**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:** June 24, 2014

1. **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.

1. **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, sexual orientation, 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, sexual orientation, 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 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 (42 U.S.C. § 3789d(c)(1)), 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 54; and
* 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.
* The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding on inherently religious activities (28 C.F.R. Part 38).
* These laws prohibit agencies from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

1. **Complaint Procedures**
   1. PCCD employees should follow [Management Directive 410.10](http://www.portal.state.pa.us/portal/server.pt/gateway/PTARGS_0_2_785_711_0_43/http%3B/pubcontent.state.pa.us/publishedcontent/publish/global/files/management_directives/equal_employment/410_10_20080221.pdf) if they feel they have a valid employment discrimination claim.
   2. PCCD’s designated Civil Rights Complaint Coordinator is the Manager of PCCD’s Grants Management division in the Office of Financial Management and Administration.
   3. Discrimination complaints from clients, customers, program participants or consumers of PCCD subrecipients may be filed using the [PCCD Discrimination Complaint Form](http://www.pccd.pa.gov/Funding/Documents/Civil%20Rights%20Discrimination%20Complaint%20Form.pdf) available on the PCCD website.
   4. Employment discrimination complaints from PCCD subrecipients may also be filed using the [PCCD Discrimination Complaint Form](http://www.pccd.pa.gov/Funding/Documents/Civil%20Rights%20Discrimination%20Complaint%20Form.pdf) available on the PCCD website.
   5. 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.
   6. 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 of Civil Rights.

**Pennsylvania Human Relations Commission**

301 Chestnut Street, Suite 300   
Harrisburg, PA  17101-1702   
(717) 787-4410   
(717) 787-4087 TTY users only

**\*Note: Complaints cannot be filed at this office, please use the link below for regional office locations:**

<http://www.phrc.state.pa.us/portal/server.pt/community/file_a_complaint/18976>

**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](http://www.eeoc.gov)

* 1. PCCD’s Complaint Coordinator will notify the complainant of:
     1. the date their complaint was referred
     2. the agencies to which their complaint was referred

1. **Notification of Subrecipients**
   1. 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 have only 180 days after the incident to file a complaint).   
  
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*[*www.ojp.usdoj.gov/about/ocr/assistance.htm*](http://www.ojp.usdoj.gov/about/ocr/assistance.htm)*. PCCD encourages all subrecipients to view the online training and ensure that any other subrecipients are aware of the OCR as a training resource.*

* 1. PCCD will reference prohibited discrimination in program materials and distribute copies of this policy in training sessions and other public events that occur.
  2. Nondiscrimination posters are distributed to every subrecipient. Subrecipients are instructed to post the notices in a conspicuous location and distribute nondiscrimination posters to any contractors involved in the funded project.
  3. This policy and any related documents will be posted on the PCCD website.

1. **Monitoring**

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 conducted by PCCD staff. The checklist is incorporated in PCCD’s programmatic and fiscal on-site monitoring forms that staff must complete during on-site monitoring visits. 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. The contents of PCCD’s civil rights compliance checklist are included as a Appendix A at the end of this policy.

1. **Training**
   1. PCCD staff will receive annual training on PCCD’s responsibility to ensure subrecipient compliance with applicable federal civil rights laws. PCCD staff will be trained on the following:
      1. Applicable federal civil rights laws
      2. Discrimination complaint procedures
      3. Required notifications
      4. Civil rights compliance monitoring procedures, forms, and standard practices
      5. PCCD will utilize the resources OCR has already developed as an integral part of our staff training.
   2. 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.

**APPENDIX A**

**PCCD Civil Rights Compliance Checklist**

* Do you have a cooperative relationship or Memorandums of Understanding (MOU) with other organizations/institutions that provide specialized services?

Yes No

* With Whom and for what? Describe Fully
* Show the monitor non-discrimination notice postings as required by the Pennsylvania Human Relations Act. Monitor shown?

Yes No

* Does the subrecipient post information about federal civil rights laws in addition to state civil rights laws?

Yes No

If yes, state specifically what information is posted?

* Does the subrecipient provide notice to employees and subrecipients of the right to file a discrimination complaint with the OCR?

Yes No

If yes, how is the notice provided?

* Is the building accessible to persons with disabilities?

Yes No

* If not how are services provided?
* What auxiliary aids and services are provided for persons with vision, hearing or speaking impairments?
* How are costs for the above mentioned aids and services supported? Describe.
* Provide the monitor with a copy of the confidentiality agreement used with all who provide interpretation, sign, Braille or taped materials for victims. Monitor given the document?

Yes No

* Describe how services are provided for those with limited English proficiency (LEP).
* Are standard forms and vital documents translated into the LEP language groups that comprise 5% or 1,000, whichever is less, of their eligible service population?

Yes No