



Civil Rights Compliance Requirements

METHODS OF ADMINISTRATION

Background and Introduction

The Idaho Council on Domestic Violence and Victim Assistance (ICDVVA), assigned to the Department of Health and Welfare (DHW) for administrative and budgetary purposes, is a recipient and administrator of federal funds granted to it by the U.S. Department of Justice (DOJ) through the VOCA Victim Assistance Formula Grant. As a recipient of these funds, the ICDVVA has the obligation not to discriminate against protected classes of people, either in employment or in the delivery of services, or to retaliate against any individual for taking action or participating in action to secure rights protected by applicable federal laws.

The ICDVVA adopts these methods of administration to ensure that VOCA-funded subrecipients comply with the following statutes and regulations, which collectively prohibit discrimination based on race, color, national origin, sex, religion, disability, and age:

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- 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);
- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin in the delivery of services (42 U.S.C § 2000d), and the DOJ implementing regulation at 28 C.F.R. Part 42, Subpart C;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794) and the DOJ implementing regulation at 28 C.F.R. Part 42, Subpart G;

- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132) and the DOJ implementing regulation at 28 C.F.R. Part 35;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities (20 U.S.C. § 1681), and the DOJ implementing regulation at 28 C.F.R. Part 54;
- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102), and the DOJ implementing regulation at 28 C.F.R. Part 42, Subpart I; and
- The DOJ regulation on the Partnerships with Faith-Based and Other Neighborhood Organizations, which prohibits discrimination on the basis of religion in the delivery of services and prohibits organizations from using DOJ federal financial assistance for explicitly religious activities (28 C.F.R. Part 38).

I. Policy for Addressing Discrimination Complaints

Designating a coordinator who is responsible for overseeing the complaint process:

1. *Procedure for filing a complaint against ICDVVA:*
Complaint should be filed with: Civil Rights Manager, Division of Human Resources, Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036.
2. *Procedure for filing a complaint against subrecipients receiving VOCA funding:*
Complaint should be filed with: Executive Director, Idaho Council on Domestic Violence and Victim Assistance. P.O. Box 83720, Boise, Idaho 83720-0036

Notifying employees and subrecipients of prohibited discrimination in the ICDVVA's programs and the ICDVVA policy and procedures for handling discrimination complaints:

Copy of the ICDVVA Civil Rights Complaint Procedures, will be:

1. *Provided to all current ICDVVA employees;*
2. *Included in the orientation materials provided to all new ICDVVA employees;*
3. *Provided to all ICDVVA subrecipients; and*
4. *Posted on the ICDVVA website [at https://icdv.idaho.gov/resources/civil-rights/](https://icdv.idaho.gov/resources/civil-rights/)*

Establishing written procedures for receiving discrimination complaints from employees and clients, customers, or program participants of the ICDVVA (as applicable) and from employees and clients, customers, or program participants of subrecipients implementing

funding from the DOJ (as applicable);

As described in its written complaint procedures, the ICDVVA and its VOCA-funded subrecipients shall comply with the following procedures if a complaint is received alleging (1) discrimination in services or employment because of race, color, national origin, sex, religion, or disability, or discrimination in services because of age, or (2) retaliation for engaging in a protected activity.

Procedure for filing a complaint against the ICDVVA:

1. *Complaints may be filed with the DHW verbally, in writing, or by telephone.*
2. *The complaint will state the date, place, and nature of the discriminatory action and will specify the remedy sought by the complainant.*
3. *The complaint should be filed with: Civil Rights Manager, Division of Human Resources, Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 8372-0036.*
4. *Complaints should be filed within 180 days after the alleged discriminatory action has taken place. (This time limit may be extended by the Civil Rights Manager based on reasonable evidence that 180 days is not sufficient or if the complaint alleges a violation of VOCA.)*
5. *The complaint may be filed by either the complainant or a designated representative. Complaints may also be filed anonymously. Confidentiality will be protected to the extent possible in investigating the complaint.*

Responsibilities of DHW:

1. *Within thirty (30) calendar days after receiving the complaint, the Civil Rights Manager will investigate the incident and issue a written finding of whether or not evidence of discrimination was found. The investigation may include interviews with the complainant and ICDVVA staff.*
2. *If discrimination is found, within thirty (30) days, the Civil Rights Manager, in cooperation with the Division of Human Resources, will recommend and assist in correcting the discriminatory action in the operating unit and in preventing of future discriminatory action.*
3. *If the complainant does not agree with the findings of the DHW, the complainant has thirty (30) days to provide additional information to the Civil Rights Manager to facilitate further review of the complaint. The complainant will be notified of the right to appeal the DHW's conclusions to the DOJ.*

