

# OFFICE OF DIVERSITY AND EQUITY

## Office of Diversity and Equity Overview

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### Policy

The Department of Children and Families' (DCF) Office of Diversity and Equity (ODE) shall:

- provide a process to resolve allegations of discrimination raised by employees, applicants seeking employment and members of the public receiving services from DCF and
- be responsible for drafting, promoting and enforcing DCF's affirmative action plan.

The Director of ODE shall report to the Commissioner or Commissioner's designee.

**Legal reference:** C.G.S. section 46a-68

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### Definitions

**Protected class** means those persons identified in state and federal law with characteristics that may be the basis of discriminatory acts.

**Discrimination** means unfair or unequal treatment of an individual (or group) based on a protected class. Actions based on a Bona Fide Occupational Qualification (BFOQ) are not considered to be discrimination.

**Harassment (including Sexual)** means a form of employment discrimination that is characterized by unwelcome offensive conduct based on an individual's protected class. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures and interference with work performance.

**Legal References:** Title VII of the Civil Rights Act of 1964, Sex Discrimination (SD) Act of 1984, CGS Article First – sec. 20 (Equal Protection. No Segregation or discrimination.), C.G.S. section 46a-51 et seq. and C.G.S. section 46a-81c and 29 CFR 1625.6 – Bona Fide Occupational Qualifications (BFOQ), C.G.S. section 46a-60(b)(13)(A)(B).

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### Annual Notice

This policy shall be distributed annually to all employees by ODE and shall be posted on DCF's internet and intranet websites.

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**Responsibilities of ODE** ODE shall be responsible for mitigating any discriminatory conduct within DCF and to investigate complaints filed with ODE, except if any such complaint has been filed with the Commission on Human Rights and Opportunities (CHRO) or the Equal Employment Opportunity Commission (EEOC).

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**Employees to be informed of Legal Options regarding discrimination** When ODE meets with a DCF employee regarding an allegation of discrimination, the employee shall be advised by the ODE of the employee's legal rights under federal and state law. The employee shall be advised of the right to file a complaint with the CHRO, EEOC and United States Department of Labor – Wage and Hour Division and any other federal, state or local agencies that enforce laws concerning discrimination in employment.

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**Information & Counseling to employees regarding discrimination** The staff of ODE shall provide information and counsel employees with questions or concerns about DCF's anti-discrimination policies. These meetings shall take place in a private area. Issues discussed during the counseling sessions shall be confidential, except when disclosure is required by law.

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**Who May File a Complaint regarding discrimination** Any person applying for employment or currently employed by DCF may file a complaint with ODE who believes that such person has been subject to discrimination based on:

- age
- ancestry
- color
- national origin
- race (includes Crown Act)
- prior criminal record
- sex (including pregnancy, breastfeeding, caregiving)
- sexual orientation
- gender identity or expression
- genetic information
- veteran status
- intellectual disability
- learning disability
- mental disability
- marital status
- physical disability (including blindness)
- religion/religious creed

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### **Who May File a Complaint regarding discrimination** (continued)

- status as a victim of domestic violence
- previously opposed discrimination (retaliation)
- workplace hazards to reproductive systems.

Any person (non-employee) receiving services from DCF who believes that the person has been subject to discrimination may contact the Office of Community Relations and will be notified of their rights and referred to the appropriate forum.

**\*\*Please note: Status as a victim of domestic violence is separate and distinct from a DCF Child Protection Services investigation related to domestic violence \*\*\***

**Cross-reference:** DCF Policy 1-3, Civil Rights

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### **Procedure for Discrimination Complaint**

A complaint may be submitted verbally or in writing to ODE. When possible, a complaint shall be submitted using the DCF-104, "Internal Discrimination Complaint Intake Form." (Please note: Request for this policy and the DCF 104 form in a language other than English may be made to the Director of ODE) However, every complaint, regardless of the method of reporting, shall contain the following information:

- name of complainant
  - work location (if complainant is a DCF employee)
  - location of incident(s)
  - protected class status (federal or state)
  - a brief description of why the complainant believes the complainant discriminated against based on their protected class
  - when the incident(s) occurred and
  - witnesses (if applicable).
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### **Timeline for Resolution of Discrimination Complaint**

ODE shall complete its investigation and file its written report and proposed recommendations with the DCF Commissioner. In general, ODE investigations are to be completed within 90 days of the filing of the complaint.

