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Department of Homeland Security Civil Rights Evaluation Tool

“How-to” Guide on Completing Section 4 of the DHS 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.

The following document restates the language for each Item in Section 4 of the Tool and provides information and tips on how to respond to each item to ensure a complete response.

Section 4, Item 1

Provide the total number of complaints or lawsuits against the recipient during the past three (3) years alleging discrimination on the basis of race, color or national origin (including limited English proficiency), sex, age, disability, religion, or alleging retaliation. For each complaint or lawsuit, state the following:

- a. Employment or non-employment related;*
- b. Basis (race; color; national origin, including limited English proficiency; sex; age; disability; religion); or alleging retaliation; and*
- c. Status (pending, closed with findings, closed with no findings).*

Additionally, if a court or administrative agency made a finding of discrimination in a non-employment complaint for the above three (3) years, forward a copy of the complaint and findings to DHS.

Responses should not include any personally identifiable information (PII) this is outside of public record. PII is any information that permits the identify of an individual to be directly or indirectly inferred, including any information which is linked or linkable to an individual.

How to provide a complete response

Report discrimination complaints and lawsuits filed against the recipient organization (not limited to the funded program(s)) during the past three years. The reporting period is calculated from the date of the Notice of Award. For each matter:

- 1) clearly identify the matter as complaint or lawsuit. If a complaint became a lawsuit, mark it as a lawsuit;
- 2) clearly identify the matter as related to employment discrimination or non-employment discrimination (for example, a complaint filed by a program beneficiary or member of the public regarding a service or benefit);



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- 3) clearly identify the basis or bases upon which the matter was filed (race; color; national origin, including limited English proficiency; sex; age; disability; religion; or alleging retaliation). You do not need to include the *issues* raised in the complaint (e.g., harassment, wrongful termination, denial of service) nor a description of the complaint; and
- 4) clearly identify the status of the matter. You may use these status categories or others: pending, closed with findings, closed with no findings. If there were findings of discrimination made in a *non-employment* matter, make sure to attach a copy of the complaint/lawsuit and findings in your response. **Tip:** If findings of discrimination were made in an employment matter, you do not need to provide a copy of the complaint/lawsuit and findings in your response.

Tip: Organize your response in a simple chart or a list of complaints and lawsuits rather than providing copies of matters or lengthy descriptions.

Tip: For additional help, consult our presentation on reporting [Complaints, Compliance Reviews, and Designated Staff](#), slides 13-20.

Section 4, Item 2

Provide a brief description of any civil rights compliance reviews regarding the recipient conducted during the two (2) year period before this award of DHS Federal financial assistance.

How to provide a complete response

If the recipient, including any part of the organization, has been subject to a civil rights compliance review (this is a review that examines how the recipient is ensuring nondiscrimination in its programs and activities) by an *external* agency (e.g., a state human rights commission or another federal agency) provide the following information:

- 1) a summary of the review;
- 2) a summary of any findings, compliance recommendations, or corrective actions made as a result of the review; and
- 3) a summary of any ongoing monitoring as a result of the review.

Tip: Do not report any internal reviews (reviews conducted by the recipient itself).

Tip: If the recipient *has not* been subject to a civil rights compliance review, you must state “No reviews” in order for the response to be complete.

Tip: For additional help, consult our presentation on reporting [Complaints, Compliance Reviews, and Designated Staff](#), slides 21-23.



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Section 4, Item 3

Provide a statement affirming that staff has been designated to coordinate and carry out the responsibilities for compliance with civil rights laws, and a description of the responsibilities of any such staff.

How to provide a complete response

Provide a short statement (one paragraph or more) that identifies the titles of the primary designated staff that are responsible for compliance with the civil rights authorities listed in Section 3 of the Tool. Please note, these authorities are related to nondiscrimination in *external-facing* programs and activities, not employment. The statement should also include a brief description of the designated staff's responsibilities as they relate to external civil rights compliance (for example, processing complaints filed by program beneficiaries, responding to requests from the public for reasonable modifications, coordinating the translation of documents, etc.).

Tip: Staff that are responsible for civil rights compliance in employment should not be included in the response unless those staff are also responsible for civil rights compliance in *non-employment* activities (external-facing programs and activities).

Tip: You do not need to attach position descriptions; simply provide a short statement summarizing the designated staff's responsibilities with regard to external civil rights compliance.

Tip: For additional help, consult our presentation on reporting [Complaints, Compliance Reviews, and Designated Staff](#), slides 24-26.

Section 4, Item 4

Provide a copy of the recipient's nondiscrimination policy statement referencing the laws and regulations in Section 3.

How to provide a complete response

Provide a published nondiscrimination policy covering the entire recipient organization (not limited to the funded program(s)) that includes at a minimum the following:

- 1) a statement of the recipient's commitment to nondiscrimination in the provision of its programs and activities to program beneficiaries (e.g., program participants, customers, clients, consumers, members of the public);
- 2) references to the legal authorities in Section 3 of the Tool (a footnote is sufficient); and
- 3) a short statement prohibiting retaliation.

Tip: Do not provide a policy statement that is limited to prohibiting discrimination in employment.



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Tip: If the recipient does not have a nondiscrimination policy in place, consult our [Sample Policy and Notice of Nondiscrimination](#), which can be customized and is available in several languages.

