

Oregon Department of Justice  
Crime Victims' Services Division

Civil Rights Compliance Requirements Specific to State Administrating Agencies  
**METHODS OF ADMINISTRATION**

As the State Administrating Agency (SAA) in Oregon, the Oregon Department of Justice, Crime Victims' Services Division of the (DOJ/CVSD), has developed these Methods of Administration (MOA) to ensure subrecipients' compliance with the federal civil rights laws that are applicable to recipients of federal financial assistance. These laws prohibit discrimination based on race, color, national origin, disability, religion, sex, or age in the delivery of services and employment practices, and prohibit recipients from using federal financial assistance to engage in inherently religious activities.

**I. Policy for Addressing Discrimination Complaints**

DOJ/CVSD developed two policies for addressing discrimination complaints, 1) *Procedures for Responding to Discrimination Complaints from Employees of the Oregon Department of Justice, Crime Victims' Services Division's Subrecipients under U.S. Department of Justice Grant Programs*, and 2) *Procedures for Responding to Discrimination Complaints from Clients, Customers, Program Participants, or Consumers of the Oregon Department of Justice, Crime Victims' Services Division and the Oregon Department of Justice, Crime Victims' Services Division Subrecipients*.

(a) *Designating a coordinator who is responsible for overseeing the complaint process.*

The Director of DOJ/CVSD has been designated to oversee the complaint process.

(b) *Notifying employees and subrecipients of prohibited discrimination in the SAA's programs and activities and the SAA's policy and procedures for handling discrimination complaints.*

A copy of the *Procedures for Responding to Discrimination Complaints from Employees of the Oregon Department of Justice, Crime Victims' Services Division's Subrecipients under U.S. Department of Justice Grant Programs*, and the *Procedures for Responding to Discrimination Complaints from Clients, Customers, Program Participants, or Consumers of the Oregon Department of Justice, Crime Victims' Services Division and the Oregon Department of Justice, Crime Victims' Services Division Subrecipients* will be:

- 1) Provided to all current DOJ/CVSD employees;
- 2) Included in the orientation materials provided to all new DOJ/CVSD employees;
- 3) Provided to all DOJ/CVSD subrecipients;
- 4) Posted on the DOJ/CVSD website; and
- 5) Discussed during all pre-application informational teleconferences.

The formal Grant Agreements that DOJ/CVSD enters into with all subrecipients require compliance with all applicable federal, state, and local laws, regulations, executive orders and ordinances related to expenditure of the Grant money and the activities financed with the Grant money. The Grant Agreement expressly requires compliance with the following:

- 1) **Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq.** (prohibiting discrimination in programs or activities on the basis of race, color, and national origin);
- 2) **Omnibus Crime Control and Safe Streets Act of 1968**, as amended, 42 U.S.C. §3789d(c)(1) (prohibiting discrimination in employment practices or in programs and activities on the basis of race, color, religion, national origin, age, disability, and sex in the delivery of services);
- 3) **Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 et. Seq.** (prohibiting discrimination in employment practices or in programs and activities on the basis of disability);
- 4) **Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131** and ORS 659.425 (prohibiting discrimination in services, programs, and activities on the basis of disability);
- 5) **Age Discrimination Act of 1975, 42 U.S.C. § 6101-07** (prohibiting discrimination in programs and activities on the basis of age);
- 6) **Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et. seq.** (prohibiting discrimination in educational programs or activities on the basis of gender);
- 7) **Services to Limited English-Proficient Persons (LEP)** which includes national origin discrimination on the basis of limited English proficiency; and
- 8) **Equal Treatment for Faith-Based and Community Organizations is the Equal Treatment Regulation**, codified at 28 C.F.R. Part 38, Executive Order 13279, Equal Treatment Regulations (ensuring equal treatment for Faith-Based Organizations and non-discrimination of beneficiaries on the basis of religious belief).

*(c) Establishing written procedures for receiving discrimination complaints from employees and clients, customers, or program participants of the SAA (as applicable) and from employees and clients, customers, or program participants of subrecipients implementing funding from the DOJ (as applicable).*

The DOJ/CVSD written policies cited in I(b) explain the process for receiving and processing complaints from employees, clients, customers and program participants of the SAA and subrecipients receiving funding from the U.S. Department of Justice. Complaints must be filed in writing using the *Allegation of Employment Discrimination and/or Workplace Harassment* form. The complaint shall be sent to the Complaint Coordinator. A complainant may file orally with the Complaint Coordinator, or designee, if a disability impairs the complainant's ability to file a written complaint.