4. *No individual who has filed a complaint, testified, assisted, or participated in any manner in the investigation of a complaint shall be intimidated, coerced, or otherwise discriminated against.*
5. *Records of all complaints and investigations filed under this procedure will be retained by the Civil Rights Manager, in the Division of Human Resources, for a period of three (3) years, and shall be kept confidential.*

Procedure for filing a complaint against ICDVVA subrecipients from a client, customer, program participant, applicant, or consumer:

1. *Complaints may be filed with the ICDVVA verbally, in writing, or by telephone.*
2. *The complaint will state the date, place, and nature of the discriminatory action and will specify the remedy sought by the complainant.*
3. *The complaint should be filed with: Executive Director, Idaho Council on Domestic Violence and Victim Assistance P.O. Box 83720, Boise, Idaho 83720-0036.*

The complaint must include the following information:

- a. *Name, address, and telephone number of the complainant;*
 - b. *The victim or other witness of the alleged discrimination, if it is someone other than the complainant;*
 - c. *The basis for the complaint: (1) discrimination in services based on race, color, national origin, sex, religion, disability, or age, or (2) retaliation for engaging in protected activity;*
 - d. *The date of alleged discriminatory or retaliatory conduct;*
 - e. *The name and title of the person who is alleged to have engaged in the discriminatory conduct; and*
 - f. *The complaint must be in writing, dated, and signed by the complainant.*
4. *Complaints should be filed within 180 days after the alleged discriminatory action has taken place. (This time limit may be extended by the Executive Director based on reasonable evidence that 180 days is not sufficient or if the complaint alleges a violation of VOCA.)*
 5. *The complaint may be filed by either the complainant or a designated representative. Complaints may also be filed anonymously. Confidentiality will be protected to the extent possible in investigating the complaint.*

Responsibilities of ICDVVA:

1. *Within thirty (30) calendar days after receiving the complaint, the Executive Director, in cooperation with the DHW's Civil Rights Manager, will investigate the incident and issue a written finding of whether or not evidence of discrimination was found. The investigation may include interviews with the complainant and ICDVVA/DHW staff.*
2. *If discrimination is found, within thirty (30) days, the Executive Director, in cooperation with the Civil Rights Manager, will recommend and assist in correcting the subrecipient's discriminatory action and in preventing future discriminatory action.*
3. *If the complainant does not agree with the findings of the ICDVVA/DHW, the complainant has thirty (30) days to provide additional information to the Executive Director to facilitate further review of the complaint. The complainant will be notified of the right to appeal the ICDVVA/DHW conclusions to the DOJ.*
4. *No individual who has filed a complaint, testified, assisted, or participated in any manner in the investigation of a complaint shall be intimidated, coerced, or otherwise discriminated against.*
5. *Records of all complaints and investigations filed under this procedure will be retained by the Civil Rights Manager in Human Resources for a period of three (3) years, and shall be kept confidential.*
6. *If the ICDVVA investigates a complaint that involves a federal civil rights law over which the Office for Civil Rights, Office of Justice Programs, DOJ (DOJ OCR) has jurisdiction, the DOJ OCR may (a) conduct a supplementary or de novo investigation; (b) approve, modify, or reject recommended findings; (c) approve, modify or reject a proposed voluntary resolution; and (d) initiate formal enforcement action.*

Procedure for filing a complaint against ICDVVA subrecipients from a subrecipient employee:

If the ICDVVA receives a complaint directly from a subrecipient employee alleging discrimination in their employment, the ICDVVA will not investigate the complaint. Instead, the ICDVVA Executive Director shall refer any employment complaint to the subrecipient to address the complaint consistent with its procedures for handling such matters, if it has such procedures, or the U.S. Equal Employment Opportunity Commission for investigation and disposition, if the subrecipient lacks such procedures.

The ICDVVA notifies complainants that they may also file a complaint with the OCR by submitting a written complaint to the following address: Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street N.W., Washington DC 20531.

All appropriate staff members will be trained on the above complaint procedures to ensure that they are aware of their responsibility to refer said complaints to the designated Complaint Coordinator for processing as soon as the complaint comes to their attention.

