



DCJS

Virginia Department of Criminal Justice Services

Civil Rights Compliance Requirements Specific to State Administrating Agencies

METHODS OF ADMINISTRATION

As the State Administrating Agency (SAA) in Virginia, the Virginia Department of Criminal Justice Services (DCJS) has developed these Methods of Administration (MOA) to ensure sub-recipients' 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

DCJS developed two policies for addressing discrimination complaints, 1) *Procedures for Responding to Discrimination Complaints from Employees of the Virginia Department of Criminal Justice Services Sub-recipients 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 Virginia Department of Criminal Justice Services, and the Virginia Department of Criminal Justice Services, Sub-recipients*.

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

- The Complaint Coordinator of DCJS has been designated to oversee the complaint process.

(b) *Notifying employees and sub-recipients 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 Virginia Department of Criminal Justice Services Sub-recipients 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 Virginia Department of Criminal Justice Services and the Virginia Department of Criminal Justice Services, Sub-recipients* will be:

- 1) Provided to all current DCJS employees involved in grant administration;
- 2) Included in the orientation materials provided to all new DCJS employees;
- 3) Provided to all DCJS sub-recipients;
- 4) Posted on the DCJS website; and
- 5) Discussed during appropriate pre-application trainings.

The formal grant awards (See: Statement of Grant Award Acceptance documents) that DCJS enters into with all sub-recipients 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 awards expressly requires compliance with the following:



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- **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);
- **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);
- **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);
- **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);
- **Age Discrimination Act of 1975, 42 U.S.C. § 6101-07** (prohibiting discrimination in programs and activities on the basis of age);
- **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);
- **Services to Limited English-Proficient Persons (LEP)** which includes national origin discrimination on the basis of limited English proficiency; and
- **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 DCJS 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 sub-recipients receiving funding from the U.S. Department of Justice. Complaints must be filed in writing using the *Allegation of Employment Discrimination and/or 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 DCJS written policies cited in I (b) explain the process for referring complaints from employees, clients, customers and program participants of the DCJS and sub-recipients receiving funding from the U.S. Department of Justice. The DCJS



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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 DCJS 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 7th 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 DCJS written policies cited in I (b) explicitly state that an employee of DCJS, other than the Complaint Coordinator, who receives a complaint that an employee of DCJS or a sub-recipient 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 DCJS shall provide periodic training on the procedures set forth in this policy to appropriate DCJS 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 sub-recipients do the same.

DCJS developed a "Civil Rights Fact Sheet" and all sub-recipients are directed to post it at locations open to the public. The fact sheet includes a full and condensed civil rights statement that DCJS requires all program participants and sub-recipients to include in all communication available to the public regarding program availability.

DCJS policy further indicates that the civil rights statement should be prominently displayed on publications, websites, posters and informational materials mentioning USDOJ programs. The full civil rights statement must be used whenever possible. If the civil rights statement is missing on a publication, the statement should be included the next time the publication is revised or reprinted.

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 7th 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.*



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

Sub-recipients are required by policy and grant agreement to have procedures in place for responding to complaints of discrimination and retaliation within their agency.

During official site visits, DCJS staff utilize the civil rights compliance survey checklist and/or the monitoring instrument to monitor compliance with the requirements set forth above.

II. Notifying Sub-recipients of Civil Rights Requirements

DCJS ensures that it's Standard Assurances, Statement of Grant Award Acceptance, and other documents that are binding on sub-recipients and notify sub-recipients 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 sub-recipient 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 sub-recipients to comply with the grant application guidelines which include a section dedicated to Civil Rights Compliance and Civil Rights Non-Discrimination Requirements.

III. Monitoring for Compliance with Civil Rights Requirements

DCJS utilizes a Monitoring Instrument and Civil Rights Compliance survey modeled after the OCR Federal Civil Rights Compliance checklist. The Monitoring Instrument and survey allow DCJS staff to assess sub-recipient compliance with applicable laws, regulations or requirements. Sub-recipients receive a completed copy of the Monitoring Instrument and are required to implement any action items outlined in the Instrument.

DCJS maintains current versions of the Monitoring Instrument and Compliance Survey and completed sub-recipient written reports in GMIS.

IV. Training Recipients on Civil Rights Requirements

DCJS provides periodic training for sub-recipients on their obligations to comply with the applicable civil rights laws and nondiscrimination provisions and the USDOJ implementing regulations.

The methods used by DCJS to disseminate training and information on civil rights requirements include:

- 1) DCJS has developed a PowerPoint presentation on Civil Rights & Grants that provides information on federal civil rights laws enforced by OCR; federal statutes enforced by



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EEOC; and informs grantees on their obligations to comply with applicable civil rights laws and nondiscrimination provisions and the USDOJ implementing regulations.

Training and materials on civil rights are provided to program staff at appropriate trainings including pre-application training.

If sub-recipients are unable to attend a training in person, the subrecipient is required to certify that they have viewed the Civil Rights & Grants PowerPoint and other relevant documents on the DCJS website or at <https://ojp.gov/about/ocr/ocr-training-videos/video-ocr-training.htm>.

The Civil Rights & Grants PowerPoint, the Civil Rights Fact Sheet, and the Civil Rights Compliance survey will be posted on the DCJS website.

2) The DCJS website will also have a link to the OCR online civil rights training. DCJS encourages sub-recipients to utilize the online training, as appropriate, to supplement civil rights training provided by DCJS and to develop their own internal training. DCJS may also use the online training for sub-recipients who hire new program directors and who demonstrate civil rights compliance deficiencies during an on-site monitoring visit.

3) DCJS staff provide technical assistance on civil rights requirements to sub-recipients upon request and during on-site monitoring visits.