

Kansas Governor's Grants Program
2022 Federal Edward Byrne Memorial Justice
Assistance Grant (JAG)

December 1, 2021

CIVIL RIGHTS

Training Agenda

Welcome and Introduction

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ASSISTANT



Assurances

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- ▶ This webinar is being recorded.
- ▶ Please mute your microphone and turn off video.
- ▶ Have the agency's Grant Assurances document available for reference, either in print or on your computer.
- ▶ Closed captioning is available- Click the CC button in the toolbar at the bottom to access.
- ▶ Please introduce yourself in the chat.
- ▶ Consider closing your email or other programs that may distract you.
- ▶ We want this to be helpful for you! Please ask questions in the chat throughout- **all questions will be answered at the end of the webinar.**
- ▶ Let us know in the chat if you are having technical issues, or send an email to kggp@ks.gov.
- ▶ The PowerPoint and link to the recorded training will be sent to the Subgrantee and posted on www.grants.ks.gov

Webinar Information

What are Grant Assurances?

- ▶ Grant Assurances are specific requirements set forth by awarding agencies (U.S. Department of Justice and the KGGP) that must be followed by the grant recipient to be eligible for and in compliance with a federal grant award.
- ▶ Terms of the Award are Non-Negotiable by the Grantee and the Subgrantee.

The Importance of Grant Assurances

- ▶ If Grantees (KGGP) do not comply with federal grant assurances, the federal awarding agency can withdraw the grant funding.
- ▶ If Subgrantees do not comply with federal and state grant assurances, the federal and/or state awarding agency can withdraw the grant funding.

Authority for Grant Assurances

- ▶ Federal Statutes - U.S.C.
- ▶ Federal Regulations - C.F.R
- ▶ State Statutes - K.S.A.
- ▶ Administrative Purposes

Subgrantee Compliance

- ▶ Grantees are responsible to the federal awarding agency to ensure Subgrantees are in compliance with ALL grant assurances.
- ▶ In the event of an audit, both the Grantee and the Subgrantee must be able to understand and explain all Subgrantee activities by providing appropriate documentation.

- ▶ Applicable state and federal laws
- ▶ Applicable regulations
- ▶ JAG federal program guidelines
- ▶ KGGP grant assurances and reporting requirements
- ▶ Federal DOJ Grants Financial Guide
www.ojp.gov/financialguide/DOJ/index.htm
- ▶ 28 C.F.R. as it applies to grants and the Drug-Free Workplace Act
- ▶ Subgrantees are required to comply with all provisions of the Grant Assurances document. By signing the Grant Assurances, the Subgrantee documents that they are in compliance with all conditions as applicable to the JAG grant project.

AND

- ▶ It is the Subgrantee's responsibility to ensure that any other entity partnering with the Subgrantee on this JAG project also comply with all provisions of the Grant Assurances document.

Laws and Regulations {4}

Civil Rights Compliance Review

- ▶ Civil Rights Compliance Form: Complete and return with Grant Assurances (if a special condition)
 - ▶ Include copies of subgrantee's Equal Employment Opportunity Plan Certification Form, Limited English Proficiency policy, and Non-discrimination policy.
- ▶ Civil rights compliance review will be completed by the Analyst before the grant portal is opened (for new subgrantees).
- ▶ The subgrantee will receive an e-mail message from the Analyst when the civil rights compliance review is completed. Analysts will contact subgrantees if information is missing.

Civil Rights and Nondiscrimination {25}

Nondiscrimination laws:

- ▶ Subgrantees receiving federal funds shall not discriminate on the basis of race, color, religion, national origin, sex, age, disability
- ▶ Required to have policies/procedures in place for notifying beneficiaries of nondiscrimination and how to file complaints alleging discrimination by Subgrantee
- ▶ Policy for addressing discrimination complaints from Subgrantee beneficiaries and employees
- ▶ KGGP's policy: [https://grants.ks.gov/about-us/kansas-governor's-grants-program-\(kggp\)-non-discrimination-policy](https://grants.ks.gov/about-us/kansas-governor's-grants-program-(kggp)-non-discrimination-policy)

Civil Rights and Nondiscrimination {25}

- ▶ Kansas EO 19-02: Employment practices, contract awards, and service delivery must not discriminate based on race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation.
- ▶ Kansas EO 18-04: Comply with all state and federal employment discrimination laws prohibiting sexual harassment and retaliation in the workplace
- ▶ Establish agency policies
- ▶ Civil rights liaison designated and name provided to KGGP
- ▶ **Conduct annual training for all staff**
- ▶ Required to notify employees / beneficiaries of non-discrimination practices
 - ▶ Posters, program brochures, program materials
- ▶ Finding of discrimination
 - ▶ Subgrantee must notify KGGP and U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights in the event a state or federal administrative agency or court makes a finding of discrimination

