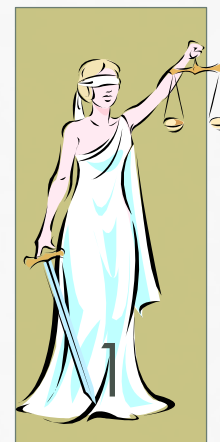




DELAWARE CRIMINAL JUSTICE COUNCIL

CIVIL RIGHTS / EOP REQUIREMENTS



US. DEPARTMENT OF JUSTICE OFFICE OF CIVIL RIGHTS

OCR Enforces:

- **Title VI of the Civil Rights Act of 1964**
**** race, color, national origin*
- **Program Statutes (*Safe Streets Act of 1968, Victims of Crime Act of 1984, and Juvenile Justice and Delinquency Prevention Act (JJDP) of 2002*)**
**** race, color, national origin, sex, religion, disability*
- **Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA) of 1990, and ADA Amendments Act (ADAAA) of 2008**
**** disability*
- **Age Discrimination Act of 1975**
**** age in delivery of services*
- **Title IX of the Education Amendments of 1972**
**** sex in educational programs*

PROTECTED CLASSES

- Race
- Color
- National Origin
- Sex
- Religion
- Disability
- Age/Elderly

HOW DOES OCR ENFORCE THE STATUTES AND ACTS?

Focus on Employment Practices and Delivery of Service

The primary ways compliance is enforced:

- Review of Equal Employment Opportunity Plans (EEO Plan)
- Compliance Reviews
- Investigation of Complaints
- Review of Findings of Discrimination

WHO IS SUBJECT TO THESE STATUTES AND ACTS?

- Any “PROGRAM or ACTIVITY that is funded in part, or whole, with grant funds.
- Program or Activity means all of the operations of an organization receiving or substantially benefiting from financial grant assistance, e.g., a police department or a non-profit organization

PURPOSE & REQUIREMENTS

In accordance with the Office of Civil Rights, recipients of grant funded assistance (prime or sub-recipient) **MUST** comply with all Civil Rights and EEOP statutes, acts, and laws.

Any State Administrating Agency (SAA / prime recipient) applying for continuing (or new) financial assistance must have methods of administration ensuring federal civil rights compliance of the prime **and all sub-recipients** in all programs and activities funded in whole or in part by government financial assistance.

NATIONAL ORIGIN DISCRIMINATION

Includes discrimination on the basis of
Limited English Proficiency (LEP)

A Limited English Proficient (LEP) person has a first language other than English and a limited ability to read, speak, or understand English.

LEP DISCRIMINATION

To **prevent** discrimination against Limited English Proficiency (LEP) persons, prime and sub-recipients must:

- Take **reasonable steps** to ensure **meaningful access** to a program, its services, and information that the grantees provide, *free of charge*.
- Establish and implement **policies and procedures** for language assistance services that provide LEP persons with meaningful access.
- For more LEP information with tips and tools for different types of agencies on how to comply with requirements to provide services to LEP persons see: www.lep.gov

FAITH-BASED ORGANIZATIONS (FBO'S)

- Government agencies must remove barriers for FBOs applying for aid
- Government agencies providing financial assistance must not discriminate either in favor of or against FBOs

When FBOs provide services to beneficiaries the DOJ Regulations state:

- FBOs must not use Federal funding to advance *inherently religious activities*;
- FBOs may not discriminate against *beneficiaries* based on religion or religious belief

DISCRIMINATION IN SERVICES ON THE BASIS OF RELIGION

Example 1: A faith based sub-recipient is hosting a life skills training program. All attendees are required to participate in an opening prayer session before receiving the skills training.

Example 1 represents an impermissible requirement to participate in a religious exercise or program with faith content.

Example 2: A woman seeking services at a local Non-Profit shelter for battered women is not allowed to pray her rosary in her room while she is a resident of the shelter.

Example 2 represents denial of access to religious beliefs.

Other discrimination on the basis of religion would be denial of access to religious services, pastoral counseling, special dietary needs, or items of a person's faith

PROOF OF NON-PROFIT STATUS

- IRS recognizes the Non-Profit (NP) as a 501 (c) (3) or (4).

NOTE: NP status does not always mean tax exempt. For example: under IRS 501 (c) regulations the (3) is a NP that is tax exempt, and (4) is a NP that must pay taxes.

- Statement from State taxing body (address under the NP's federal EIN) or the Secretary of State Certifying:
 - a) Organization is a non-profit operating within the State; and
 - b) No part of the organization's net earnings may lawfully benefit any private shareholder or individual
- Certified copy of certificate of incorporation or similar document establishing non-profit status
- Any of the above, if it applies to a State or national parent organization, with a statement by the State or parent organization that the applicant is a local non-profit affiliate

Note that Non-Profits funded under the JJDP Act are required to have a 501 (c) (3) tax status through the IRS

THE CJC RFP LANGUAGE ADDRESSES\ FAITH-BASED AND NPO STATUS

Funding Parameters Eligibility Criteria: Non-Profit and Faith-Based Organizations that statutorily qualify as eligible applicants. (These applicants must submit a copy of their IRS Letter confirming 501 (c) (3) or (4) status).

