Coordinator Eva Augusto, at the Executive Office of Public Safety and Security, One Ashburton Place, Room 2133, 617-727-7775, Ext. 25526, eva.augusto@state.ma.us. This person has been designated to coordinate the efforts of the organization to comply with the regulations.
2. A complaint must state the name and address of the person filing the complaint and a brief description of the alleged action prohibited by the laws and regulations and the date the action allegedly occurred.
3. A complaint should be filed in the office of ADA Coordinator Augusto, within a reasonable amount of time, but no more than twenty 20 business days, after the action alleged to be legally prohibited. The complaint should be emailed to eva.augusto@state.ma.us or mailed to:

ADA Coordinator Eva Augusto
Executive Office of Public Safety and Security
One Ashburton Place, Room 2133
Boston, Massachusetts 02108

4. ADA Coordinator Augusto shall investigate the complaint to determine its validity. These rules contemplate informal but thorough investigations, affording to all and their representatives, if any, a meaningful opportunity to submit evidence relevant to the complaint.
5. ADA Coordinator Augusto shall issue a written decision determining the validity of the complaint no later than 20 business days after its receipt and issue a corrective action plan where the complainant prevails and the circumstances warrant.
6. ADA Coordinator Augusto shall maintain the files and records relating to complaints filed hereunder. ADA Augusto may assist persons with the preparation and filing of complaints, participate in the investigation of complaints and notify the Executive Director of the Office of Grants and Research of the resolution of the complaints.

7. Where the complainant notifies ADA Coordinator Augusto (within five 5 business days of receipt) that s/he is dissatisfied with the decision or corrective action plan specified under item 5 above, ADA Coordinator Augusto shall forward the matter to the Secretariat General Counsel for review within 10 business days of being noticed of complainant's dissatisfaction communication.
8. The Secretariat General Counsel shall review the EOPSS's finding, decision and corrective action plan, conduct such additional investigation as s/he deems appropriate to the circumstances, and issue a written decision affirming, reversing or modifying the original decision and/or corrective action plan within 20 business days after receipt of the matter.
9. Prior to issuing a decision reversing or modifying a decision reviewed under items 7 and 8 above, the Secretariat General Counsel shall contact the ADA/504 Coordinator for the Massachusetts Office on Disability, Evan C. Bjorklund, General Counsel, Massachusetts Office on Disability (MOD), at 617-727-7440, ext. 27324 or evan.bjorklund@state.ma.us to discuss the merits of the grievance.
10. The Secretariat shall notify the complainant and the Massachusetts Office on Disability of the denial and the reasons for it, or in the case of a delay in resolving the matter, of the reasons for the delay and when a decision should be expected (within the 20 business days as outlined above in item 8).
11. The Massachusetts Office on Disability has 20 business days to review and possibly modify the decision of the Secretariat. If more time is needed, the Massachusetts Office on Disability will notify the complainant of the reasons for the delay and when a decision should be expected.
12. The right of a person to the prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, such as seeking assistance from MOD' Client Services Unit, filing a complaint with the Massachusetts Commission Against Discrimination (MCAD), the appropriate federal Office for Civil Rights and/or any other federal and/or state entity or any state or federal Court. If a person wishes to file a complaint with the appropriate federal Office for Civil Rights they must do so within 180 of the last act of discrimination. If the complaint involves matters that occurred longer than this, the person must request a waiver and will be asked to show good cause why the complaint was not filed within the 180-day period. Complaints to the Massachusetts Commission Against Discrimination (MCAD) must be filed within 300 days of the last act of discrimination.
13. These rules shall be liberally construed to protect the substantial rights of interested persons, to meet appropriate due process standards and assure compliance with the law and regulations.

Notes:

1. MOD's jurisdiction over complaints is limited to the public accommodations and state government programs, activities and services provisions -- not employment. Employment-related complaints from applicants or employees of Executive Branch Entities should be addressed under the policies and procedures established by the Office of Diversity and Equal Opportunity "Guidelines for Implementing Executive Order 526" document.
2. If a member of the public chooses to seek advocacy or assistance in filing a complaint from MOD in regard to their complaint, that individual will work exclusively with MOD's Client Services Unit. To avoid a conflict, to the extent possible, MOD's General Counsel will not provide technical assistance or advocacy to members of the public seeking to file a complaint or to the Client Services unit on said matters.

3. If an individual files a complaint with an administrative agency (for example, MCAD), regarding the same facts and circumstances, MOD will not institute its phase in the resolution process and will consider the matter administratively closed. In the event that a complaint is filed *after* MOD begins its phase in the resolution process, MOD will terminate its attempts to facilitate an amicable resolution.
4. The process established here is intended as an informal process. It is not a substitute for the more formal MCAD, federal OCR or state or federal Court processes.