

Monthly Civil Rights Webinar Series for Recipients:
**Complaints, Compliance Reviews, and
Designated Staff**

Presented by

Amy Vance and Kimberly Bandy

U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties

November 23, 2020



Homeland
Security

Webinar Agenda

- I. Introduction and Logistics
- II. Presentation
 - The role of the DHS Office for Civil Rights and Civil Liberties
 - The DHS Civil Rights Evaluation Tool
 - Key information and Q&A
 - Section 4 Requirements:
 - Complaints
 - Compliance Reviews
 - Designated Staff
- III. Technical Assistance Resources

Why am I here?

- Entities that receive grants from the Federal Government must comply with applicable civil rights authorities.
- When a recipient provides programs and services, and carries out activities, it cannot discriminate against the program beneficiaries based on race, color, national origin (including language), disability, age, sex, or religion.
- DHS is required to ensure that its recipients are carrying out their programs and activities in a nondiscriminatory manner.
- This presentation will provide information on what is needed to complete the DHS Civil Rights Evaluation Tool, which may assist recipients in meeting their administrative requirements.

DHS Office for Civil Rights and Civil Liberties (CRCL)

- As one of its functions, CRCL implements a comprehensive compliance program to ensure nondiscrimination in DHS assisted programs and activities in accordance with civil rights authorities. This program includes:
 - **Data Collection**
 - **Technical Assistance and Training**
 - **Issuing Policy, Guidance, and Resources**
 - Compliance Reviews
 - Complaint Investigations
 - Outreach to program beneficiaries and stakeholders

DHS Office for Civil Rights and Civil Liberties (CRCL)

- CRCL coordinates with FEMA and other DHS Component agencies that administer grants and other type of financial assistance to ensure that recipients understand and are able to meet their civil rights requirements.
- CRCL also coordinates with other federal agencies that may also provide grants to DHS recipients.

DHS Civil Rights Evaluation Tool

DEPARTMENT OF HOMELAND SECURITY
CIVIL RIGHTS EVALUATION TOOL

OMB Control No. 1601-0024
Expiration Date 01/31/2021

Section 1: Instructions

Entities selected to receive a grant, cooperative agreement, or other award of Federal financial assistance from the U.S. Department of Homeland Security (DHS) or one of its Components must complete this form and submit required data within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of this form from DHS or its awarding component. Recipients are required to provide this information once every two (2) years, not every time a grant is awarded.

Submit the completed form, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This form clarifies the recipient's civil rights obligations and related reporting requirements contained in the [DHS Standard Terms and Conditions](#).

For recipients who have previously submitted this form in the last two (2) years, if the information provided in response to any of the items below has not changed since the last submission, and there are no additional updates, please indicate "no change" under each applicable item; do not re-submit information previously submitted.

Subrecipients are not required to complete and submit this form to DHS. However, subrecipients have the same obligations as their primary recipients to comply with applicable civil rights requirements and should follow their primary recipient's instructions for submitting civil rights information to those recipients.

Section 2: Organization Information

Organization Name:	Unique Entity Identifier:
Address (Street, City, State, Zip code):	
Contact Person / Title:	
Email / Telephone:	
Grant Agreement Number:	Federal Award Identification Number:

Section 3: Civil Rights Requirements

As a condition of receipt of Federal financial assistance, the recipient is required to comply with applicable provisions of laws and policies prohibiting discrimination, including but not limited to:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin (including limited English proficiency).
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability.
- Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs or activities.
- Age Discrimination Act of 1975, which prohibits discrimination based on age.
- U.S. Department of Homeland Security regulation 6 C.F.R. Part 19, which prohibits discrimination based on religion in social service programs.

Section 4: Required Information

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 personally identifiable information (PII) that is outside of public record. PII is any information that permits the identity of an individual to be directly or indirectly inferred, including any information which is linked or linkable to an individual.
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.
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.
4. Provide a copy of the recipient's nondiscrimination policy statement referencing the laws and regulations in Section 3.
5. Provide a copy of the recipient's discrimination complaints process.
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.
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.
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).

