



PAM BONDI
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL
Law Enforcement Relations,
Victim Services and
Criminal Justice Programs

Emery A. Gainey, Director
PL-01 The Capitol
Tallahassee, FL 32399-1050
Phone (850) 245-0140 Fax (850) 487-2564
<http://www.myfloridalegal.com>

Florida Department of Legal Affairs
Division of Victim Services and Criminal Justice Programs,
Bureau of Advocacy and Grants Management

Civil Rights Compliance Requirements Specific to State Administering Agencies
METHODS OF ADMINISTRATION

All State Administering Agencies (SAAs) have a responsibility to monitor their subrecipients to ensure that the subrecipients are complying with the federal civil rights laws that are applicable to recipients of federal financial assistance. In accordance with 28 C.F.R. §§ 42.105(d)(2), 42.504(a), 42.725, and 54.115, SAAs must establish and implement written Methods of Administration for ensuring their subrecipients' compliance with the prohibition against race, color, and national origin discrimination contained in Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) and the Department of Justice (DOJ) regulations at 28 C.F.R. pt. 42, subpt. C; the prohibition against disability discrimination contained in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and the DOJ regulations at 28 C.F.R. pt. 42, subpt. G; the prohibition against age discrimination contained in the Age Discrimination Act of 1975 (42 U.S.C. § 6102) and the DOJ regulations at 28 C.F.R. pt. 42, subpt. I; and the prohibition against sex discrimination in education programs contained in Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) and the DOJ regulations at 28 C.F.R. pt. 54. These Methods of Administration are the reasonable assurance that SAAs provide to the DOJ that they are ensuring the civil rights compliance of their subrecipients. An SAA's expansion of its written Methods of Administration to include the prohibitions of discrimination contained in the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. §§ 10228(c) and 10221(a)), the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, as amended (34 U.S.C. § 11182(b)), and the Victims of Crime Act of 1984, as amended (34 U.S.C. § 20110(e)) and the DOJ implementing regulations (as applicable), and the DOJ regulations on the Partnerships with Faith-Based and Other Neighborhood Organizations (28 C.F.R. pt. 38), will be considered strong evidence of the SAA's fulfillment of its responsibility to ensure subrecipients' compliance with these laws. These laws prohibit discrimination based on race, color, national origin, disability, religion, and sex in the delivery of services and employment practices, and prohibit recipients from using federal financial assistance to engage in explicitly religious activities.

The Methods of Administration, as required under 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 of 1972, or expanded to address compliance with the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, the Juvenile Justice and Delinquency Prevention Act of 1974, and the Victims of Crime Act of 1984 (as applicable), and the regulations on the Equal Treatment for Faith-Based Organizations, must be in writing and must contain the following elements:

I. Policy for Addressing Discrimination Complaints

A narrative description of the SAA's written policies or procedures for addressing complaints alleging discrimination from employees and clients, customers, or program participants of the SAA (as applicable) and from employees and clients, customers, or program participants of subrecipients implementing funding from the DOJ (as applicable). Each document should include the following elements:

