

PCCD Standard Operating Procedure Civil Rights Responsibilities

SOP #: CR1

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

Revision Date: January 20, 2022

I. Purpose

The purpose of this policy is to establish written procedures to ensure that all subrecipients are complying with applicable federal civil rights laws. This policy addresses complaint procedures, notification of subrecipients of their civil rights responsibilities, monitoring subrecipients' compliance with applicable federal civil rights laws, and training.

II. Policy

All PCCD employees and employees and applicants of PCCD's subrecipients shall be treated equally regardless of race, color, religion, national origin, sex, gender identity or expression, sexual orientation, age or disability. All PCCD subrecipients are required to comply with all applicable federal laws regarding employment discrimination as a condition of implementing funding from the DOJ. Additionally, all clients, customers, program participants, or consumers of PCCD or of our subrecipients have the right to participate in programs and activities operated by PCCD or its subrecipients regardless of race, color, religion, national origin, sex, gender identity or expression, sexual orientation, age or disability. Subrecipients are required to comply with all applicable federal laws regarding discrimination as a condition of implementing funding from the DOJ and certify compliance with the following statutes upon acceptance of the grant award:

- Title VI of the Civil Rights Act (Title VI) of 1964, as amended, 42 U.S.C. § 2000d, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpts. C & D (prohibiting discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits);
- Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. §§ 10228(c) & 10221(a), and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpts. 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) & E (requiring certain DOJ-funded programs subject to the administrative provisions of the statute to prepare, maintain, and submit an Equal Employment Opportunity Plan (EEO Plan));
- Section 504 of the Rehabilitation Act (Section 504) of 1973, as amended, 29 U.S.C. § 794, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. G (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits);

- Title IX of the Education Amendments (Title IX) of 1972, as amended, 20 U.S.C. § 1681, and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpt. D & pt. 54 (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);
- Title II of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12132, and the implementing regulation at 28 C.F.R. § 35.171(a)(1)(i), (3)(i) (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits);
- Age Discrimination Act (Age Act) of 1975, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits);
- 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, subpt. 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, 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 13,559, 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).
- Pennsylvania Executive Order 2016-04 (prohibiting discrimination based on race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, or disability).
- These laws prohibit agencies from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

III. Complaint Procedures

- a. PCCD employees should follow [Management Directive 410.10](#) if they feel they

have a valid employment discrimination claim.

- b. PCCD's designated Civil Rights Complaint Coordinator is the Manager of PCCD's Grants Management division in the Office of Financial Management and Administration.
- c. Discrimination complaints from clients, customers, program participants or consumers of PCCD or of PCCD subrecipients may be filed using the [PCCD Discrimination Complaint Form](#) which can be found on PCCD's website at: <http://www.pccd.pa.gov/Funding/Documents/Civil%20Rights%20Compliance/Civil%20Rights%20Discrimination%20Complaint%20Form.pdf>.
- d. Employment discrimination complaints from employees of PCCD subrecipients may also be filed using the [PCCD Discrimination Complaint Form](#) which can be found on PCCD's website at <http://www.pccd.pa.gov/Funding/Documents/Civil%20Rights%20Compliance/Civil%20Rights%20Discrimination%20Complaint%20Form.pdf>.
- e. Complainants may submit their completed complaint form to PCCD via U.S. mail or email as shown below.
Mail:
PCCD
Grants Management
P.O. Box 1167
Harrisburg, PA 17108-1167
or
Email address: RA-PCCDGrantsMgmt@pa.gov
- f. Any PCCD employee that receives a discrimination complaint from an employee, client, customer, program participant or consumer of PCCD or of a PCCD subrecipient must forward the completed complaint form to PCCD's Complaint Coordinator. Upon receipt of a complaint involving DOJ funds, the PCCD Complaint Coordinator will notify the Department of Justice Office for Civil Rights (OCR) in writing that a complaint has been filed.
- g. Discrimination complaints will be referred to either of the following state or federal agencies and complainants will also be informed that they may file complaints with the DOJ Office for Civil Rights.

Pennsylvania Human Relations Commission

333 Market Street, 8th Floor
Harrisburg, PA 17101-2210
(717) 787-4410
(717) 787-7279 TTY users only
www.phrc.pa.gov

United States Equal Employment Opportunity Commission

Philadelphia District Office
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
1-800-669-4000
1-800-669-6820 TTY users only

Pittsburgh Area Office
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222
1-800-669-4000
412-395-5904 TTY users only
www.eeoc.gov

- h.** PCCD's Complaint Coordinator will notify the complainant of:
 - i. the date their complaint was referred
 - ii. the agencies to which their complaint was referred

IV. Notification of Subrecipients

- a.** All PCCD applicants for federal funds originating from the DOJ are required during the application process to accept the terms of Civil Rights Responsibilities as stated below. Once accepted, the terms and acceptance become part of the grant contract.