Section 5: Additional Information

Resources for recipients related to the above requirements: <http://dhs.gov/resources-recipients-dhs-financial-assistance>

For questions and assistance with this form, please contact:

DHS Office for Civil Rights and Civil Liberties
 Email: CivilRightsEvaluation@hq.dhs.gov
 Phone: 202-401-1474
 Toll Free: 1-866-644-8360
 TTY: 202-401-0470
 Toll Free TTY: 1-866-644-8361

Federal Emergency Management Agency, Office of Equal Rights (for FEMA recipients):
 Email: fema-civil-rights-form@fema.dhs.gov
 Phone: 202-646-3535

Paperwork Reduction Act

The public reporting burden to complete this information collection is estimated at 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and the completing and reviewing the collected information. The collection of information is mandatory. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number and expiration date. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

ATTN: PRA [OMB Control No. 1601-NEW]
 Office for Civil Rights and Civil Liberties
 U.S. Department of Homeland Security
 Building 410, Mail Stop #0190
 Washington, D.C. 20528

DHS Civil Rights Evaluation Tool – Key Information

The DHS Civil Rights Evaluation Tool is a technical assistance tool to assist recipients in understanding and being able to meet their civil rights requirements.

Objectives:

- To remind recipients of important civil rights requirements
- To assist recipients in meeting their obligations
- To connect recipients with resources and technical assistance

DHS Civil Rights Evaluation Tool – Key Information

- DHS began implementation of the tool in April 2018.
- Recipients are required to complete and submit this tool within thirty days of receipt of the Notice of Award (for the first award under which this term applies).
- Recipients of multiple awards of financial assistance from DHS or its component agencies should only submit one completed tool on behalf of their organization, not per award.

DHS Civil Rights Evaluation Tool – Key Information

- Recipients are required to complete the tool once every two years from the date they last submitted the tool (if DHS assistance is continuing).
- After the initial submission, recipients are only required to submit updates every two years. If there are no updates since the initial submission, the recipient can indicate “no change” for each item. Recipients should not resubmit information previously submitted.

DHS Civil Rights Evaluation Tool – Key Information

- Sub-recipients are not required to complete or submit the tool.
- However, sub-recipients have the same obligations as their primary recipients to comply with applicable civil rights requirements and should follow their primary recipient's procedures regarding the submission of civil rights information.

DHS Civil Rights Evaluation Tool – Key Information

2020 DHS Standard Terms and Conditions, ver. 10.1

(<https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>)

Text from Terms and Conditions:

DHS Specific Acknowledgments and Assurances (pg. 1-2)

5. Recipients of federal financial assistance from DHS must complete the *DHS Civil Rights Evaluation Tool* within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. After the initial submission for the first award under which this term applies, recipients are required to provide this information once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

6. The DHS Office for Civil Rights and Civil Liberties 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 CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Section 4 – Required Information

This presentation covers what is needed to complete the DHS Civil Rights Evaluation Tool (as it pertains to **complaints, compliance reviews, and designated staff**), which may assist recipients in meeting their administrative requirements.

Section 4 – Complaints

Section 4, Item 1: Overview of Complaints

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.

Section 4 – Complaints

a. Employment or non-employment related:

- Employment related complaints and lawsuits are those alleging discrimination in the recipient's employment practices (hiring, promotion, termination, etc.) For example, an employee alleges that they were fired because they have a disability.
- Non-Employment related complaints and lawsuits are those alleging discrimination in the recipient's programs, services, and activities. For example, a member of the public alleges that they received a different level of service based on their race.

Note: For reporting purposes, there is no distinction between complaints an agency may label as informal or formal. Complaints are any and all allegations of discrimination that articulate one or more covered basis.

Section 4 – Complaints

b. Basis

- race
- color
- national origin (including limited English proficiency)
- sex
- age
- disability
- religion (applies to social services programs)
- alleging retaliation (a separate basis is not needed)

Section 4 - Complaints

c. Status

- pending
- closed with findings
- closed with no findings (can include administrative closures)

Note: You may add additional status categories if necessary (for example, settlements, etc.)

Section 4 – Complaints

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

Note: Do not forward a copy of the complaint and findings for employment-related complaints or lawsuits.