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### **Commissioner Review**

The DCF Commissioner shall review all investigations conducted by ODE and shall have final authority to accept or modify the recommendations of the investigation.

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### **Notice of Results of Investigation**

Notice of all results of the final investigation shall be provided to the complainant and the respondent.

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### **Right to Appeal**

If the complainant disagrees with a finding that a complaint is not substantiated, the complainant may submit an appeal in writing to the DCF Commissioner or designee within 10 days of receipt of the written notification of the results.

The DCF Commissioner or designee shall:

- conduct a review and
- notify the complainant in writing of the results of the review.

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### **Retaliation Prohibited**

DCF strictly forbids retaliation against any person who reports discrimination or participates in any investigation concerning allegations of discrimination. Employees shall not retaliate against, coerce, intimidate, harass or interfere with any person who raises allegations of discrimination or with an employee who aids or encourages a person to raise allegations of discrimination. DCF shall investigate and take all necessary actions to address any allegations of retaliation.

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### **Training of ODE Employees**

Staff members of ODE shall receive periodic training in counselling and investigation procedures.

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### **Harassment and Discrimination Free Environment**

All employees and all those served by DCF have a right to an environment characterized by respect and dignity. DCF shall expect that all employees conduct themselves in a manner that reflects a respectful and dignified environment and one free from conduct that could be considered harassing, coercive or discriminatory (during and outside of work hours). Such conduct, when based on a protected class, is in violation not only of this policy but may also constitute a violation of state and federal statutes.

DCF supervisors and managers shall be responsible for ensuring that the work environment over which they have authority is free of harassment (including sexual harassment) and discriminatory conduct, addressing and reporting any acts of which they become aware that are in violation of this policy. DCF supervisors and managers are to consult with HR business partners and/or ODE to identify next steps.

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### **Employee Reporting Requirements**

Employees who are affected by acts of discrimination, harassment or sexual harassment in violation of this policy are encouraged to report such acts to any DCF supervisor or manager, ODE, Human Resources and Labor Management Partners (HR) or the DCF Commissioner's office.

Such reports may be made verbally or in writing.

Employees should be aware that any act of harassment or discrimination impacts not only them, but the workplace overall and, therefore, will be acted on. Employees cannot expect a supervisor or manager of DCF to not report the matter for further review by ODE or Human Resource and Labor Management Partners.

Any supervisor, manager or employee of Human Resources and Labor Management Partners or the DCF Commissioner's Office who, through any means whether written, verbal or through observation, becomes aware of conduct that has the potential to violate this policy shall immediately report that conduct to ODE for consideration of investigation and or resolution, regardless of whether a complaint has been raised or whether the employee has requested that the matter remain confidential.

When complaints are made directly to ODE, the ODE will inform Human Resources and Labor Relations Management of the complaint and coordinate a response.

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### **Affirmative Action Goals**

ODE shall produce, on an annual basis and in cooperation with the CHRO, an affirmative action plan that commits DCF to a program of affirmative action in all aspects of personnel and administration.

The ultimate responsibility for promoting and enforcing affirmative action rests with the DCF Commissioner who shall account for the success or failure of the plan. DCF is committed to its ongoing efforts of becoming an anti-racist organization.

**Legal reference:** C.G.S. section 46a-68

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### **Location of Affirmative Action Plan**

ODE shall post DCF's affirmative action plan highlights on the DCF internet and intranet websites. A hard copy of the plan shall also be available to employees and to the public to review in person by appointment in ODE.

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### **Comments on Affirmative Action Plan**

Employee and public comments regarding the affirmative action plan shall be welcome at any time.

Comments may be submitted to the Director of Diversity and Equity through email or through regular mail at the Department of Children and Families, 505 Hudson Street, Hartford, Connecticut 06106.

Comments may also be made by calling the ODE at 860-550-6356.

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### **Employment Goals**

ODE shall prepare employment goals on an annual basis by using census and client data in comparison with DCF's workforce.

ODE shall establish programmatic goals to address identified obstacles to equal employment opportunities and to develop program initiatives to provide equal access to DCF programs.

Goals shall be provided to all employees on an annual basis via the DCF intranet and updated on a regular basis.

The implementation of annual employment and programmatic goals shall be monitored and analyzed throughout the year, as well as formally analyzed on an annual basis. The analysis shall compare all goals previously set in the affirmative action plan with the goals which were attained during the given reporting year.

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