

Monthly Civil Rights Webinar Series for Recipients: **Overview of the DHS Civil Rights Evaluation Tool**

Presented by

Amy Vance and Kimberly Bandy

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

July 30, 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
 - How to complete Section 2
 - How to complete Section 4
 - The review process
 - 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.

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 as needed to ensure compliance

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.
- The DHS 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 CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

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.
- CRCL will send out a reminder email when your 2-year update is coming due.

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.

DHS Civil Rights Evaluation Tool – Completing Section 2

- **Organization Name:** If the recipient is a town, city, or county, please make sure that the recipient name is listed as the specific Department or Agency that receives the award.
- **Unique Entity Identifier:** This is the recipient's DUNS number.
- **Address:** Recipient address.
- **Contact Person/Title:** Identify the person we can contact with questions about this tool.
- **Email / Telephone:** This should be the email and telephone for the contact person, not the organization's main email and phone.

DHS Civil Rights Evaluation Tool – Completing Section 2

- **Grant Agreement Number:** This is an alpha-numeric code and you can find it on your award document.
- **Federal Award Identification Number:** You can find this on your award document. It may be the same number as the Grant Agreement Number. If you cannot locate this number, please leave it blank.

Frequently Asked Question

My organization is in receipt of multiple awards of federal financial assistance. Which numbers do I report in Section 2 of the Tool?

- Recipients should report the Grant Agreement Number and the Federal Award Identification Number for the first award issued by DHS during the fiscal year.
- Typically, the Grant Agreement Number and the Federal Award Identification Number for an award are the same. If you cannot locate the Federal Award Identification Number, please leave it blank.
- Remember, the recipient should only submit one tool on behalf of their organization, not per award.

DHS Civil Rights Evaluation Tool – Completing Section 4

Item 1: Overview of Civil Rights 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.

- Non-Employment related complaints are complaints alleging discrimination in the recipient’s programs and activities. For example, a member of the public alleges that they received a different level of service based on their race.

DHS Civil Rights Evaluation Tool – Completing Section 4

Item 2: Compliance Reviews

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 reviews are reviews conducted by an outside agency (such as a federal agency or humans rights commission) that examine how the recipient is ensuring nondiscrimination in its program and activities.
- Ex. In June 2019, the Department of Justice, Office of Justice Programs conducted a review of our language access procedures and recommended that we put in place a language access plan and translate our vital documents.

DHS Civil Rights Evaluation Tool – Completing Section 4

Item 3: Responsible Staff

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.

- This statement should identify the titles of the primary designated staff, the specific civil rights laws (see Section 3 of the Tool) they are responsible for, and a brief description of their responsibilities as it relates to civil rights compliance.
 - Ex. The Accessibility Manager is responsible for overseeing recipient compliance with 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 Educations Amendments 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.

DHS Civil Rights Evaluation Tool – Completing Section 4

Item 4: Nondiscrimination Policy

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

- The policy should prohibit discrimination in the recipient's programs and activities (e.g., the recipient's public or customer-facing programs and services).
- Do not submit an Equal Employment Opportunity (EEO) policy unless it also covers the recipient's programs and activities.
- The policy should reference the legal authorities in Section 3 of the Tool. A footnote is sufficient.
- The policy should also prohibit retaliation.

DHS Civil Rights Evaluation Tool – Completing Section 4

Item 5: Discrimination Complaints Process

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

- The process should include information on procedures for the prompt processing, investigation, and disposition of complaints against the recipient by its program beneficiaries (program participants, clients, customers, consumers, and other non-employees).
- Do not submit an employee complaint process unless it also covers complaints filed by program beneficiaries.
- The process should include information on how persons with disabilities and limited English proficiency (LEP) can access the complaint process.
- The process should include information on how the recipient notifies the public on the process for filing a complaint.

Frequently Asked Question

- My organization has an Equal Employment Opportunity Policy and Complaint Procedure, does that meet the requirements of Section 4 of the Tool?
 - Recipients should provide information on their policies and procedures to ensure nondiscrimination **in the administration of their programs and activities for program beneficiaries** (e.g., program participants, clients, customers, or consumers, etc.).
 - If a recipient submits employment related policies and procedures to meet the requirements of Section 4 of the Tool, the recipient must ensure that these policies and procedures also cover the organization's programs and activities.

DHS Civil Rights Evaluation Tool – Completing Section 4

Item 6: Subrecipient Compliance Plan

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.

- The plan should describe how recipients will ensure sub-recipients understand and are meeting their civil rights requirements.
 - Recipients may consider implementing a process to **periodically collect civil rights related data and information** from sub-recipients (similar to how DHS collects data and information from primary recipients via the Civil Rights Evaluation Tool) and coupling that with a process to **periodically review sub-recipients** to evaluate their implementation of civil rights policies and procedures.

DHS Civil Rights Evaluation Tool – Completing Section 4

Item 7: Disability Access Policy & Procedures

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.

- If the recipient's nondiscrimination policy includes disability among the covered bases, you do not need to create a separate policy.
- The procedure should describe how the recipient will process and respond to requests for reasonable accommodations from program beneficiaries (e.g., program participants, clients, customers, or consumers, etc.).

DHS Civil Rights Evaluation Tool – Completing Section 4

Item 8: Language Access Policy & Procedures

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).

- If the recipient's nondiscrimination policy includes limited English proficiency among the covered bases, you do not need to create a separate policy.
- The procedure (or plan) should identify the LEP population(s) served or encountered, or likely to be served or encountered, and how the recipient will provide language services (written translation and oral interpretation) to ensure meaningful access to its programs and services.

DHS Civil Rights Evaluation Tool – The Review Process

- CRCL in coordination with FEMA Office of Equal Rights (OER) will review your submission to determine if additional information is needed to ensure that the recipient has or will put in place policies and procedures to meet civil rights requirements.
- Within about 60 days, you will receive a Response Email from CRCL or OER (for FEMA recipients) providing feedback on your submission. The email will state for each Item in Section 4, whether the response is sufficient, or if additional information is needed. The email will provide a due date for submitting the required or corrected information and links to technical assistance resources.
- CRCL and OER are also available to provide targeted technical assistance to your organization on Section 4 requirements.

Technical Assistance Resources

- Online Resource Guides:

- Sample Notice of Nondiscrimination / Policy Statement:

<https://www.dhs.gov/publication/sample-notice-nondiscrimination-recipients>

- Developing a Discrimination Complaints Process:

<https://www.dhs.gov/publication/developing-discrimination-complaints-process>

- Reasonable Accommodation Guidance, Sample Notice and FAQs:

<https://www.dhs.gov/publication/reasonable-accommodation-guidance-dhs-recipients>

- Developing a Language Access Plan:

https://www.dhs.gov/sites/default/files/publications/developing-language-access-plan_0.pdf

- Civil Rights Evaluation Tool Frequently Asked Questions:

<https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>

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>

Link to DHS Civil Rights Evaluation Tool

<https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>