

CIVIL RIGHTS GUIDELINES

Congratulations on your recent subgrant! In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. OCR is available to help you and your organization meet the civil rights requirements that come with DOJ funding.

Recipients must comply (and will require any subgrantees or contractors to comply) with any Federal nondiscrimination requirements, which may include:

- Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968 (42 U.S.C. § 3789d);
- The Victims of Crime Act (42 U.S.C. § 10604 (e));
- The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672 (b));
- The Civil Rights Act of 1964 (42 U.S.C. § 2000d);
- The Rehabilitation Act of 1973 (29 U.S.C. § 794);
- The Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34);
- The Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86);
- The Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07);
- 28 C.F.R. pt. 35 (DOJ Regulations – Nondiscrimination on the Basis of Disability in State and Local Government Services);
- 28 C.F.R. pt. 42 (DOJ Regulations – Nondiscrimination; Equal Employment Opportunity; Policies and Procedures);
- Ex. Order 13279 (equal protection of the laws for faith-based and community organizations); and
- 28 C.F.R. pt. 38 (DOJ Regulations – Equal Treatment for Faith-Based Organizations).

Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency Individuals

As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with the Safe Streets Act and Title VI of the Civil Rights Act of 1964, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for LEP persons. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipient is encouraged to consider the need for language services for LEP persons served or encountered both in developing your budgets and in conducting your activities. For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

DOJ has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation, 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors. The regulation also prohibits faith-based organizations from using financial assistance from DOJ to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the DOJ funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, DOJ has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to OCR.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, which are audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Public Notice

Recipients will inform the public and subcontractors of affected persons' rights to file a complaint of discrimination with OCR for investigation.

Equal Employment Opportunity Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act or other Federal grant program requirements must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEO Plan), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1.) Meeting the EEOP Requirement

Recipients will provide a certification to OCR and IDJC that it has a current EEOP on file, if required to maintain one.

For recipients of DOJ grant funds from the IDJC, the following chart shows at a glance the responsibilities a recipient has in complying with the federal regulations pertaining to the EEOP requirement:

What is the recipient type?	What is the award amount?	What is the number of employees?	Does the recipient need to develop an EEOP?	Does the recipient need to submit a Certification Form to OCR?	Must the recipient submit an EEOP to OCR?
Nonprofit, Indian Tribe, Medical or Education Institution	Does not matter	Does not matter	NO	YES (Section A)	NO
State or local government and private entity	Less than \$25,000	Does not matter	NO	YES (Section A)	NO
State or local government and private entity	Does not matter	Less than 50 employees	NO	YES (Section A)	NO
State or local government and private entity	\$25,000 or more, but less than \$500,000, for an individual grant	50 or more employees	YES	YES (Section B) Certifying that the recipient has created an EEOP and is maintaining it on file in a designated office for review by employees, applicants, OCR, or a state administrative agency	NO
State or local government and private entity	\$500,000 or more for an individual grant	50 or more employees	YES	NO	YES

For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from OCR's equal employment assistant by dialing (202) 616-3208.

2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing, on the ground of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to OCR, OJP and the IDJC.

Retaliation

Recipients shall not retaliate against individuals for taking action or participating in action to secure rights protected by applicable laws.

Identification of Civil Rights Representative

Recipients must identify the designated civil rights contact person who has lead responsibility in insuring that all applicable civil rights requirements are met. This person shall act as liaison for all civil rights matters with IDJC, the Office of Juvenile Justice and Delinquency Prevention, and OCR.

Discrimination Complaint Procedures

Employees and beneficiaries of programs should follow the complaint procedures of the recipient organization; unless circumstances exist that make reporting to the recipient organization inappropriate. If reporting to the recipient organization is inappropriate, the reporting party should direct the complaint to the Idaho Human Rights Commission (IHRC) and/or the Equal Employment Opportunity Commission (EEOC), as necessary. If a reporting party needs assistance filing a complaint with the IHRC or the EEOC, IDJC will assist, to the extent necessary, with referring the reporting party to the IHRC and/or the EEOC.

Ensuring the Compliance of Subrecipients

IDJC is responsible for monitoring subrecipients for compliance with applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons.

Training and Technical Assistance

Recipients are encouraged to contact OCR for training and technical assistance in fulfilling your civil rights responsibilities as a recipient of Federal funding. If you have questions about these obligations, please call George J. Mazza, Senior Counsel within OCR, at (202) 307-0690, or visit the website at <http://www.ojp.usdoj.gov/ocr/>.

DUNS NUMBER

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All applicants **must** acquire a DUNS number (Data Universal Numbering System). DUNS numbers are assigned by Dun and Bradstreet, Inc. and may be obtained by calling (866) 705-5711, or on the internet at: <http://fedgov.dnb.com/webform>.

The requirement for a DUNS number relates to the Federal Funding Accountability and Transparency Act (FFATA or Transparency Act - P.L.109-282, as amended by section 6202(a) of P.L. 110-252). FFATA requires the Office of Management and Budget (OMB) to maintain a single, searchable website that contains information on all Federal spending awards. That site is <http://www.usaspending.gov/>.