- (a) Designating a coordinator who is responsible for overseeing the complaint process;
- *The Department of Legal Affairs (DLA) has designated the Director of Civil Rights, or designee, to oversee the complaint process for DLA employees, recipients and subrecipients that implement federal funding.*
- (b) Notifying employees and subrecipients of prohibited discrimination in the SAA's programs and activities and the SAA's policy and procedures for handling discrimination complaints;
- *The DLA has written policies and procedures for receiving and responding to discrimination complaints from employees of the DLA and U.S. Department of Justice subrecipients as well as from clients, customers, and program participants of the DLA and its subrecipients. Said policies have been:*
 - 1) *Provided to all current DLA employees;*
 - 2) *Included in the orientation materials provided to all new DLA employees;*
 - 3) *Provided to all DLA subrecipients on an annual basis; and*
 - 4) *Included in annual policy review requirements for all DLA employees.*
 - *The formal Grant Agreements that DLA enters into with all subrecipients require compliance with all applicable federal, state, and local laws, regulations, executive orders and ordinances related to expenditure of the federal grant money and the activities financed with the federal grant money.*
- (c) Establishing written procedures for receiving discrimination complaints from employees and clients, customers, or program participants of the SAA (as applicable) and from employees and clients, customers, or program participants of subrecipients implementing funding from the DOJ (as applicable);
- *The DLA has written policies and procedures regarding complaints received by the DLA. All appropriate staff members are trained on said policies to ensure that they are aware of their responsibility to refer said complaints to the DLA's designated Complaint Coordinator for processing as soon as the complaint comes to their attention. Said written policies and procedures address complaints as follows:*
 - 1) *Complaints made against the DLA and/or DLA staff will be investigated internally and appropriate action will be taken up to and including referring the matter to an appropriate agency, such as the United States Department of Justice Office for Civil Rights (OCR) for further investigation.*
 - 2) *Complaints made against a subrecipient will be timely referred to the appropriate agency, such as the OCR, for investigation and resolution. The DLA has a form that tracks said complaints to resolution.*
- (d) Investigating each complaint internally, or referring each complaint to the appropriate agency for investigation and resolution, such as the EEOC, a local or state human rights commission, or the OCR. If the complaint is referred to the OCR for investigation, the OCR will work with the SAA to resolve the complaint;
- *The DLA has written policies and procedures for handling discrimination complaints whether levied against the DLA or one of its subrecipients. The policy explains the process for investigating complaints internally or referring the complaints to an external federal agency, including how the complaint is processed and a timeline for completing the complaint, if investigated internally.*
- (e) Notifying the complainant that the complainant may also file a complaint with the OCR by submitting a written complaint to the following address: Office for Civil Rights; Office of Justice Programs; U.S. Department of Justice; 810 Seventh Street N.W.; Washington, DC 20531.
- *The DLA has written policies and procedures for handling discrimination complaints whether levied against the DLA or one of its subrecipients. The policy is distributed as stated in section I(b) above and specifically notifies that the complainant may also file a complaint with the OCR by submitting a written complaint to the following address: Office for Civil Rights; Office of Justice Programs; U.S. Department of Justice; 810 Seventh Street N.W.; Washington, DC 20531.*
- (f) Training SAA staff on their responsibility to refer discrimination complaints, or potential discrimination issues, to the SAA's Complaint Coordinator for processing as soon as the alleged discrimination comes to

their attention;

- *The DLA has written policies and procedures for handling discrimination complaints whether levied against the DLA or one of its subrecipients. The policy is distributed as stated in section I(b) above and specifically states that an employee of DLA, other than the Complaint Coordinator, who receives a complaint that DLA, an employee of DLA or a subrecipient has allegedly engaged in discriminatory or retaliatory conduct shall direct the complaint to the Complaint Coordinator as soon as reasonably possible after receiving the complaint. The policy requires periodic review of the procedures set forth in the policy for all DLA employees, including an employee's responsibility to refer discrimination and retaliation complaints to the Complaint Coordinator.*

(g) Notifying employees and clients, customers, and program participants of prohibited discrimination and the procedures for filing a complaint of discrimination, and ensuring that subrecipients do the same;

- *The DLA uses a "Civil Rights Fact Sheet" that all subrecipients are directed to post at locations open to the public. The fact sheet includes a full and condensed civil rights statement that DLA requires all program participants and subrecipients to include in all forms of communication available to the public regarding program availability.*
- *DLA requires the civil rights statement be prominently displayed on all publications, websites, posters and informational materials mentioning USDOJ programs in print no smaller than the general text of the document. The full civil rights statement must be used whenever possible. Single page documents that do not have space for the full civil rights statement may contain a condensed version in a print size no smaller than the text used throughout the document. If the civil rights statement is missing on a publication, the statement must be included the next time the publication is revised or reprinted and printed copies of the statement must be attached to the current supply of the publication until the next revision is reprinted.*
- **Full Civil Rights Statement:** *In accordance with federal law and U.S. Department of Justice policy, this organization is prohibited from discriminating on the basis of race, color, national origin, religion, sex, age, or disability.
To file a complaint of discrimination, call the Department of Legal Affairs, Federal Discrimination Complaint Coordinator, write to PL-01 The Capitol, Tallahassee, Florida, 32399, or call 850-414-3300, or write Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW, Washington, DC 20531 or call 202-307-0690 (Voice) or 202-3087-2027 (TDD/TYY) or <https://ojp.gov/about/ocr/complaint.htm>. Individuals who are hearing impaired or have speech disabilities may also contact OCR through the Federal Relay Service at 800-877-8339 (TTY), 877-877-8982 (Speech), or 800-845-6316 (Spanish)*
- **Condensed Civil Rights Statement:** *The USDOJ and <organization name> are equal opportunity providers and employers.*

