



CIVIL RIGHTS
AND
DISCRIMINATION POLICIES TRAINING

UTAH OFFICE FOR VICTIMS OF CRIME

Approved by Office of Civil Rights on October 2018

INTRODUCTION

Compliance with Civil Rights

It is the responsibility of the State Administering Agency (SAA) to ensure that its grant subrecipients are complying with all applicable federal civil rights laws.

UOVC Policy Statement

All employees, applicants, and program participants of the UOVC's subrecipients, including clients, customers, or consumers, shall be treated equally regardless of race, color, sex, pregnancy or pregnancy-related conditions, age, religion, national origin, or disability.

In addition to these, if the subrecipient receives any grants under the 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.

UOVC Policy Statement (Cont.)

- All individuals have the right to participate in programs and activities operated by UOVC's subrecipients.
- The UOVC requires all subrecipients to be in compliance with the Legal Sources included in this training.

Civil Rights Training Slides

- Please review the following PowerPoint slides regarding potential claims of discrimination.
- After completing the review, print the final slide, the Certificate of Completion, sign and place it in your grant file.
- The Certificate will be viewed during the monitoring of your grant.

Policy Requirements

- Subrecipients are required to have a written internal policy on discrimination in the provision of services, discrimination for its employees and program participants.
- The minimum statement must cover:
 - All employees and applicants of the UOVC's subrecipients, and clients, customers, program participants, or consumers of subrecipients shall be treated equally regardless of race, color, sex, pregnancy or pregnancy-related conditions, age, religion, sexual orientation, gender identity national origin, or disability.
 - In addition to these, if the subrecipient receives any grants under the Violence Against Women Act of 1994, as amended, these protections shall apply to individuals regardless of sexual orientation or gender identity

The Office for Civil Rights enforces...

- Title VI of the Civil Rights Act (Title VI) of 1964, as amended, 42 U.S.C. § 2000d, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpts. C & D (prohibiting discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits);
- Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. §§ 10228(c) & 10221(a), and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpts. D (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, and religion) & E (requiring certain DOJ-funded programs subject to the administrative provisions of the statute to prepare, maintain, and submit an Equal Employment Opportunity Plan (EEO Plan));

The Office for Civil Rights enforces...

- Section 504 of the Rehabilitation Act (Section 504) of 1973, as amended, 29 U.S.C. § 794, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. G (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits);
- Title IX of the Education Amendments (Title IX) of 1972, as amended, 20 U.S.C. § 1681, and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpt. D & pt. 54 (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);

The Office for Civil Rights enforces...

- Title II of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12132, and the implementing regulation at 28 C.F.R. § 35.171(a)(1)(i), (3)(i) (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits);
- Age Discrimination Act (Age Act) of 1975, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits);

The Office for Civil Rights enforces...

- Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, as amended, 34 U.S.C. § 11182(b), and the DOJ implementing regulations, 28 C.F.R. §§ 31.202, .403 & pt.42, subpt. D (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, and religion);
- 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);

The Office for Civil Rights enforces...

- 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
- Executive Order 13,559, amending Executive Order 13,279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits).

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.
- 42 U.S.C. 2000d
- 28 C.F.R. § 42.101 et seq.

Program Statutes - Safe Streets Act, Victims of Crime Act, and Violence Against Women Act of 1994

- Safe Streets Act:
 - prohibits 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, and religion.
 - 34 U.S.C. § 10228
 - 28 C.F.R. § 42.201 et seq.

Program Statutes - Safe Streets Act, Victims of Crime Act, and Violence Against Women Act of 1994 (Cont.)

- 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)

Program Statutes - Safe Streets Act, Victims of Crime Act, and Violence Against Women Act of 1994 (Cont.)

- 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)

VAWA Reauthorization Act of 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.

34 U.S.C. § 12291(b)(13)

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

VAWA Reauthorization Act of 2013 (continued)

- Sex-Segregated Programming
 - When males and females receive services in separate settings
- Sex-Specific Programming
 - When a recipient designs programming differently for males and females

Beneficiaries choose the appropriate program based upon gender identity

VAWA Reauthorization Act of 2013

(continued)

- Necessary to the Essential Operation of a Program
 - Fact-specific inquiry, consider:
 - Nature of the service
 - Consequences to beneficiaries of making sex-segregated or sex-specific
 - Literature on efficacy
 - Impact on transgender clients

Reasons may not be trivial, based solely on convenience,
or rooted in stereotypes

VAWA Reauthorization Act of 2013 (continued)

- Comparable Services
 - Fact-specific inquiry, consider:
 - ❖ Nature, quality, and duration of the service
 - ❖ Relative benefits of different therapeutic modalities
 - ❖ Geographic location

Section 504 of the Rehabilitation Act

- Prohibits discrimination on the basis of race color, national origin, religion, or sex, in the delivery of services and employment practices by Office of Justice Programs (OJP), Office on Violence Against Women (OVW), or Office of Community Oriented Policing Services (COPS) funded programs or activities.
- 29 U.S.C. § 794
- 28 C.F.R. § 42.501 et seq.

Title II of the Americans with Disabilities Act of 1990

- Prohibits discrimination on the basis of race color, national origin, religion, or sex, in the delivery of services and employment practices by Office of Justice Programs (OJP), Office on Violence Against Women (OVW), or Office of Community Oriented Policing Services (COPS) funded programs or activities.
- 42 U.S.C. § 12132
- 28 C.F.R. Pt. 35

The Age Discrimination Act of 1975

- Prohibits discrimination on the basis of race color, national origin, religion, or sex, in the delivery of services and employment practices by Office of Justice Programs (OJP), Office on Violence Against Women (OVW), or Office of Community Oriented Policing Services (COPS) funded programs or activities.
- 42 U.S.C. § 6102
- 28 C.F.R. § 42.700 et seq.

