



ARIZONA DEPARTMENT OF PUBLIC SAFETY (DPS) VOCA Administration Policy and Procedure

Subject

Civil Rights compliance addressing relevant regulations, definitions, discrimination complaint and notification procedures, subrecipient monitoring of discrimination complaint response procedures, and training pursuant to the requirements of the U.S. Department of Justice Grant Program – Victims of Crime Act – VOCA.

Civil Rights
Compliance Policy
and Procedures

Effective Date
03/20/2018

Supersedes: 7/1/2013

INTRODUCTION

This policy establishes the procedures for DPS VOCA to follow to ensure compliance with the federal and state Civil Rights statutes and regulations pertaining to the administration of VOCA funding from the U.S. Department of Justice (DOJ), Office of Justice Programs, Office for Victims of Crime (OVC). In addition to ensuring that DPS VOCA is compliant, this policy outlines the procedures used by DPS VOCA to ensure the compliance of its subrecipients.

POLICY AND PROCEDURES

DPS VOCA adheres to the policy that all individuals have the right to participate in programs and activities operated by DPS VOCA and DPS VOCA subrecipients regardless of race, color, national origin, sex, religion, disability, and age. To that end, DPS VOCA will ensure that DPS VOCA and its DOJ-funded subrecipients are in compliance with the following statutes and regulations:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in the delivery of services (42 U.S.C. § 2000d) and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C and D;
- 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 regulations at 28 C.F.R. Part 42, Subpart G;

- Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in educational programs (20 U.S.C. § 1681) and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D; 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 regulations at 28 C.F.R. Part 42, Subpart I.
- The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (34 U.S.C. § 10228(c)) and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
- Section 1407(e) of the Victims of Crime Act of 1984, which prohibits discrimination on the basis of race, color, national origin, religion, handicap or sex in the delivery of services and employment practices (34 U.S.C. § 20110(e)) and the DOJ implementing regulations at 28 C.F.R. Part 94, Subpart B;
- 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 regulations at 28 C.F.R. Part 35;
- The DOJ regulations on Partnerships with Faith-Based and Other Neighborhood Organizations, which ensures that faith-based or religious organizations are able to participate in such programs on an equal basis with other organizations and prohibits organization from using DOJ funding on explicitly religious activities. The regulation also allows beneficiaries to request an alternative provider if they object to the religious character of a service provider. (28 C.F.R. Part 38). Also, Executive Order 13279, as amended by Executive Order 13559.
- State of Arizona Executive Order 2009-09, which prohibits discrimination in state contracts, and nondiscrimination in employment by government contractors and subcontractors.

These laws prohibit agencies from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

Definitions:

1. Complainant – refers to the person or persons who initiate a complaint.

2. Complaint coordinator – person designated by DPS to ensure that received complaints are acted upon in a timely manner.
3. Discrimination – unfair treatment of one person or group, usually because of prejudice about race, color, national origin, age, religion, disability or sex.
4. Retaliation – the act of harassing, threatening, demoting, firing or otherwise negatively targeting a complainant as a direct result of the discrimination complaint.
5. Subrecipient – refers to an agency that receives a DOJ grant award (VOCA) that is administered by DPS VOCA Administration.

Complaint Procedures

Employees, program participants/beneficiaries or potential program participants/beneficiaries of DPS VOCA subrecipients who wish to file a complaint of discrimination, may file a complaint directly with the subrecipient; or with DPS VOCA; the Arizona Attorney General's Office, Civil Rights Division; or the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice.

If an employee, program participant/beneficiary or potential program participant/beneficiary of a DPS VOCA subrecipient contacts a DPS VOCA employee and wishes to file a complaint of discrimination against DPS VOCA subrecipient, the DPS VOCA employee shall instruct the complainant to submit the complaint in writing, and at a minimum, must include the following information:

1. Name of complainant
2. Contact information for complainant
3. Name of entity against whom the complaint is about
4. Contact information for entity, including name of person to contact (if possible)
5. Type of complaint (race, color, national origin, age, religion, disability or sex)
6. Date(s) of discrimination for complaint
7. Description of discrimination (what happened) to cause the need for a complaint

Complaints received in writing will be routed to the designated DPS VOCA Civil Rights Coordinator (DPS VOCA Administration – MD3915, Attn: Civil Rights Coordinator, P.O. Box 6638, Phoenix, AZ 85005-6638 or vocacivilrights@azdps.gov) who shall:

1. Refer the complaint to the Arizona Attorney General's Office (AGO), Civil Rights Division or the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice.
2. Provide written acknowledgement of the complaint to the complainant with an explanation of the DPS VOCA process, and provide the name and contact information for the agency to which the complaint has been referred for investigation, and

3. Notify the complainant that he/she may file a complaint directly with the OCR at the following address: Office for Civil Rights; Office of Justice Programs; U.S. Department of Justice; 810 Seventh Street NW; Washington, DC 20531.

