



Department of Homeland Security Civil Rights Evaluation Tool Frequently Asked Questions

What is the Department of Homeland Security Civil Rights Evaluation Tool?

The Department of Homeland Security (DHS) Civil Rights Evaluation Tool (DHS Form 3095) is a data collection instrument and technical assistance tool to assist recipients of DHS financial assistance in understanding and meeting their existing requirements under civil rights laws and regulations.

Specifically, recipients of financial assistance from DHS (including its awarding component agencies) are required to comply with laws and regulations relating to nondiscrimination and nondiscriminatory use of federal funds. Entities receiving financial assistance must ensure they do not deny benefits or services, or otherwise discriminate in accordance with civil rights authorities including but not limited to Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments Act of 1972; Age Discrimination Act of 1975; DHS regulation 6 C.F.R. Part 19 and other related implementing regulations. For entities receiving financial assistance from the Federal Emergency Management Agency (FEMA) for purposes of executing emergency and disaster related activities, nondiscrimination requirements under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and its implementing regulation also apply.

In accepting an award of financial assistance from DHS, the recipient agrees to complete the DHS Civil Rights Evaluation Tool and comply with the applicable laws and regulations set forth in the DHS Standard Terms and Conditions.

Which entities must complete the DHS Civil Rights Evaluation Tool?

Recipients (as defined in 2 C.F.R Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete and submit the DHS Civil Rights Evaluation Tool within 30 days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. This tool does not apply to the following entities:

- **Subrecipients.** Subrecipients of Department financial assistance are not required to complete and submit this tool to DHS; however, subrecipients have the same obligations

as pass-through entities and recipients to comply with applicable civil rights requirements and should follow their pass-through entities instructions for submitting civil rights information to those entities.

- **Contractors.** This tool does not apply to entities that are contracted to provide goods or services on behalf of DHS, such as through a procurement contract.
- **Beneficiaries.** This tool does not apply to the ultimate beneficiaries (individuals to whom services, financial aid, or other benefits are provided) of Department financial assistance.

How often are recipients required to complete the tool?

After the initial submission, recipients are required to complete the tool once every two years if they have an active award, not every time an award is made. After the initial submission, recipients are only required to submit updates. If there are no updates since the initial submission, the recipient can indicate “no change” for each item in section 4 of the tool as applicable to satisfy the biyearly requirement. Recipients should not re-submit information previously submitted. The due date for submitting updates is calculated from two years from the date the recipient last submitted the tool to DHS. DHS will send an email reminder to the contact person identified in section 2 of the tool prior to the due date for the biyearly update.

Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organizations, not per award. Recipients whose award(s) does not run a full two years are only required to provide the information again if they receive a subsequent award more than two years after the prior award(s).

Is the submission of civil rights data a new requirement?

DHS has a responsibility to assure nondiscrimination in recipient programs and activities and is required by regulation to collect data from recipients necessary to ascertain compliance. DHS and Federal civil rights implementing regulations require recipients to collect civil rights data, keep compliance records and reports, establish compliance procedures for subrecipients, and inform program beneficiaries of their civil rights protections, among other requirements. The Department developed the DHS Civil Rights Evaluation Tool to implement the Department’s obligations to assure nondiscrimination in recipient programs and to provide a standardized mechanism to assist recipients in meeting their civil rights obligations.

What will DHS do with the information provided?

The DHS Office for Civil Rights and Civil Liberties (CRCL) in coordination with FEMA Office of Equal Rights will review the recipient’s submission to determine if additional information is needed to ensure that the recipient has or will put in place adequate civil rights policies and procedures. Once the submission has been reviewed, the contact person listed in section 2 of the tool will receive a feedback email from CRCLProgramsCRM@hq.dhs.gov (a Do Not Reply account) providing feedback on the submission. The email will state for each item in section 4 of the tool, whether the response is complete, or if additional information is needed. The email will

provide a due date (typically 1 year from the date of the feedback email) for submitting the required or corrected information and links to technical assistance resources.

Once all the required information is submitted and reviewed by DHS, the contact person listed in section 2 of the tool will receive an email from CRCLProgramsCRM@hq.dhs.gov (a Do Not Reply account) indicating that the submission is complete.

What happens if the recipient does not submit the tool by the 30-day deadline?

The recipient should submit the tool immediately or request an extension by emailing CivilRightsEvaluation@hq.dhs.gov. CRCL will take steps to remind recipients to submit the tool and secure the recipient's voluntary compliance with the submission requirement. Recipients who fail to submit the tool may be in noncompliance with the terms and conditions of their award agreements.

If the recipient does not currently collect the information or have in place the policies and procedures required in section 4 of the tool can it request an extension?

Yes. Recipients that do not currently collect the information or have in place the policies and procedures requested in section 4 can request an extension of time to meet these requirements. CRCL will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightEvaluation@hq.dhs.gov.

Please note that while extensions can be approved, recipients should not delay submitting the tool because of missing or incomplete civil rights data, policies, and procedures. Once the tool is submitted and reviewed, the recipient will be given specific feedback and additional time to addresses any insufficiencies. DHS also has available guidance, sample policies and procedures to assist recipients in completing the tool. Please visit the Civil Rights Resources for Recipients of DHS Financial Assistance webpage for more information: <https://www.dhs.gov/resources-recipients-dhs-financial-assistance>.

The recipient organization has an equal employment opportunity policy and complaint procedure, does that meet the requirements of section 4 of the tool?

The policies and procedures required in section 4 of the tool relate to the recipient's external-facing programs and activities and interactions with program beneficiaries (e.g., program participants, clients, customers, or consumers, etc.), not internal-facing programs and activities or interactions with employees. Policies and procedures that only cover or apply to employment will not be considered responsive to the section 4 requirements.

If recipient is a town, city, county or other jurisdiction, should the responses in section 4 of the tool cover the entire jurisdiction?

For the purposes of the tool requirement, the recipient is the entity or entities within the jurisdiction that received the award(s). For example, the City Fire Department. Accordingly, the

responses to section 4 of the tool (e.g., submission of complaint data) should cover the entity or entities that received the award, not the entire jurisdiction. If the recipient entity is covered by jurisdiction-wide policies and procedures, the recipient can indicate that in its response and provide copies of the relevant policies and procedures.

Do recipients need to report the information required in section 4 of the tool on behalf of their subrecipients?

No. Recipients are only required to provide information for their *own* organization and should not submit data on complaints, lawsuits, designated staff, policies or procedures on behalf of their subrecipients. While subrecipients have the same obligation as pass-through entities and recipients to comply with applicable civil rights laws and regulations, the pass-through entity is responsible for ensuring compliance on the part of its subrecipients.

If the recipient is in receipt of multiple awards of federal financial assistance. Which numbers do they report in section 2 of the tool?

In section 2 of the tool, recipients should report the Grant Agreement Number and the Federal Award Identification Number for active awards at the time of submission.

If a recipient has additional questions which office should it contact?

Questions regarding the Civil Rights Evaluation tool should be directed to the DHS Office for Civil Rights and Civil Liberties at CivilRightsEvaluation@hq.dhs.gov. For sample policies, resources, and guidance on completing the DHS Civil Rights Evaluation Tool, recipients can visit the Civil Rights Resources for Recipients of DHS Financial Assistance: <https://www.dhs.gov/resources-recipients-dhs-financial-assistance>.