*(d) Referring each complaint to the appropriate agency for investigation and resolution.*

The DOJ/CVSD written policies cited in I (b) explain the process for referring complaints from employees, clients, customers and program participants of the DOJ/CVSD and subrecipients receiving funding from the U.S. Department of Justice. The DOJ/CVSD Complaint Coordinator will receive the complaint and forward the complaint to the appropriate external agency for investigation and resolution.

*(e) Notifying the complainant that the complainant may also file a complaint with the OCR.*

The DOJ/CVSD written policies cited in I (b) explicitly state that the complainant is notified in writing that the complainant may also file the complaint directly with the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights, at 810 7<sup>th</sup> Street, NW, Washington, DC 20531.

*(f) Training SAA staff on their responsibility to refer discrimination complaints, or potential discrimination issues, to the SAA Complaint Coordinator for processing as soon as the alleged discrimination comes to their attention.*

The DOJ/CVSD written policies cited in I (b) explicitly state that an employee of DOJ/CVSD, other than the Complaint Coordinator, who receives a complaint that an employee of DOJ/CVSD or a subrecipient has allegedly engaged in discriminatory or retaliatory conduct shall direct the complaint to the Complaint Coordinator within seven (7) calendar days of receiving the complaint. The policies further state that DOJ/CVSD shall provide periodic training on the procedures set forth in this policy to DOJ/CVSD employees, including an employee's responsibility to refer discrimination and retaliation complaints to the Complaint Coordinator.

*(g) Notifying employees and clients, customers, and program participants about prohibited discrimination and the procedures for filing a complaint of discrimination and ensuring that subrecipients do the same.*

DOJ/CVSD developed a "Civil Rights Fact Sheet" that all subrecipients have been directed to post at locations open to the public. The fact sheet includes a full and condensed civil rights statement that DOJ/CVSD requires all program participants and subrecipients to include in all forms of communication available to the public regarding program availability.

DOJ/CVSD policy further requires that the civil rights statement must be prominently displayed on publications, websites, posters and informational materials mentioning USDOJ programs in bold print and no smaller than the general text of the document. The full civil rights statement must be used whenever possible. Single page documents that do not have space for the full civil rights statement may contain a condensed version in a print size no smaller than the text used throughout the document. If the civil rights statement is missing on a publication, the statement must be included the next time the publication is revised or reprinted and printed copies of the statement must be attached to the current supply of the publication until the next revision and reprinting.

**Full Civil Rights Statement:** In accordance with Federal law and U.S. Department of Justice policy, this organization is prohibited from discriminating on the basis of race, color, national origin, religion, sex, age, or disability.

*To file a complaint of discrimination, write Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice (“OCR”), 810 7<sup>th</sup> Street, NW, Washington, DC 20531 or call 202-307-0690 (Voice) or 202-3087-2027 (TDD/TYY). Individuals who are hearing impaired or have speech disabilities may also contact OCR through the Federal Relay Service at 800-877-8339 (TTY), 877-877-8982 (Speech) or 800-845-6136 (Spanish).*

**Condensed Civil Rights Statement:** *The USDOJ and <organization name> are equal opportunity providers and employers.*

(h) *Ensuring that subrecipients have procedures in place for responding to discrimination complaints that employees and clients, customers, and program participants file directly with the subrecipient.*

Subrecipients are required by policy, MOA and Grant Agreement to have procedures in place for responding to complaints of discrimination and retaliation within their agency. Subrecipients must sign the *Certification of Compliance With Regulations, Office For Civil Rights, Office Of Justice Programs, For Grants Issued By The Oregon Department Of Justice* which states that the subrecipient is subject to prohibitions against discrimination in any program or activity, and must take reasonable steps to provide meaningful access for persons with limited English proficiency. The subrecipient must also certify compliance with applicable federal civil rights laws prohibiting discrimination in employment and in the delivery of services and that they have a process for investigating complaints.

During official site visits, DOJ/CVSD Fund Coordinators utilize the federal civil rights compliance checklist to monitor compliance with the requirements set forth above.

## **II. Notifying Subrecipients of Civil Rights Requirements**

DOJ/CVSD ensures that its Standard Assurances, Grant Agreement, and other documents that are binding on subrecipients notify subrecipients of applicable civil rights laws by:

- 1) Including federal civil rights laws in the formal Grant Agreement (see I (b) above) and requiring compliance with the aforementioned laws.
- 2) Including in the formal Grant Agreement a prohibition on retaliating that includes a statement that the subrecipient shall not retaliate against any individual for taking action or participating in action to secure rights protected by these laws and agrees to report any complaints, lawsuits, or findings from a federal or state court or a federal or state Administrative Agency regarding a civil rights finding.
- 3) Requiring subrecipients to sign the *Certification Of Compliance With Regulations, Office For Civil Rights, Office Of Justice Programs, For Subgrants Issued By The Oregon Department Of Justice*

4) Requiring subrecipients to comply with the Grants Management Handbooks (VAWA, VOCA, and SASP) which include a section dedicated to Civil Rights Compliance and Civil Rights Non-Discrimination Requirements.