Notification Procedures

The Arizona Department of Public Safety will post these procedures (and any subsequent updates) on the DPS VOCA Administration webpage which is part of the Arizona DPS Website and on the website for the VOCA grants management system, SAGE, to notify the public, DPS employees and DPS VOCA subrecipients of the appropriate procedures for processing complaints of discrimination from employees, program participants/beneficiaries or potential program participants/beneficiaries of DPS VOCA subrecipients implementing funding from the DOJ.

Annually, the DPS VOCA Administration Unit will post a bulletin to the DPS Intranet notifying employees outside of DPS VOCA of these procedures and advising them to refer complaints of discrimination from employees, program participants/beneficiaries, or potential program participants/beneficiaries of DPS VOCA subrecipients to the DPS VOCA staff. The notice will include a current list of subrecipients.

DPS VOCA Administration employees will read and sign an acknowledgement of receipt of this policy. All subsequent updates to this policy will be read and acknowledged by DPS VOCA employees in the same manner.

Monitoring Subrecipients' Response Procedures

The DPS VOCA grants management system, SAGE, includes a Civil Rights Compliance Section where subrecipients must download and complete a Civil Rights Compliance Checklist. Upon completion, the subrecipient will upload the checklist along with all relevant policies and/or procedures. The DPS VOCA Civil Rights Coordinator will review each subrecipient's documentation and provide feedback to include the necessary changes to become compliant and/or any recommendations for improvement.

During the review of the Civil Rights Compliance Checklist and policies/procedures, the DPS VOCA Civil Rights Coordinator will ensure that subrecipients have the required policies and procedures in place which prohibit discrimination and ensure that adequate procedures are in place for responding to discrimination complaints that employees, program participants/beneficiaries or potential program participants/beneficiaries of the subrecipient have filed directly with the subrecipient. If the procedures do not exist or are found to need improvement, the feedback to the subrecipient will note the findings.

At a minimum, the subrecipient's response to a discrimination complaint should:

1. Acknowledge complaint receipt to complainant in writing.
2. Indicate which external agency will be forwarded the complaint for investigation (DPS VOCA, AZ AGO, or OCR)
3. Include the timeframe by which to forward complaint.
4. Notify DPS VOCA of any discrimination complaint not referred to DPS for investigation.
5. Notify complainant that a complaint of discrimination may be filed directly with the Department of Public Safety's VOCA Administration Unit; the Arizona Attorney General's Office, Civil Rights Division; or the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice; and where to locate those procedures.

During on-site visits and desk audits, DPS VOCA grant coordinators will review the Civil Rights Checklist with the subrecipient to determine whether any policy/procedure updates have occurred since uploading these documents to SAGE.

In subsequent grant cycles, subrecipients that received funding previously will be required to resubmit any policies and/or procedures that have been modified during the course of the grant cycle. Within the first ninety (90) days of the grant cycle, each continuing subrecipient will certify that the information in the SAGE Civil Rights Compliance Section accurately reflects the subrecipient's current policies and procedures.

Training

DPS VOCA Staff

The DPS VOCA Administration Unit requires each employee to complete the online civil rights training and provide a copy of the training certificate to the DPS VOCA Civil Rights Coordinator.

DPS VOCA Peer Reviewers

DPS VOCA utilizes professionals from the victim services field to evaluate VOCA grant applications. Prior to reviewing applications, these individuals attend the DPS VOCA Peer Reviewer Orientation. The orientation includes a PowerPoint presentation in which the prohibition against discrimination is emphasized. After the orientation, Peer Reviewers are required to sign a statement (which includes nondiscrimination language) certifying compliance with the requirements.

VOCA Subrecipients

DPS VOCA requires each VOCA subrecipient to identify a Civil Rights Contact who is responsible for completing the DOJ Civil Rights training. The Civil Rights Contact is required to complete the online civil rights training and provide a copy of the training certificate which

includes the trainee's name, subrecipient agency name, and date the training was completed to DPS within 90 days of the VOCA project period begin date.

The Civil Rights Contact person is responsible for ensuring that all employees of the victim services program receive appropriate civil rights training which addresses the following:

1. Definition of discrimination (what is discrimination and how to recognize discrimination);
2. Federal and state regulations regarding the prohibition against discrimination; and
3. Subrecipient's policies regarding discrimination and the procedures for filing a complaint and notifying program participants/beneficiaries and potential program participants/beneficiaries of those procedures.

Subgrant Award Agreement

The DPS VOCA Subgrant Award Agreement packet includes documents that require subrecipients to certify that appropriate procedures are in place to prohibit discrimination and respond to complaints of discrimination.