(h) Ensuring that subrecipients have procedures in place for responding to discrimination complaints that employees and clients, customers, and program participants file directly with the subrecipient.

- *Subrecipients administering federal funding are required to have procedures in place for responding to complaints of discrimination within their organization and are informed of same in the Grant Agreement.*
- *Compliance with these requirements is checked during monitoring reviews conducted by the DLA staff, or its designee, utilizing the Federal Civil Rights Compliance Checklist.*

II. Notifying Subrecipients of Civil Rights Requirements

(a) A narrative description of how the SAA is ensuring that its standard assurances, subgrant agreements, and other documents that are binding on DOJ-funded subrecipients are notifying subrecipients of applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations, as outlined above.

- *Subrecipients are required to have procedures in place for responding to complaints of discrimination within their organization.*
- *Compliance with these requirements is checked during monitoring reviews conducted by DLA staff, or its designee, using the Federal Civil Rights Compliance Checklist.*

- (b) The SAA shall have on file copies of the relevant portions of its standard assurances, subgrant agreements, Requests for Grant Applications, or other documents in which the SAA notifies DOJ-funded subrecipients of federal civil rights requirements.
- *The DLA maintains these documents in each file of subrecipients who receive funding from the Department of Justice.*
 - *Subrecipients are required to maintain a copy of these documents in their file.*

III. Monitoring for Compliance with Civil Rights Requirements

- (a) A narrative explanation of the SAA's methods for monitoring whether subrecipients are complying with the applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations.
- *DLA staff conducts monitoring to ensure compliance with the contractual agreement. Said monitoring includes use of the Federal Civil Rights Compliance Checklist to ensure compliance with all applicable federal non-discrimination laws.*
- (b) The SAA shall have on file copies of any checklists or monitoring forms that it uses during desk audits or onsite monitoring visits along with any progress reports that inquire about a subrecipient's compliance with civil rights laws. The OCR has developed a Federal Civil Rights Compliance Checklist which monitors for compliance with the laws that the OCR enforces and which may be found at http://www.ojp.usdoj.gov/about/ocr/sample_documentation.htm. The SAA may wish to utilize this checklist during desk audits or onsite monitoring visits or to incorporate these questions into any existing checklists.
- *The DLA maintains a record of all monitoring conducted, which may include but is not limited to checklists, monitoring forms, subrecipient brochures, client and staff interviews, facility inspections, etc.*
 - *The DLA has incorporated the Federal Civil Rights Compliance Checklist in its monitoring of its subrecipients.*

IV. Training Subrecipients on Civil Rights Requirements

- (a) A narrative description of the SAA's methods for training DOJ-funded subrecipients on their obligations to comply with the applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations. The SAA should be sure to conduct periodic training sessions for its subrecipients at a minimum of once per grant award period.
- *The DLA requires staff to receive annual training on federal civil rights laws, which includes their role and responsibilities in processing complaints.*
 - *Subrecipients are provided a link to the Department of Justice website to assist them in developing their own internal training.*
 - *Subrecipients are required to review all available training on the Department of Justice website annually and to provide confirmation of same to DLA.*
- (b) The SAA shall have on file copies of any training presentations on federal civil rights requirements that it provides to DOJ-funded subrecipients. In developing any training presentations, the SAA may wish to review presentations that the OCR has provided on the civil rights laws that it enforces and which are available upon request.
- *The DLA maintains all training records of its staff.*
 - *The DLA maintains all training records of its subrecipients.*