Title IX of the Education Amendments of 1972

- Prohibits discrimination on the basis of race color, national origin, religion, or sex, in the delivery of services and employment practices by Office of Justice Programs (OJP), Office on Violence Against Women (OVW), or Office of Community Oriented Policing Services (COPS) funded programs or activities.
- 20 U.S.C. § 1681
- 28 C.F.R. Pt. 54

DOJ Regulations issued for FBO guidance (revised April 4, 2016)

- FBOs must not use direct federal funding to engage in explicitly religious activities.
 - Explicitly religious activities must be separate in time or location from federally-funded activities, and must be voluntary for those participating in the federally-funded activities.
- FBOs may not discriminate against beneficiaries based on religion, a religious belief, a refusal to hold a religious belief, or a refusal to participate in a religious practice.

New Notice and Referral Requirements for FBOs

FBOs must give written notice to beneficiaries and prospective beneficiaries that:

- FBO will not discriminate on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to participate in a religious practice;
- FBO may not require beneficiaries to participate in any religious activities;
- FBO will separate in time or location any privately-funded religious activities from federally-funded activities; and

New Notice and Referral Requirements for FBOs (cont.)

- If a beneficiary objects to the religious character of the FBO, the FBO will undertake reasonable efforts to identify and refer the beneficiary to an alternative provider that is acceptable to the beneficiary.
 - Alternative provider must be in reasonable geographical proximity to the FBO and offer services comparable in substance and quality.
 - FBO must maintain a record of the referral. If the FBO is unable to identify an alternative provider, it shall notify the SAA or the DOJ.

New Notice and Referral Requirements for FBOs (cont.)

- FBO must provide this written notice prior to the provision of services.
- A sample notice is contained at Appendix A to 28 C.F.R. pt. 38.
- A sample beneficiary referral request is contained at Appendix B to 28 C.F.R. pt. 38.

The Utah Labor Commission enforces...

- The Utah Anti-discrimination Act of 1965 which prohibits employment discrimination on the basis of race, color, national origin, gender, religion, age, and disability.
- Also prohibits employment discrimination on the basis of pregnancy, childbirth, or pregnancy-related conditions.
- Utah Code Annotated, Title 34A Chapter 5

Subrecipients

- Subrecipients must have procedures in place for accepting and processing discrimination complaints that employees, applicants, clients, and customers file directly with the subrecipient, which may involve investigating the complaint internally or referring the complaint to an appropriate external agency for investigation such as the Utah Office for Victims of Crime (UOVC),

UOVC Procedures When Responding to Claims of Discrimination – Step 1

- Contact the Complaint Coordinator by telephone, in writing, or by email with your complaint at:

Ms. Hildegard Koenig, Outreach Program Coordinator
Utah State Office for Victims of Crime

350 E. 500 S. Suite 200

Salt Lake City, Utah 84111

385-479-0715

hkoenig@utah.gov

** Alternate methods of filing complaints shall be made available to individuals with disabilities unable to file written complaints **

Step 2

- Provide the following information :
 - Name;
 - Address;
 - Telephone, Cell Phone, Work Phone;
 - Date of Birth;
 - A brief description of the alleged discrimination or civil rights violation;
 - Including the date, place, and time;
 - Names of any Respondents accused of discrimination (if known);
 - A brief description of the communication that has already occurred to address the issue; and
 - Any other relevant information.

Step 3

- The Complaint Coordinator will contact you Within ten (10) business days after receipt of the complaint.

Step 4

- The Complaint Coordinator will mail a letter, and where appropriate, in a format accessible to the complainant, such as large print, braille, or audio tape indicating the actions taken in forwarding your complaint to the Utah Antidiscrimination & Labor Division and notification to the Office for Civil Rights.

EQUAL EMPLOYMENT OPPORTUNITY PLANS - EEOP

- Every subrecipient of a UOVC grant must comply with EEOP procedures.
- EEOP is a workforce report that **some** must complete as a condition of a grant award. All subrecipients must complete a Certification Form.
- Government Agency - Based on:
 - **Amount of the award; and**
 - **Number of employees.**
- Non-Profit Entity
 - Exempt from filing an EEOP; **however**
 - You must file a Certification Form with the Office for Civil Rights.

If / Then	Does the recipient need to submit a Certification Form to OCR?	Does the recipient need to develop an EEOP?	Must the recipient submit an EEOP Utilization Report to OCR?
Recipient is a Medical or Educational Institution, Indian Tribe, or Nonprofit	YES	NO	NO
Largest individual grant received is less than \$25,000	YES	NO	NO
Recipient has less than 50 employees	YES	NO	NO
None of the above	YES	YES	YES

DOCUMENTS ON FILES

- You must have on file:
 - EEOP – if required
 - Certification Form
 - Section A Completed **OR**
 - Section B Completed
- Please consult with your Human Resource Department on requirements
- You can access the Certification Form at <https://ojp.gov/about/ocr/eeop.htm>

**Documents must be submitted electronically **

Review Office for Civil Rights PowerPoint

- Office for Civil Rights PowerPoint which further outlines and explains Civil Rights Requirements of Subgrantees is also available on UOVC's website, crimevictim.utah.gov.
- Please review this PowerPoint as well.

CERTIFICATE OF COMPLETION

- I certify I have reviewed these PowerPoint slides regarding federal grant funded projects, policies and the legal sources that prohibit discrimination and I have the Certification Form on file for viewing.
- Grant # _____ Date: _____
- Project Director _____
Signature

Please print and sign this slide; place it in your grant file for review at monitoring time.