Tip: The recipient should publish the policy statement on the recipient's website and post it in facilities or in program materials that are accessible to program beneficiaries. Consider translating the policy statement into frequently encountered languages.

Section 4, Item 5

Provide a copy of the recipient's discrimination complaints process.

How to provide a complete response

Provide a written process for accepting and responding to discrimination complaints made against the recipient organization by its program beneficiaries (e.g., program participants, customers, clients, consumers, members of the public) alleging discrimination in the recipient's programs and activities. The process should include at a minimum the following:

- 1) the procedures for the prompt processing, investigation, and disposition of complaints against the recipient;
- 2) a description of how persons with disabilities and limited English proficiency can access the complaint process (for example, providing translated documents, oral interpretation, or information in alternate formats upon request, etc.); and
- 3) a description of how the recipient notifies the public on the process for filing a complaint (for example, posting the process, or a summary of the process, on the recipient's webpage, in facilities, in program materials, etc.).

Tip: Do not provide a complaint process that is limited to employment-related discrimination complaints.

Tip: If the recipient does not have a complaints process in place for discrimination complaints made by program beneficiaries, consult our resource guide on [Developing a Discrimination Complaints Process](#).

Section 4, Item 6

Provide a copy of the recipient's plan to ensure compliance in subrecipient programs (only applies to state administering agencies and other recipients that provide assistance to subrecipients). The plan should describe the process for conducting reviews of subrecipients.

How to provide a complete response

Provide a plan that describes how the recipient ensures civil rights compliance on the part of its subrecipients. The plan should include at a minimum the following:

- 1) criteria for selecting subrecipients to review (e.g., size of entity, number of complaints, type of program, results of last review);
- 2) types of reviews conducted (e.g., desk audit or onsite);



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- 3) procedures for scheduling compliance reviews; and
- 4) procedures for conducting reviews.

Tip: The plan can be specific to civil rights compliance or part of a larger subrecipient monitoring plan that also examines compliance in other areas of subrecipient programs.

Tip: Consistent with the coverage of federal civil rights law, the plan should cover all subrecipients and not be limited to those subrecipients receiving DHS financial assistance.

Tip: If the recipient does not provide financial assistance to subrecipients, you must state “No subrecipients” in order for the response to be complete.

Section 4, Item 7

Provide copies of the recipient's policy and procedures used to ensure nondiscrimination and equal opportunity for persons with disabilities to participate in and benefit from the recipient's programs and services.

How to provide a complete response

A complete response requires:

- 1) a policy statement that prohibits discrimination on the basis of disability in the provision of the recipient’s programs and activities to program beneficiaries (e.g., program participants, customers, clients, consumers, members of the public). **Tip:** If the recipient’s policy statement provided in response to Item 4 includes disability among the prohibited bases, that is sufficient to meet this requirement; and
- 2) a reasonable modification procedure to accept and respond to requests for modifications from program beneficiaries (e.g., program participants, customers, clients, consumers, members of the public). The procedure should describe at a minimum how the recipient notifies program beneficiaries of how to request reasonable modifications, and how the recipient accepts and responds to requests for reasonable modifications.

Tip: Do not provide a policy that is limited to prohibiting discrimination on the basis of disability in employment nor a reasonable modification procedure that is limited to requests from employees.

Tip: If the recipient does not have a reasonable modification process in place for requests from program beneficiaries, consult our resource guide on [Reasonable Accommodation Guidance for DHS Recipients](#).¹

¹ Recipient resource materials referencing the term “reasonable accommodation” will be updated to “reasonable modification” for consistency with title II of the Americans with Disabilities Act of 1990, as amended.



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Section 4, Item 8

Provide copies of the recipient's policy and procedures regarding the requirement to provide meaningful access to programs and services to individuals with limited English proficiency (LEP).

How to provide a complete response

A complete response requires:

- 1) a policy statement that prohibits discrimination on the basis of national origin, including limited English proficiency, or a statement on taking reasonable steps to provide meaningful access to persons with limited English proficiency. **Tip:** If the recipient's policy statement provided in response to Item 4 includes limited English proficiency among the prohibited bases or otherwise states a commitment to taking reasonable steps to provide meaningful access to persons with limited English proficiency, that is sufficient to meet this requirement; and
- 2) a language access procedure or plan that describes how the recipient will meet its requirement to take reasonable steps to provide meaningful access to the organization's programs and services (not limited to the funded program(s)) to individuals with limited English proficiency (LEP). The procedure or plan should include at a minimum the following:
 1. the number or proportion of LEP individuals eligible or likely to be served;
 2. a description of the ways in which the recipient will provide language assistance (e.g., written translation and oral interpretation); and
 3. a description of how the recipient notifies LEP persons of the availability of free language services.

Tip: If the recipient does not have a language access procedure or plan in place, consult our resource guide on [Developing a Language Access Plan](#).

Tip: If the recipient is unsure how to identify the number or proportion of LEP individuals eligible or likely to be served, consult our presentation on [Developing Language Access Policy and Procedures](#), slides 21-24, on identifying LEP persons/languages spoken through various data sources such as Census.

Additional Questions

For question and technical assistance regarding the DHS Civil Rights Evaluation Tool, please email the DHS Office for Civil Rights and Civil Liberties at CivilRightsEvaluation@hq.dhs.gov.