



# CIVIL RIGHTS COMPLIANCE FOR SUBGRANTEES



# Grants Department

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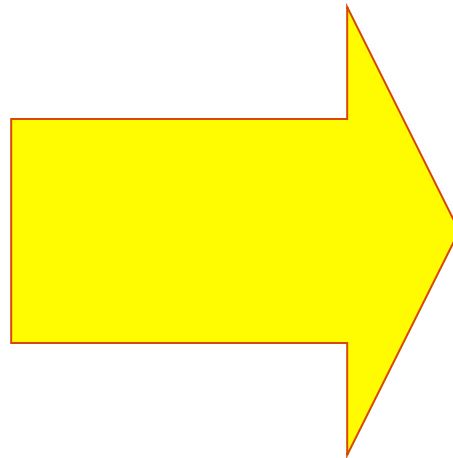
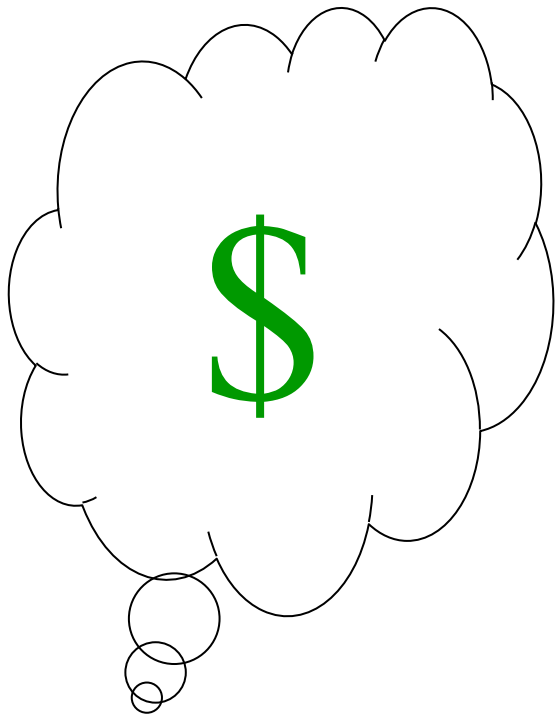
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# THE OFFICE for CIVIL RIGHTS ENFORCES

- Title VI of the Civil Rights Act of 1964 (*race, color, national origin*)
- Program Statutes (e.g., Safe Streets Act, Victims of Crime Act) (race, color, national origin, sex, religion, disability)
- Section 504 of the Rehabilitation Act of 1973 (disability)
- Title II of the Americans with Disabilities Act of 1990 (disability)
- Age Discrimination Act of 1975 (age)
- Title IX of the Education Amendments of 1972 (*sex in educational programs*)
- The DOJ Regulations on the Equal Treatment for Faith-Based Organizations

# Title VI of the Civil Rights Act of 1964

- No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under **any program or activity** receiving Federal financial assistance.

# Victims of Crime Act

- No person shall on the ground of **race, color, religion, national origin, handicap, or sex** be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under this chapter.

42 U.S.C. § 10604(e).

- \*language in the federal statute, people first advocates prefer “disability”

# Violence Against Women Act Reauthorization Act of 2013

*(for VAWA grants issued on or after October 1, 2013)*

No person in the United States shall, on the basis of **actual or perceived** race, color, religion, national origin, sex, **gender identity** (as defined in paragraph 249(c)(4) of title 18, United States Code), **sexual orientation**, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under [VAWA], and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

# VAWA Reauthorization Act of 2013

(continued)

If sex segregation or sex-specific programming is **necessary to the essential operation of a program**, nothing in this paragraph shall prevent any such program or activity from consideration of an individual's sex. In such circumstances, grantees may meet the requirements of this paragraph by providing **comparable services** to individuals who cannot be provided with the sex-segregated or sex-specific programming.

*OCR has posted FAQs on the VAWA nondiscrimination provision at <http://ojp.gov/about/ocr/pdfs/vawafaqs.pdf>.*



# Section 504 of the Rehabilitation Act of 1973

Handicapped person means any person who:

- Has a physical or mental impairment which substantially limits one or more major life activities
- Has a record of such impairment, or
- Is regarded as having an impairment that is not both transitory and minor

# Section 504 continued

A recipient with 50 or more employees or receiving Federal financial assistance from the Justice Department of \$25,000 or more must...

