

Civil Rights Training

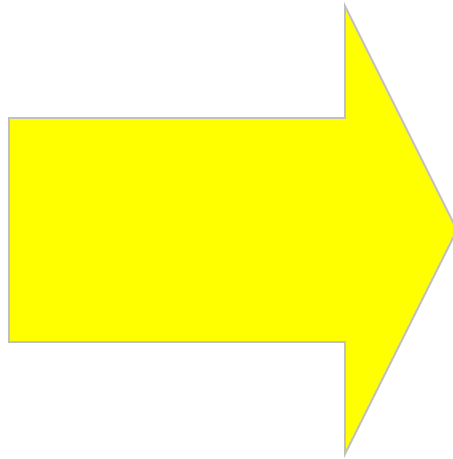
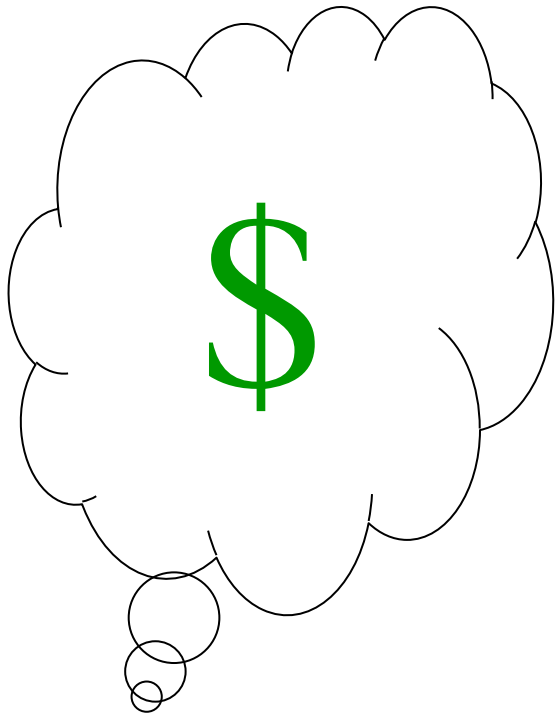
State of Iowa

Tuesday, July 19, 2011



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Office for Civil Rights, Office of Justice Programs



Important Language:

Recipient: the organization or agency receiving federal financial assistance.

Beneficiary: the person who ultimately receives federally assisted services or benefits.

Federal Financial Assistance Includes:

- **Grants**
- **Technical Support**
- **Training**
- **Equipment**
- **Facilities**

PROTECTED CLASSES:

- Race
- Color
- National Origin
- Religion
- Sex
- Disability
- Age

NO

RETALIATION

Ways to Proving Discrimination:

Disparate Treatment

Disparate Impact

Disparate Treatment:

Intentionally treating individuals in a protected class differently

Disparate Impact:

Neutral policy or procedure has the effect of discriminating against individuals of a protected class

The Office for Civil Rights Enforces

- **Title VI of the Civil Rights Act of 1964** (*race, color, national origin*)
- **Section 504 of the Rehabilitation Act of 1973** (*disability*)
- **Title II of the Americans with Disabilities Act of 1990** (*disability*)
- **Age Discrimination Act of 1975** (*age*)
- **Title IX of the Education Amendments of 1972** (*sex in educational programs*)
- **Program Statutes (e.g. Safe Streets Act, Victims of Crime Act, JJDPA)** (*race, color, national origin, sex, religion, disability*)

Cross Cutting Statutes apply to all federally assisted programs that are funded from any federal agency.

Cross Cutting Statutes are: Title VI, Section 504 of the Rehabilitation Act, Americans with Disabilities Act, Age Discrimination Act, and Title IX.

Program Statutes:

Program Statutes apply only to recipients of funding from the U.S. Department of Justice.

DOJ Program Statutes are: Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), Juvenile Justice & Delinquency Prevention Act (JJDPA), and the Victims of Crime Act (VOCA)

Title VI, 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.

Title VI Prohibits

- **Providing different services to individuals**
- **Denying the opportunity to participate as a member of a planning or advisory body**
- **Selecting the location of a facility with the purpose or effect of excluding individuals**

Disability Discrimination

Section 504 of the Rehabilitation Act of 1973
and Title II of the Americans with Disabilities Act of 1990 prohibit discrimination against qualified individuals on the basis of disability.

