

321 East 12st Street

Lucas Building, Ground Floor

Des Moines, IA 50319

www.iowaattorneygeneral.gov

THOMAS J. MILLER

Attorney General

Janelle Melohn

Division Director

IOWA DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

CRIME VICTIM ASSISTANCE DIVISION

**CVAD Standard Operating Procedure**

**Civil Rights Responsibilities**

**Subject:** Methods of Administration (MOA) to ensure subrecipient compliance with federal civil rights laws

**Date:**

1. **Purpose**

Crime Victims Assistance Division (CVAD) receives federal financial assistance and serves as the State Administrating Agency (SAA) for Victims of Crime Act (VOCA) funding, Violence Against Women Act (VAWA) funding, and Sexual Assault Services Program (SASP) funding. The purpose of this policy is to establish written procedures to ensure that all subrecipients of DOJ are complying with the federal civil rights laws that are applicable to recipients of federal DOJ funding financial assistance. The federal civil rights laws include:

* 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;
* 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 10221(a), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart 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 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;
* 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;
* Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974, as amended, 34 U.S.C. § 11182(b), and the DOJ implementing regulations, 28 C.F.R. §§ 31.202, .403 & pt.42, subpart D (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, and religion);
* 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, 81 Fed. Reg. 44,515, 44,532 (July 8, 2016) (to be codified at 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);
* Violence Against Women Act (VAWA) of 1994, as amended, 34 U.S.C. § 12291(b)(13) (prohibiting discrimination in programs either funded under the statute or administered by the Office on Violence Against Women, both in employment and in the delivery of services or benefits, based on actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity) (referring to the Safe Streets Act for enforcement); and
* Executive Order 13559, amending Executive Order 13,279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits).
* Iowa Code Chapter 216 as amended which governs civil rights protection in Iowa; and Iowa Code Section 8.11 regarding Minority Impact Statements; the Iowa Attorney General’s Crime Victim Assistance Division rules as contained in the Iowa Administrative Code, 61 IAC Chapter 9, Section 9.50 through 9.65; and the policies of the Iowa Attorney General’s Crime Victim Assistance Division
1. **Policy**

CVAD adheres to the policy that all applicants of CVAD's subrecipients shall be treated equally regardless of race, color, religion, national origin, sex, gender identity or expression, sexual orientation, age or disability. CVAD has developed two policies for addressing discrimination complaints:

1. *Procedures for Responding to Discrimination Complaints from Employees of the Iowa Attorney General, Crime Victim Assistance Division’s Subrecipients under U.S. Department of Justice Grant Programs*—All CVAD subrecipients are required to comply with all applicable federal laws regarding employment discrimination as a condition of implementing funding from the DOJ.
2. *Procedures for Responding to Discrimination Complaints from Clients, Customers, Program Participants, or Consumers of the Iowa Attorney General, Crime Victim Assistance Division’s Subrecipients under U.S. Department of Justice Grant Programs*—all clients, customers, program participants, or consumers of CVAD or of our subrecipients have the right to participate in programs and activities operated by CVAD or its subrecipients regardless of race, color, religion, national origin, sex, gender identity or expression, sexual orientation, age or disability.

 Each of the policies:

* Designates the CVAD Complaint Coordinator as the person responsible for overseeing the complaint process. For the purposes of these policies, the Victim Services Support Program Planner 3, Sue Olson is the Civil Rights Complaint Coordinator.
* States that procedures will be posted to CVAD’s website (notification to the public); provided during monitoring and located in CVAD’s Grant Manual (notification to subrecipients); provided to all CVAD employees (notification to CVAD employees). This will ensure these audiences are notified of the prohibition against discrimination and the policy and procedures established to handle discrimination complaints.
* Establishes written procedures for receiving complaints from employees and clients, customers, or program participants of CVAD and from employees and clients, customers, or program participants of subrecipients implementing funding from the DOJ.
* Establishes procedures for investigating each complaint internally, or referring each complaint to the appropriate agency for investigation and resolution, such as the U.S. Equal Employment Opportunity Commission, a local or state human rights commission, or the Office for Civil Rights (OCR), Office of Justice Programs;
* Establishes notification procedures to the complainant that the complainant 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;
* Ensures training of CVAD staff on their responsibility to refer discrimination complaints, or potential discrimination issues, to the SAA’s Civil Rights Complaint Coordinator for processing as soon as the alleged discrimination comes to their attention;
* Establishes notification to employees and clients, customers, and program participants of prohibited discrimination and the procedures for filing a complaint of discrimination, and ensuring that subrecipients do the same; and
* Ensures that subrecipients have procedures in place for responding to discrimination complaints that employees and clients, customers, and program participants file directly with the subrecipient.
1. **Notification of Subrecipients**

As the SAA, the Crime Victims Assistance Division (CVAD) utilizes a variety of methods during the grant application and award process to notify subrecipients of the applicable civil rights laws and nondiscrimination provisions. Notification occurs:

* 1. CVAD posts eligibility requirements for programs to receive federal funds. The Certified Assurances identifies the required civil rights federal laws and requires adherence.
	2. During the awarding of grant funds, the applicant receives an Award Letter and must sign the relevant funding Certified Assurances which identifies the required civil rights federal laws and requires adherence.
	3. Requiring subrecipients to comply with CVAD’s Grants Manual which includes a section dedicated to Civil Rights Compliance and Civil Rights Non-Discrimination Requirements.

1. **Monitoring**
	1. To ensure subrecipient compliance with applicable federal civil rights laws, CVAD’s civil rights compliance checklist will be completed during each on-site monitoring visit conducted by CVAD staff. The checklist is incorporated in CVAD’s monitoring forms that staff must complete during on-site monitoring visits. Subrecipients are required to complete the checklist as part of the Pre-Site Monitoring Tool and provide all relevant policies and/or procedures to demonstrate compliance with the Federal Civil Rights statutes and regulations. The CVAD staff review the policies and procedures and provides feedback including the necessary changes to become compliant and/or recommendations for improvement.
		1. On-site monitoring visits will occur as prescribed in CVAD’s monitoring policy.
	2. In subsequent grant cycles, returning subrecipients will be required to update any policies and/or procedures that may have changed during the course of the prior grant cycle.
2. **Training**
	1. CVAD Victim Services Support Staff will complete the online civil rights training (<https://ojp.gov/about/ocr/assistance.htm>) and provide an acknowledgment of training completion and understanding of CVAD VOCA Civil Rights Compliance Policy and Procedures to the CVAD Civil Rights Coordinator.
	2. Subrecipients
		1. CVAD will ensure that subrecipients are trained on applicable civil rights laws by requiring subrecipients to view OCR’s online civil rights training program (<https://ojp.gov/about/ocr/assistance.htm>). The subrecipient must certify that individual has viewed the OCR online civil rights training program. If the subrecipient is unable to submit the required training certificate, their award will be conditioned upon the subrecipient submitting the required training certificate after viewing OCR’s online civil rights training program. The completion of training will be required at the beginning of each grant award cycle.
			1. 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 complain and notifying program participants/beneficiaries and potential program participants beneficiaries of those procedures.

It is the responsibility of the subrecipient agency to provide evidence of that training to CVAD when requested.

* + - 1. In addition, the Office for Violence Against Women’s website has [videos](https://www.ta2ta.org/recorded-webinars.html)on Faith-Based Organizations and the Violence Against Women Act for recipients and subrecipients of federal financial assistance.”