- Designate a Section 504 compliance coordinator
- Adopt grievance procedures
- Notify program participants, beneficiaries, applicants, employees, unions, organizations with collective bargaining agreements, that recipient does not discriminate on the basis of disability

## Title II of the Americans with Disabilities Act of 1990

- Prohibits, under certain circumstances discrimination based on disability.
- Disability is defined by the ADA as "a physical or mental impairment that substantially limits a major life activity."
- Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

# Age Discrimination Act of 1975

- No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

# Title IX of the Education Amendments of 1972

- No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

## The DOJ Regulations on the Equal Treatment for Faith-Based Organizations

- Prohibiting discrimination for or against an organization on the basis of religion, religious belief, or religious character in the administration or distribution of Federal funds.
- Allowing a religious organization that participates to retain its independence and continue to carry out its mission, provided that funds do not support any inherently religious activities.
- Ensuring that no organization that receives direct financial assistance from the Department can discriminate against a program beneficiary, or prospective beneficiary, on the basis of religion or religious belief.

# RELIGION

## ➤ Definitions

➤ All aspects of religious practice as well as belief

➤ 42 U.S.C. § 2000e(j)

➤ Includes sincerely held moral or ethical beliefs

➤ 29 C.F.R. § 1605.1

Race  
Color  
National Origin  
Religion  
Sex  
Disability  
Age

**PROTECTED CLASSES**



# Who is subject to these laws?

- Any “PROGRAM OR ACTIVITY” that receives financial assistance from the DOJ.
- Program or Activity means all of the operations of an organization receiving federal financial assistance, such as the entire department or office within a state or local government.
- Examples:
  - If a state Department of Public Safety receives federal funding and subawards the funding to local community based organizations, all of the operations of the Department of Public Safety are covered, along with the operations of the local community based organizations.
  - If a rape crisis center receives federal funds and uses the funds to operate particular programs, all of the activities of the center are covered, and not just the federally-funded programs.
  - If a project of a county sheriff’s department receives federal funds, the entire sheriff’s department is covered, but not the other departments in the county.

## Examples of discrimination in the delivery of services

- A funded domestic violence clinic has a blanket policy of only providing services to female victims of domestic violence, and not male victims.
- Male employees at a funded detention center sexually harass female occupants.
- A culturally-based sexual assault services program that is primarily designed to provide services to Hispanic individuals turns away a non-Hispanic individual seeking services.

# Disability Discrimination Analysis

- DOJ funding recipients must provide reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability unless a recipient can demonstrate it would be an undue hardship or would fundamentally alter the service or activity.
- Every case requires individualized analysis – individuals with disabilities are not a homogenous group even those with the same disability.

# Example:

- A shelter for victims of domestic violence receives VOCA funds.
- The shelter has a blanket policy that residents can not be taking any prescribed psychotropic medication while staying at the shelter.
- IS THIS AN ACCEPTABLE

# Answer:

- NO!
- By having a blanket exclusionary policy, the shelter has discriminated against individuals who may have a mental disability that may be controlled by medication.
- An individualized assessment must be done of the resident.

# Requirements of CVRC to Subgrantees

- ✘ Monitor subgrantees' compliance with civil rights laws.
- ✘ CVRC has procedure in place to receive and forward on to the EEOC or the Office of Civil Rights discrimination complaints made by employees or beneficiaries of a subgrantee program.
- ✘ CVRC will notify employees or beneficiaries when the complaint is forwarded on to the the above agencies.

# Monitoring Requirements

## OCR Requirements for CVRC

- ✘ Verify 504 coordinator for grantees with 50+ employees or more than \$25,000 in DOJ funds
- ✘ Thorough grievance policy
- ✘ LEP policy
- ✘ Statement in subgrantee's policies that all individuals have the right to participate in the programs and activities operated by the grantee regardless of race, color, national origin, sex, religion, disability, and age.
- ✘ Note: Other OCR compliance issues are spelled out in the Assurances and the CVRC contract.

# OCR requirements of CVRC

- ✘ Establish written procedures for CVRC employees to follow when a complaint is received alleging discrimination from clients, customers, program participants, or consumers of CVRC or of a CVRC subgrantee receiving DOJ funding.



# Discrimination Acts

1. Title VI of the Civil Rights Act of 1964
2. The Omnibus Crime Control and Safe Streets Act of 1968
3. Section 504 of the Rehabilitation Act of 1973
4. Title II of the Americans with Disabilities Act of 1990
5. Title IX of the Education Amendments of 1972
6. The Age Discrimination Act of 1975
7. The DOJ Regulations on the Equal Treatment for Faith-Based Organizations

# CVRC Complaint policy

- CVRC must establish clear procedures for complaints that include:
  - A designated compliance coordinator (Director)
  - Explain how to file a complaint
  - Explain how CVRC employees will handle complaints when received
  - Explain whether the CVRC will provide written acknowledgement of a complaint received
  - Explain how CVRC will refer a complaint
  - How CVRC staff will be trained on requirements

# CVRC Civil Rights Compliance Policy

- Distributed to every subgrantee\*
- Available on the website:  
[www.cvrc.state.nm.us](http://www.cvrc.state.nm.us)
- Available upon request
- Subgrantees will be required to document receipt of the policy

# CVRC Civil Rights Compliance Coordinator

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Questions?

Thank you!