Section 4 – Complaints

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

Examples of PII:

- Names
- Emails addresses
- Home addresses
- Phone numbers

Section 4 - Complaints

Example:

Townville Fire and Rescue Department 10/2017-10/2020

Date Filed*	Employment/ Non-employment	Basis	Status	Complaint or Lawsuit
October 2015	Employment	Disability	Closed, no findings	Lawsuit
November 2017	Non-Employment	Sex	Closed, no findings	Complaint
December 2018	Employment	Disability	Closed, no findings	Complaint
June 2019	Employment	Sex	Closed, with Findings	Complaint
March 2020	Employment	Age	Closed, no findings	Complaint
March 2020	Employment	Disability and National Origin	Pending	Lawsuit

*Not Required

Note: The list of complaints and lawsuits should include complaints and lawsuits that were either Pending, closed, or settled during the past three years.

Section 4 - Complaints

Review Process

If you provide incomplete information in response to this requirement, you will have **60 days from the date of your feedback email** to provide the completed information.

- Complaint data is critical to identifying potential compliance concerns in the administration of the recipient's programs, services, and activities.

Section 4 – Compliance Reviews

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.

Civil Rights Compliance Review: A review conducted by an external agency (such as a federal agency or humans rights commission) that examines how the recipient is ensuring nondiscrimination in its program and activities.

- For example, the Federal Transit Administration conducts a review of your organization's procedures for ensuring access for persons with disabilities.

Section 4 – Compliance Reviews

To meet this requirement:

1. Provide a description of any civil rights compliance reviews conducted by any external agency within the last two years.
 - If there were no reviews conducted during the time period, please report no reviews in your response.
 - If there were reviews conducted during the time period, include in the description any 1) findings, 2) compliance recommendations 3) corrective actions, or 4) ongoing monitoring as a result of the review.

Section 4 – Compliance Reviews

Example:

- In July 2019, the U.S. Department of Homeland Security (DHS) initiated a compliance review of the AnyState Emergency Management Agency’s Chemical Stockpile Emergency Preparedness Program (CSEPP). The compliance review focused on how the primary recipient and its subrecipients ensure nondiscrimination in the administration of CSEPP programs and activities with an emphasis on the obligation to ensure meaningful access for persons with Limited English Proficiency (LEP) and effective communication, program access, and physical access for persons with disabilities and others with access and functional needs. Based on the review, DHS issued the following recommendations:
 1. Develop written policies, plans and procedures that comprehensively identify and address the needs of persons with LEP, persons with disabilities and others with access and functional needs in the event of a chemical emergency; and
 2. Increase stakeholder engagement, such as community and advocacy organizations that serve or represent persons with LEP, persons with disabilities and others with access and functional needs, in CSEPP activities such as planning, exercises, and public outreach and education.
- DHS has requested AnyState Emergency Management Agency provide a six month follow-up report, to include a plan to implement their recommendations, by Feb 1, 2021.

Section 4 – Designated Staff

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.

Section 4 – Designated Staff

To meet this requirement:

- Identify the titles of the primary designated staff
- Identify the specific civil rights laws (see Section 3 of the Tool) for which they are responsible
 - Ex. Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title VI of the Education Amendments Act of 1972, the Age Discrimination Act of 1975
- Provide a brief description of the designated staff's responsibilities as it relates to civil rights compliance
 - Ex. Processing complaints, training staff on civil rights policies, responding to requests for reasonable accommodations, coordinating the translation of documents, etc.

Section 4 – Designated Staff

Example:

The Accessibility Manager is responsible for overseeing recipient compliance activities related to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title IX of the Education Amendments Act of 1972. The Coordinator's responsibilities include overseeing the discrimination complaints process, developing and updating civil rights policies and procedures, processing requests for reasonable accommodations, coordinating the translation of vital documents and processing requests for language interpretation.

Technical Assistance Resources

- Online Resource Guides:
 - Sample Policy and Notice of Nondiscrimination
 - Developing a Discrimination Complaints Process
 - Reasonable Accommodation Guidance, Sample Notice and FAQs
 - Developing a Language Access Plan
 - Civil Rights Evaluation Tool Frequently Asked Questions
 - Presentation: Civil Rights Tool Overview

Recipient Resource Webpage:

<https://www.dhs.gov/resources-recipients-dhs-financial-assistance>

Click on “Recipient Resources”

Contact Us

For questions or technical assistance on meeting your civil rights obligations, please contact:

DHS Office for Civil Rights and Civil Liberties (CRCL)

Email: CivilRightsEvaluation@hq.dhs.gov

Website: <https://www.dhs.gov/resources-recipients-dhs-financial-assistance>