

POLICY TITLE: PROHIBITION ON DISCRIMINATION		PAGE 1 OF 3
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CHAPTER 1: ADMINISTRATION, ORGANIZATION, AND MANAGEMENT		
	STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
	EFFECTIVE DATE: March 5, 2013	LATEST REVISION: April 1, 2021

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Entire Maine Department of Corrections

III. POLICY

The Department of Corrections recognizes the right of residents, community corrections clients, volunteers, visitors, and others involved with the Department to be free of discrimination. Discrimination based race, color, gender, sexual orientation, gender identity, ancestry, national origin, genetic information, age, physical or mental disability, religion, creed, marital status, political views, or whistleblower activity is a violation of Department policy. Discrimination based on these categories is unacceptable and will not be tolerated. In addition, it is considered grounds for disciplinary or other appropriate administrative action. It may also constitute illegal discrimination.

IV. DEFINITIONS

1. Discrimination - treating someone differently because of a particular characteristic such as race, color, gender, sexual orientation, gender identity, ancestry, national origin, genetic information, age, physical or mental disability, religion, creed, marital status, or retaliation against any person for having engaged in a protected activity.
2. Limited English Proficiency (LEP) - 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.

V. CONTENTS

Procedure A: Discrimination, General
Procedure B: Complaint Process

VI. ATTACHMENTS

None

VII. PROCEDURES

Procedure A: Discrimination, General

1. Complaints of employment discrimination shall be handled in accordance with Departmental Policy 3.8, Policy Prohibiting Employee Discrimination and Harassment.
2. Complaints of discrimination by contract service providers who receive federal funds shall be handled in accordance with Departmental Policy 2.8, Contracted Services.
3. Other complaints of discrimination shall be handled in accordance with this policy.
4. The Department's Deputy Commissioner shall be responsible for overseeing the Department's complaint process with respect to complaints of discrimination under this policy, except for complaints from persons in the custody or under the supervision of the Department of Corrections.
5. The Department's Director of Classification shall be responsible for overseeing the Department's complaint process with respect to complaints of discrimination from persons in the custody or under the supervision of the Department of Corrections.
6. Examples of discrimination related to race, color, gender, ancestry or national origin (including limited English proficiency), age, religion, genetic information, physical or mental disability, sexual orientation, political views, or whistleblower activity, include the following, which might be a series of incidents or a single occurrence:
 - a. threats;
 - b. offensive jokes;
 - c. subjecting a person to ridicule, slurs, or derogatory actions; or
 - d. inequitable disciplinary actions or other inequitable treatment.
7. The Department's Director of Human Resources, or designee, shall ensure that all employees are trained in the requirements of this policy.

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Procedure B: Complaint Process

1. Any resident, community corrections client, volunteer, visitor, or other person involved with the Department may make a complaint of discrimination in violation of this policy to any Department staff person.
2. Any Department staff person who receives a complaint of discrimination shall report the complaint to the facility Chief Administrative Officer, or designee, the community corrections Regional Correctional Administrator, or designee, or the Commissioner, or designee, as appropriate.
3. Although every attempt shall be made to resolve a complaint at the lowest possible level, if an investigation is warranted, the complaint shall be referred to the Department's Deputy Commissioner or the Director of Classification, as applicable.
4. The Department's Deputy Commissioner, or designee, or Director of Classification, or designee, shall, after consultation with the Department's legal representative in the Attorney General's Office, investigate and attempt to resolve any complaint referred and shall also notify the complainant that he or she may also file a complaint directly with the federal Office for Civil Rights and shall provide the address for that office.
5. A complaint alleging discrimination on the basis of physical or mental disability may also be submitted to the Maine Human Rights Commission at any time within the statutory time limit as set forth in 5 M.R.S.A. Section 4611.
6. In addition to initiating the internal complaint procedure, a person in the custody or under the supervision of the Department of Corrections may file a grievance through the applicable departmental grievance process.
7. Any form of retaliatory action or threat or suggestion of retaliation against any person filing a complaint or assisting in an investigation is a violation of State policy. Any form of retaliatory action or threat or suggestion of retaliation against any person because he or she has opposed a practice that would be a violation of the Maine Human Rights Act or of a federal law or because the person has made a complaint, testified or assisted in any investigation, proceeding or hearing of a complaint of discrimination is illegal. A complainant is protected from retaliation regardless of the merits of the original complaint. Retaliation should be reported in the same manner as described above for complaints of discrimination and shall be promptly investigated.

VIII. PROFESSIONAL STANDARDS

None

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