Funding Specifications: Faith-Based Organizations applying for these grant funds do not have to lose or modify their religious identity (i.e., removing religious symbols) to be considered an eligible applicant. However, these funds may not be used to fund any inherently religious activity, such as prayer or worship. Any religious activity may be conducted in a separate time and place from the grant funded program. Further, participation in such religious activity by individuals receiving services must be voluntary.

OBLIGATION OF PRIME RECIPIENTS STATE ADMINISTERING AGENCIES

An SAA must ensure not only its own compliance with applicable civil rights and EEOP laws, but also the compliance of its:

Sub-recipients

Vendors

Contractors

OBLIGATIONS OF RECIPIENTS

The Prime and Sub-recipients will monitor civil rights laws so as to comply with federal DOJ regulations as referenced in this presentation. Monitoring for both parties includes, but is not limited to:

- ✓ Providing notification to program employees and beneficiaries that the prime/sub-recipient does not discriminate on the basis of race, color, national origin, religion, sex, disability, or age (e.g., publicly displayed poster – sample provided with bi-annual questionnaire).
- ✓ Providing notification to program employees, or beneficiaries that they can file a discrimination complaint directly with the sub-recipient, prime recipient (SAA – DE CJC), or the OCR. This includes having written procedures for receiving complaints and a complaint form (e.g., samples provided with bi-annual questionnaire).
- ✓ Completing and submitting an Equal Employment Opportunity Certification form (if applicable) to the D.C. address on the form, submit EEOP (if required) to the federal Office of Civil Rights (OCR), or maintain an EEOP on site, and available for review. To determine what is required of your entity is based on the chart following this slide. Of these documents only a copy of the completed Certification form is required to be sent to DE CJC, not the original.
- ✓ Submitting any 'Findings of Discrimination' from a Court or Administrative agency within the previous three (3) years to the OCR.

EEOP CRITERIA -WHERE DO YOU FIT?

Entity Type	Number of Employees	Federal Funding Amount (in total)	EEOP required to OCR	Certification form to OCR Required	Certified Assurances * Required in GOCCP Applications	Send Findings
Educational, Non-Profit	N/A	Does not matter	NO	YES - Certify Entity Type	YES	YES
State/Local Govt's & For-Profits	N/A	Less than 25,000	NO	YES – Certify Less than \$25K	YES	YES
State/Local Govt's & For-Profits	Less than 50	Does not matter	NO	YES – Certify Less than 50 Employees	YES	YES
State/Local Govt's & For-Profits	50 or more	Between 25,000 & 500,000	NO	YES – Certify EEOP is available for review	YES	YES
State/Local Govt's & For-Profits	50 or more	500,000 or more	YES	NO	YES	YES

DE CRIMINAL JUSTICE COUNCIL COMPLIANCE EFFORTS

1. Provide annual overview of requirements via Technical Assistance and Training (TA)
2. Require all applicants/sub-recipients Authorized Official to acknowledge compliance with statutory citations by signing the Certified Assurances in the initial DE CJC application for funding. Certified Assurances # 13, # 14, #15 and # 17, specifically address Civil Rights, EEOP requirements, and an effort of provisions for Limited English Proficient (LEP) persons.
3. Require completion of a Civil Rights Compliance Questionnaire : **FCRQ** (*Federal Civil Rights Questionnaire*), which occurs on an annual post award basis.
4. Within the Special Conditions of each Award package there are two (2) Special Conditions that draw attention to the Certified Assurances.
5. An additional Special Condition refers the sub-recipients to the DE -CJC General Conditions # 13, and # 17, which address Civil Rights, the questionnaires listed under # 2 on this slide, and requirements for Limited English Proficiency (LEP) provisions.
6. Provide Civil Rights/EEOP information with this presentation, the annual questionnaire, and the ability to file a complaint directly with DE CJC via their website.

DE CJC APPROACH TO COMPLIANCE

Step 1: Certified Assurances are part of a DE CJC grant application and require the electronic signature of the applicant's Authorized Official in the Delaware CJC -system. By signing this document the Authorized Official acknowledges responsibility to follow all assurances.

Step 2: On an annual basis, DE CJC will address the Civil Rights/EEOP requirements during Technical Assistance (TA) Training, which includes the information provided in this Power Point.