PCCD Civil Rights Responsibilities grant application section:

As a recipient of PCCD federal funds, your organization is required to respond to complaints of discrimination from individuals or groups (i.e. program beneficiaries, subrecipient beneficiaries, or recipient / subrecipient agency employees) who are aggrieved by your agency or any agency receiving funds through this grant. A discrimination complaint may be related to a claim to have been denied the benefits of, excluded from participation in, subjected to discrimination under, or denied employment in connection with any program or activity, on the basis of race, color, religion, national origin, sex, gender identity, sexual orientation, disability or age.

The information below is to assist you in providing guidance regarding the proper steps to file complaints of discrimination with the Federal Office for Civil Rights (OCR). Formal complaints should be filed as soon as possible (under some civil rights laws you only have 180 days after the incident to file a complaint; others, such as the Omnibus Crime Control and Safe Streets Act of 1968 and the Violence Against Women Act of 1994, provide a year).

Information about applicable laws, complaint forms, and the investigative process is available at the website for the OCR: <http://www.ojp.usdoj.gov/ocr>. To file a

civil rights complaint with OCR, the aggrieved person(s) must complete a Complaint Verification Form (download from the OCR website) and send the form to:

*Office of Justice Programs
Office for Civil Rights
810 7th Street, NW
Washington, D.C. 20531*

Additionally, a copy of this form should be provided to PCCD at the below address:

*Pennsylvania Commission on Crime and Delinquency
Director, Office of Financial Management and Administration
3101 North Front Street
Harrisburg, PA 17110*

After receiving the letter of complaint, OCR will make the determination if an investigation will be initiated. OCR will contact the complainant as well as the agency in question.

Training and technical assistance on federal civil rights laws is available through the OCR. Online training on federal civil rights laws is available at <https://www.ojp.gov/program/civil-rights-office/training-resources>. PCCD encourages all subrecipients to view the online training and ensure that any other subrecipients are aware of the OCR as a training resource.

- b.** Subrecipients should also reference PCCD Standard Subgrant Condition 35 for additional civil rights notices. The most recent version of PCCD's Standard Subgrant Conditions can be found on PCCD's website at <http://www.pccd.pa.gov/Funding/Pages/Standard-Subgrant-Conditions.aspx>.
- c.** PCCD will reference prohibited discrimination in program materials and distribute copies of this policy in training sessions and other public events that occur.
- d.** This policy and any related documents will be posted on the PCCD website.

V. Monitoring

- a.** To ensure subrecipient compliance with applicable federal civil rights laws, PCCD's civil rights compliance checklist will be completed during each on-site monitoring visit or desk review conducted by PCCD staff. The checklist is incorporated in PCCD's programmatic and fiscal monitoring forms that staff must complete during on-site monitoring visits and desk reviews. The goal of the checklist is to assist PCCD monitors in ensuring that PCCD subrecipients are in compliance with all applicable federal civil rights laws.

- b. On-site monitoring visits and desk reviews will occur as prescribed in PCCD's agency-wide internal monitoring policy.
- c. PCCD requires all applicants for federal funds to complete a Civil Rights Responsibilities section in their grant application, which requires applicants to answer many questions similar to those on PCCD's Civil Rights Compliance Checklist. The Civil Rights Responsibilities section will be reviewed by PCCD staff to ensure that applicants are following civil rights laws and to identify any potential issues with civil rights compliance prior to making a subaward to the applicant.

VI. Training

- a. PCCD staff will receive training on PCCD's responsibility to ensure subrecipient compliance with applicable federal civil rights laws. PCCD staff will be trained on the following:
 - i. Applicable federal civil rights laws
 - ii. Discrimination complaint procedures
 - iii. Required notifications
 - iv. Civil rights compliance monitoring procedures, forms, and standard practices
 - v. PCCD will utilize the resources OCR has already developed as an integral part of our staff training.
- b. Subrecipients
 - i. As stated in Part IV.a. (Notification of Subrecipients), subrecipients will be directed to OCR's website for training and technical assistance. A link and references to OCR's training and technical assistance materials will be provided on PCCD's website.
 - ii. PCCD will ensure that subrecipients are trained on applicable civil rights laws by requiring subrecipients to view OCR's online civil rights training program. During the grant application process, subrecipients will be required to certify that at least one individual responsible for the operation of the funded project has viewed OCR's online civil rights training program. If the subrecipient is unable to make the required certification, their award will be conditioned upon the subrecipient making the required certification after viewing OCR's online civil rights training program.