

Oregon Department of Justice
Crime Victim and Survivor 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 Victim and Survivor Services Division (DOJ/CVSSD), 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, age, sexual orientation, and gender identity 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/CVSSD developed two policies for addressing discrimination complaints, 1) *Procedures for Responding to Discrimination Complaints from Employees of the Oregon Department of Justice, Crime Victim and Survivor 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 Victim and Survivor Services Division and the Oregon Department of Justice, Crime Victim and Survivor Services Division Subrecipients*.

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

The Director of DOJ/CVSSD 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 Victim and Survivor 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 Victim and Survivor Services Division and the Oregon Department of Justice, Crime Victim and Survivor Services Division Subrecipients* will be:

- 1) Provided to all current DOJ/CVSSD employees;
- 2) Included in the orientation materials provided to all new DOJ/CVSSD employees;
- 3) Posted on the DOJ/CVSSD website; and
- 4) Addressed in all Applications for funding.

The formal Grant Agreements that DOJ/CVSSD 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, 34 U.S.C. §10228(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, activities, and employment practices 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 may include national origin discrimination on the basis of limited English proficiency;
- 8) **Partnerships with Faith-Based and Other Neighborhood Organizations** , codified at 28 C.F.R. Part 38, Executive Order 13279, (ensuring equal treatment for Faith-Based Organizations and non-discrimination of beneficiaries on the basis of religious belief);
- 9) **Victims of Crime Act (VOCA) of 1984, as amended**, 34 U.S.C. § 20110(e) and the regulation implementing the Victim of Crime Act Victim Assistance Program, 28 C.F.R. § 94.114 (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability);
- 10) **Violence Against Women Act (VAWA) of 1994**, as amended, 34 U.S.C. § 12291(b)(13) (prohibiting discrimination in programs either funded under the statute or administered by the Office on Violence Against Women, both in employment and in the delivery of services or benefits, based on actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity) (referring to the Safe Streets Act for enforcement); and
- 11) Grantee 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 to the Oregon Department of Justice, CVSSD, 1162 Court Street N.E., Salem, OR

97301-4096 and the Office for Civil Rights, OJP, U.S.D.O.J. 999 N. Capitol Street, NE, Washington D.C. 20531.

(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/CVSSD 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 Discrimination* 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/CVSSD written policies cited in I.(b) explain the process for referring complaints from employees, clients, customers and program participants of the DOJ/CVSSD and subrecipients receiving funding from the U.S. Department of Justice. The DOJ/CVSSD 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/CVSSD 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 999 N. Capitol Street, NE, 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/CVSSD written policies cited in I.(b) explicitly state that an employee of DOJ/CVSSD, other than the Complaint Coordinator, who receives a complaint that an employee of DOJ/CVSSD 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/CVSSD shall provide periodic training on the procedures set forth in this policy to DOJ/CVSSD 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/CVSSD developed a [Civil Rights Poster](#) that all subrecipients have been directed to post at locations open to the public. A Civil Rights Fact Sheet provides full and condensed civil rights statements that DOJ/CVSSD subrecipients must include in all forms of communication available to the public regarding program availability.

DOJ/CVSSD 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: <Organization Name> operates its program, services and activities in compliance with federal nondiscrimination laws. No person shall, on the basis of race, color, national origin (including limited English proficiency), disability, religion, sex, gender identity, sexual orientation, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs.

To file a complaint of discrimination, complete the complaint form found at <https://www.ojp.gov/program/civil-rights/filing-civil-rights-complaint> and submit it online. You may also complete the complaint verification form and the Identity Release Statement found at <https://www.ojp.gov/program/civil-rights/filing-civil-rights-complaint> and send them to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice (“OCR”), 999 N. Capitol Street, NE, Washington, DC 20531.

To file a complaint of discrimination directly with the Oregon Department of Justice, write Complaint Coordinator, Oregon Department of Justice, Crime Victim and Survivor Services Division, 1162 Court Street NE, Salem, OR 97301 or call 503-378-5348.

To file a complaint of discrimination directly with this organization, write <Organization Name, Organization Address, or call Organization telephone number.>

Condensed Civil Rights Statement Options:

<Organization Name> complies with applicable federal civil rights laws and does not discriminate on the basis of race, color, national origin, disability, religion, sex, gender identity, sexual orientation, or age.

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 desk reviews and site visits, DOJ/CVSSD Fund Coordinators monitor compliance with the requirements set forth above.

II. Notifying Subrecipients of Civil Rights Requirements

DOJ/CVSSD 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/CVSSD 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/CVSSD website and in the Oregon DOJ data management system.

III. Monitoring for Compliance with Civil Rights Requirements

DOJ/CVSSD utilizes Administrative Policies and Procedures desk review & On-Site Visit monitoring instruments that include sections on Civil Rights Compliance modeled after the OCR Federal Civil Rights Compliance checklist. The monitoring instruments allow DOJ/CVSSD Fund Coordinators to indicate subrecipient compliance with each law, regulation or requirement by checking Yes or No and providing comments 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 Monitoring Summary Report that includes any findings and corrective actions that subrecipients are required to address.

DOJ/CVSSD has maintained current versions of the monitoring instruments and the completed subrecipient monitoring instruments in the Oregon DOJ data management system and is transitioning to uploading the completed subrecipient monitoring instruments in the web-based grant application and reporting system, IntelliGrants.

IV. Training Recipients on Civil Rights Requirements

DOJ/CVSSD 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/CVSSD-sponsored training unless specific written permission excusing attendance has been obtained from DOJ/CVSSD.

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

1) DOJ/CVSSD developed a comprehensive online learning module 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. In addition, the DOJ/ CVSSD Civil Rights Requirements webpage provides links to the online training modules on the Office for Civil Rights of the U.S. Department of Justice (OCR) website.

Subrecipients are required to certify that they have completed the CVSSD Civil Rights & Grants online training module, have viewed at least one online training module offered by the U.S. Department of Justice, Office for Civil Rights and have accepted responsibility for ensuring that project staff is trained and understands their responsibilities related to the federal civil rights laws applicable to recipients of federal funds covered in the training materials.

Every two years, all subrecipients are required to complete the CVSSD online training module, view at least one online training module offered by the U.S. Department of Justice, Office for Civil Rights and ensure that project staff is trained and understands their responsibilities related to the federal civil rights laws applicable to recipients of federal funds covered in the training materials.

2) All DOJ/CVSSD grant solicitations require applicants to certify that a current (within the last 2 years) Civil Rights Training Certification has been uploaded on the Certification page in IntelliGrants or, if the applicant is a new DOJ/CVSSD organization, it must certify that it will complete the required training and upload the Certification prior to executing a Grant Agreement.

3) DOJ/CVSSD encourages subrecipients to utilize the online training modules offered by the U.S. Department of Justice, Office for Civil Rights, as appropriate, to supplement civil rights training provided by DOJ/CVSSD and to develop their own internal training. DOJ/CVSSD 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/CVSSD Fund Coordinators provide technical assistance on civil rights requirements to subrecipients upon request and during on-site monitoring visits.

Subrecipients file certifications of completion every two years within our grant management system and CVSSD maintains that record of completion within the system.