DE CJC APPROACH TO COMPLIANCE

Step 3: On an annual basis, DE CJC will send out a questionnaire packet in the sub-recipient's federal funding award package. This will include the Federal Civil Rights Questionnaire (FCRQ),

Step 4: The sub-recipient's completion of the questionnaire must include acknowledgement (sample if possible) that there is a poster publicly acknowledging that the sub-recipient does not discriminate, and a complaint form (sample if possible).

DE CJC APPROACH TO COMPLIANCE

Step 5: Should an employee, beneficiary, or vendor, of the funded program/project wish to file a complaint, contact information for your entity must be provided on the publicly displayed poster. In addition, the above noted parties must be advised that they may file a complaint directly to the Delaware Criminal Justice Council via the following website:

<http://cjc.delaware.gov/default.shtml>

INFORMATION ON THE DE CJC WEBSITE “CIVIL RIGHTS COMPLIANCE OBLIGATIONS”

- ❖ Posts federal OCR–related policy and procedures
- ❖ Designates a DE CJC Civil Rights Compliance (CRC) Coordinator
- ❖ Provides a policy and mechanism for reporting discrimination complaints, which is confidential

See CRC Obligations at
<http://cjc.delaware.gov/default.shtml>

BASICS FOR THE SUB-RECIPIENTS

- The Civil Rights Questionnaire (Fed: FCRQ) Packet is included on an annual basis in sub-award packets sent to Executive Directors.
- The first page of each questionnaire requires the name of the sub-recipient entity and must note only *one (1)* sub-award number (e.g., DB-12-01).
- If you have more than one subgrant and FCRQ, you must complete the entire process for each sub award
- For assistance with the questionnaire, contact your Human Resources, Personnel Department, or, for police departments, Fair Practices.

BASICS FOR THE SUB-RECIPIENTS

- Only the FCRQ packet contains the one (1) page federal EEOP Certification form, which is only to be completed if applicable (refer to the chart previously displayed). Mail the original to the Washington, DC address provided in the form, and a copy to the DE CJC with your completed questionnaire. Only one sub-award number is permitted per form.
- You must have a complaint form allowing employees of the program, program participants/beneficiaries, and vendors, access to file a complaint directly through your entity, and/or direct them to the DE CJC's website.
- The Implementing Agency is responsible for assuring that a poster acknowledging their entity does not discriminate and provides an avenue for program participants, staff, and relative vendors to file a complaint, is posted at the service site in a conspicuous location.
- Samples of a poster and complaint form (both in English and Spanish) are provided in the packets for the sub-recipient's convenience. These documents are not provided to replace existing formats.

STATE AGENCIES

- reply to EEOP related questions by writing: “State Agency – refer to State Merit System”
- are *not* exempt from informing program participants, staff, and relative vendors that they do not discriminate (e.g., wall poster)
- are *not* exempt from providing program participants, staff, and relative vendors a form to file a complaint directly through their office
- *must* advise program participants, staff, and relative vendors that they may file a complaint directly through the DE CJC website.

FEDERAL RESOURCES

Preparing an EEOP: Step-by step instructions for preparing an EEOP Short Form online at www.ojp.usdoj.gov/ocr

-For technical assistance on EEOP's, contact Deborah Cooper, Equal Opportunity Assistant, at (202) 616-3208

LEP Information: Tips and Tools for different types of agencies on how to comply with requirements to provide services to LEP persons: www.lep.gov

Regulation for: Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons may be accessed at:
<http://www.archives.gov/eo/laws/title-vi.html>

Disability Information: Disability Rights Section of the USDOJ Civil Rights Division has many resources to assist recipients in understanding the requirements of the ADA and ADAAA: www.ada.gov

Office for Civil Rights: (202) 307-0690, TTY (202) 307-2027, can be accessed at www.ojp.usdoj.gov/ocr

FEDERAL ONLINE TRAINING

- The six training programs are:
 - What is the Office for Civil Rights and What Laws Does It Enforce?
 - What are the Standard Assurances and How Does the Office for Civil Rights Enforce Civil Rights Laws?
 - What are the Civil Rights Obligations of State Administering Agencies?
 - What Obligations Do Recipients of Justice Department Funding Have to Provide Services to Limited English Proficient (LEP) Persons?
 - What are the Civil Rights Laws that Affect Funded Faith-Based Organizations?
 - What Civil Rights Protections Do American Indians Have in Programs Funded by the Justice Department? What are the Obligations of Funded Indian Tribes?
- The training programs can be found at:
<http://www.nij.gov/ocr-training-videos/video-ocr-training.htm#videolinks>

Q & A

Questions

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DE CJC CIVIL RIGHTS CONTACT



Civil Rights/EEOP Obligations

Office of Justice Programs (OJP) Office for Civil Rights (OCR)

Contact: *W. Scott McLaren, Deputy Director, DE CJC*

Phone: 302-577-5030 Email: Scott.McLaren@state.de.us