DOJ/CVSD maintains current versions of each Grant Agreement, including relevant Exhibits (*Standard Assurances* and *Certification Of Compliance With Regulations, Office For Civil Rights, Office Of Justice Programs, For Subgrants Issued By The Oregon Department Of Justice*), Requests for Applications, and Grant Management Handbooks on the DOJ/CVSD website and in the Oregon DOJ Data Management system.

### **III. Monitoring for Compliance with Civil Rights Requirements**

DOJ/CVSD utilizes a Phone Review & Site Visit Monitoring Instrument that includes a section on Civil Rights Compliance modeled after the OCR Federal Civil Rights Compliance checklist. The Monitoring Instrument allows DOJ/CVSD Fund Coordinators to indicate subrecipient compliance with each law, regulation or requirement by checking Yes, No or N/A; provide comments or an explanation specific to a particular law, regulation or requirement; and stipulate any action(s) required by a subrecipient to ensure compliance with a particular law, regulation or requirement. Subrecipients receive a completed copy of the Phone Review & Site Visit Monitoring Instrument and are required to implement any action items outlined in the Instrument.

DOJ/CVSD maintains current versions of the Phone Review & Site Visit Monitoring Instrument and the completed subrecipient written reports in the Oregon DOJ Data Management system. DOJ/CVSD's long range plan is to upload the completed subrecipient Phone Review & Site Visit Monitoring Instruments in the web-based grant application and reporting system, E-Grants.

### **IV. Training Recipients on Civil Rights Requirements**

DOJ/CVSD shall provide periodic training for subrecipients on their obligations to comply with the applicable civil rights laws and nondiscrimination provisions and the USDOJ implementing regulations. The Grant Agreement states that subrecipients shall attend all appropriate DOJ/CVSD-sponsored training unless specific written permission excusing attendance has been obtained from DOJ/CVSD.

The methods used by DOJ/CVSD to disseminate training and information on civil rights requirements include:

1) DOJ/CVSD has developed a comprehensive PowerPoint presentation on Civil Rights & Grants that provides information on federal civil rights laws enforced by OCR; federal statutes enforced by EEOC; and informs grantees on their obligations to comply with applicable civil rights laws and nondiscrimination provisions and the USDOJ implementing regulations.

The Civil Rights & Grants training is provided to all new program directors at an annual New Directors Day training event. All other program directors receive the civil rights and nondiscrimination training every other year at either DOJ/CVSD's Directors Day training event, targeting primarily non-profit grantees, or the Oregon District Attorneys Association Conference targeting government-based grantees. DOJ/CVSD records attendance to verify

that subrecipients have attended the training. If subrecipients are unable to attend a training in person, the subrecipient is required to certify that they have read the Civil Rights & Grants PowerPoint and other relevant documents.

The Civil Rights & Grants PowerPoint, the Civil Rights Fact Sheet, and the Civil Rights Compliance section in the Phone Review & Site Visit Monitoring Instrument are posted on the DOJ/CVSD website.

2) DOJ/CVSD facilitates informational teleconferences when grant solicitations are released. During each pre-application informational teleconference for federal funds, DOJ/CVSD refers specifically to the statutorily-imposed nondiscrimination requirements and USDOJ regulations which prohibit discrimination on the basis of race, color, national origin, sex, age, religion and disability included in the Request for Applications.

3) The DOJ/CVSD website has a link to the OCR online civil rights training. DOJ/CVSD encourages subrecipients to utilize the online training, as appropriate, to supplement civil rights training provided by DOJ/CVSD and to develop their own internal training. DOJ/CVSD may also use the online training for subrecipients who hire new program directors and who demonstrate civil rights compliance deficiencies during an on-site monitoring visit.

4) DOJ/CVSD Fund Coordinators provide technical assistance on civil rights requirements to subrecipients upon request and during on-site monitoring visits.

DOJ/CVSD maintains current versions of the Civil Rights & Grants PowerPoint presentation and Civil Rights Fact Sheet in the Oregon DOJ Data Management system and retains records of attendance at civil rights training.