- Section 504 applies to recipients of federal funding
- Title II of the ADA applies to public entities, whether or not they receive federal funding

Under Section 504 and Title II of the ADA:

Disabled (handicap) person means any person who

- has a physical or mental impairment which substantially limits one or more major life activities**
- has a record of such an impairment, or**
- is regarded as having such an impairment**

Section 504 of the Rehabilitation Act of 1973

A recipient with 50 or more employees and receiving Federal financial assistance from the Justice Department of \$25,000 or more must:

- designate a Section 504 compliance coordinator**
- adopt grievance procedures**
- notify program participants, beneficiaries, applicants, employees, unions, organizations with collective bargaining agreements, that recipient does not discriminate on the basis of disability**

ADA Resource:

www.ada.gov

**Title IX of the Education Amendments of 1972:
Bars Sex Discrimination in Education Programs**

Recipient Must:

- Appoint a Title IX Coordinator
- Adopt Grievance Procedures
- Provide Notice that Recipient Does Not Discriminate on the Basis of Sex

The Program Statutes, unique to the U.S. Department of Justice, are

Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act)

Juvenile Justice and Delinquency Prevention Act (JJDP A)

Victims of Crime Act (VOCA)

Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act)

(OJP Program Statute)

No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the **benefits** of, or be subjected to discrimination Under or denied **employment** in connection with any programs or activity funded in whole or in Part with funds made available under this chapter.

Equal Employment Opportunity Plan (EEOP) Requirement:

Recipients Receiving Funds under the Safe Streets Act may have to produce an EEOP

What is an EEOP?

A comprehensive document which analyzes:

- An agency's workforce in comparison to relevant labor market data**
- Employment practices to determine their impact on the basis of race, national origin, and sex**

A tool used to identify possible discriminatory practices

EEOP Information:

Go to OCR's Web site at

**[www.ojp.usdoj.gov/about/offices/ocr.
htm](http://www.ojp.usdoj.gov/about/offices/ocr.htm)**

Follow links for EEOP

Juvenile Justice and Delinquency Prevention Act (OJJDP)

(OJP Program Statute)

Adopts by reference the nondiscrimination provisions of the Safe Streets Act (prohibits discrimination on the basis of **race**, **color**, **religion**, **national origin**, **handicap**, or **sex**)

Victims of Crime Act

(OJP Program Statute)

No person shall on the ground of race, color, religion, national origin, handicap, or sex be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under this chapter.

Limited

English

Proficiency

National Origin Discrimination Includes Discrimination on the basis of Limited English Proficiency (LEP)

A Limited English Proficient (LEP) person has a first language other than English and has a limited ability to read, speak, write, or understand English

**DOJ Guidance to Federal Financial
Assistance Recipients Regarding
Title VI Prohibitions Against National
Origin Discrimination Affecting
Limited English Proficient (LEP)
Persons**

67 Fed. Reg. 41455 (June 18, 2002)

To Avoid Discrimination Against LEP Persons:

- Take reasonable steps to ensure meaningful access to the programs, services, and information, free of charge
- Establish and implement policies and procedures for language assistance services that provide LEP persons with meaningful access

What are Reasonable Steps?

Four Factor Analysis

- 1) The number or portion of LEP persons served or encountered in the eligible service population
- 2) The frequency with which LEP individuals come in contact with the program
- 3) The nature and importance of the program, activity, or service provided by the program
- 4) The resources available to the recipient

A Recipient's Resources:

The Resources of a recipient is one of four factors used to determine “reasonable steps”

Resources alone are not the determining factor

What are Language Services?

- **Oral Services** (interpretation services)
- **Written Services** (translation services)

ORAL SERVICES

- **Ensure Interpreter Competency**
- **Usually family members, friends, and uncertified persons are not appropriate**

Written Services

- Provide translation of written materials, especially **vital** documents

Develop a Language Access Plan

- Ensure consistent application of policies and practices
- Provides the basis for training employees on how best to serve LEP persons
- Inform LEP persons about available language access services

**LEP Resources, including resources
to Develop a Language Access Plan:**

www.LEP.gov

**U.S. Department of Justice
Office of Justice Programs
Office for Civil Rights
810 7th Street, N.W.
Washington, D.C. 20531**

**202/307-0690 (main)
202/307-2027 (TTY)
202/354-4380 (fax)**

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202/514-8854**

Web Site Addresses:

www.ojp.usdoj.gov/ocr

www.ADA.gov

www.LEP.gov

Q & A

Training Scenario One

- Beta House, a domestic violence shelter, receives funding from the Office on Violence Against Women. It has a policy of not accepting any clients who have mental disabilities.
- How would you analyze this situation?

Analysis: Beta House

- Is the agency receiving federal financial assistance? Office on Violence Against Women
- What is the federally protected class? Disability
- What federal law governs this situation? § 504
- A funded program cannot have a blanket policy that bars services to people with disabilities

Training Scenario Two

- Omega House operates an after-school program for boys from Southeast Asia
- Omega house receives JJDPA funding

Analysis: Omega House

- Is there federal funding? Yes
- What are the federally protected classes? National Origin, Sex, and Age
- What federal law governs this situation? Title VI, DOJ Program Statute (OJJDP), possibly Title IX, and Age Act