Notifying employees and clients, customers, and program participants of prohibited discrimination and the procedures for filing a complaint of discrimination;

Copy of the Procedures for Responding to Discrimination Complaints from Employees of ICDVVA, and the Procedures for Responding to Discrimination Complaints from Clients, Customers, Program Participants, will be:

- 1. Provided to all current ICDVVA employees;*
- 2. Included in the orientation materials provided to all new ICDVVA employees;*
- 3. Provided to all ICDVVA subrecipients; and*
- 4. Posted on the ICDVVA website at <http://icdv.idaho.gov>.*

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

- The ICDVVA requires subrecipients to provide assurance that they are an equal opportunity employer, that they do not discriminate against any employee based on any classification protected by local, state, or federal law, and that they have policies for managing employee grievances and adverse actions without bias or fear of retaliation.*
- The ICDVVA requires subrecipients to have written policies and procedures in place for responding to complaints of discrimination from clients, customers, program participants and consumers within their organization.*

II. Notifying Subrecipients of Civil Rights Requirements

All ICDVVA subrecipients will be notified of the civil rights requirements through the ICDVVA standard assurances, subaward contract documents, and ICDVVA training(s).

- 1. Standard assurance documents include citations to all applicable federal civil rights laws and provisions.*

2. *All agreements awarding grant funds to subrecipients contain the civil rights and non-discrimination requirements. Non-discrimination and non-retaliation clauses are incorporated into standard assurance and subaward contracts.*
3. *All subrecipients have policies and procedures in place for responding to complaints of discrimination.*
4. *All subrecipients will provide certification that the subrecipient Executive Director has completed the DOJ OCR online civil rights training.*
5. *Annual training provided by the ICDVVA to include a segment on civil rights.*

The ICDVVA shall have on file copies of the relevant portions of its standard assurances, subaward agreements, request for grant proposals (rfp), or other documents in which the ICDVVA notifies DOJ-funded subrecipients of federal civil rights requirements.

1. *These documents are maintained in each subrecipient's file.*
2. *Subrecipients are required to maintain a copy of these documents in their file, which will be checked during site monitoring visit conducted by the ICDVVA.*

III. Monitoring for Compliance with Civil Rights Requirements

ICDVVA staff conducts monitoring of subrecipients at least once in every two year period to ensure compliance with applicable civil rights requirements. Monitoring includes, but is not limited to, checklists, monitoring forms, narrative reports, client and staff interviews, facility inspections.

- *The ICDVVA conducts monitoring, both remote and on-site, that utilizes a Documents Checklist and Monitoring Workbook that includes Civil Rights Compliance questions modeled after the OCR Federal Civil Rights Compliance checklist. After reviewing subrecipient documents, the monitoring workbook allows ICDVVA monitors to indicate subrecipient compliance with each law, regulation, or requirement by checking Adequate, Inadequate, Exceeds Expectation, 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.*
- *Subrecipients receive a completed copy of the Monitoring Report and are required to implement any action items outlined in the report.*
- *The ICDVVA will maintain all documents utilized during the desk audits, enhanced review (remote monitoring) or onsite monitoring visits for a period of 7 years.*

IV. Training Subrecipients on Civil Rights Requirements

The ICDVVA will provide periodic training for subrecipients on their obligations to comply with the applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations. The subgrant agreement between the ICDVVA and subrecipients contains the requirement for the subrecipients. A subrecipient's executive Director and/or appropriate staff must attend all ICDVVA-sponsored trainings.

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

- *The ICDVVA website provides a link to the OCR online civil rights training. The ICDVVA requires subrecipients to utilize the online training, to certify that the Executive Director or program administrator of funded programs has completed that training at least once per three year grant cycle, and to develop their own internal training.*
- *ICDVVA staff conducts periodic training sessions for its subrecipients at a minimum of once per grant award period. Training sessions may include but not limited to:*
 - Omnibus Crime Control and Safe Streets Act of 1968, as amended*
 - Violence Against Women Act of 1994, as amended*
 - Title VI of the Civil Rights Act of 1964*
 - Section 504 of the Rehabilitation Act*
 - Section 1407 of the Victims of Crime Act of 1984*
 - Title II of the Americans with Disabilities Act of 1990*
 - Title IX of the Education Amendments of 1972*
 - Age Discrimination Act of 1975*
- *The ICDVVA maintains all training records of its staff.*
- *ICDVVA subrecipients are required to retain training certificates, which are reviewed by ICDVVA during monitoring and upon request by ICDVVA*