- ▶ It is the policy of the Kansas Governor's Grants Program that all individuals have the right to participate in employment, programs, and activities operated by this organization regardless of actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, gender identity, and age.
 - ▶ Kansas EO 19-02

Notice of Prohibited Discrimination

Nondiscrimination Laws:

- ▶ As a condition of grant funding, your organization agrees to operate in compliance with the following statutes and regulations and all other regulations implementing the same:
 - ▶ Title VI of the Civil Rights Act of 1964 (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 (34 U.S.C. §§ 10228(c) and 10221(a)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
 - ▶ Section 504 of the Rehabilitation Act of 1973 (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 (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;

Nondiscrimination Laws Cont.:

- ▶ The Age Discrimination Act of 1975 (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I;
- ▶ Executive Order 13,559, amending Executive Order 13279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations 28 C.F.R. pt. 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits); and
- ▶ The Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)).

- ▶ EEOP formulated if required by state or federal law
- ▶ EEOP Certification Form submitted online to Federal Office of Justice Programs, Office for Civil Rights
- ▶ Reporting Tool: <https://ocr-eeop.ncjrs.gov>

Equal Employment Opportunity Plan {26}

If	Then	Does the recipient need to submit a Certification Form to OCR?	Does the recipient need to develop an EEOP?	Must the recipient submit an EEOP Utilization Report to OCR?
Recipient is a Medical or Educational Institution, Indian Tribe, or Nonprofit		YES	NO	NO
Largest individual grant received is less than \$25,000		YES	NO	NO
Recipient has less than 50 employees		YES	NO	NO
None of the above		YES	YES	YES

Prepare and Submit EEOP and Certification at
<https://oio.gov/about/ocr/eeop.htm>

DOJ Regulations issued for FBO guidance (revised April 4, 2016)

- ▶ FBOs must not use direct federal funding to engage in explicitly religious activities.
 - ▶ Explicitly religious activities must be separate in time or location from federally-funded activities, and must be voluntary for those participating in the federally-funded activities.
- ▶ FBOs may not discriminate against beneficiaries based on religion, a religious belief, a refusal to hold a religious belief, or a refusal to participate in a religious practice.

Equal Treatment for Faith-Based Organizations {27}

Notice and Referral Requirements for FBOs {27}

FBOs must give written notice to beneficiaries and prospective beneficiaries that:

- ▶ FBO will not discriminate on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to participate in a religious practice;
- ▶ FBO may not require beneficiaries to participate in any religious activities;
- ▶ FBO will separate in time or location any privately-funded religious activities from federally-funded activities; and

Notice and Referral Requirements for FBOs (Cont.) {27}

- ▶ If a beneficiary objects to the religious character of the FBO, the FBO will undertake reasonable efforts to identify and refer the beneficiary to an alternative provider that is acceptable to the beneficiary.
 - ▶ Alternative provider must be in reasonable geographical proximity to the FBO and offer services comparable in substance and quality.
 - ▶ FBO must maintain a record of the referral. If the FBO is unable to identify an alternative provider, it shall notify the SAA or the DOJ.

Notice and Referral Requirements for FBOs (Cont.) {27}

- ▶ FBO must provide this written notice prior to the provision of services.
- ▶ A sample notice is contained at Appendix A to 28 C.F.R. Part 38.
- ▶ A sample beneficiary referral request is contained at Appendix B to 28 C.F.R. Part 38.

Limited English Proficiency {31}

Subgrantees are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Subgrantees should conduct an individualized assessment that balances the following four factors:

The number or proportion of LEP persons eligible to be served or likely to be encountered by the program;	The frequency with which LEP individuals come in contact with the program;	The nature and importance of the program, activity, or service provided by the program to people's lives; and	The resources available to the subgrantee, and costs.
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Subgrantees are required to develop policies/procedures to ensure meaningful access by persons with limited English proficiency

Limited English Proficiency {31}

The following five steps may be helpful in developing an LEP policy:

A process for identifying LEP persons who need language assistance;

Identifying ways in which language assistance will be provided;

Oral interpretation, bilingual staff, telephone interpreter lines, written language services, and community volunteers;

Training for staff;

Monitoring and updating the policy; and

Providing notice to LEP persons.

Limited English Proficiency cont. {31}

Safe Harbor

DOJ will consider a subgrantee to be in compliance with its obligation to provide written materials in non-English languages if:

(a) The subgrantee provides written translations of, at a minimum, vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

(b) If there are fewer than 50 persons in a language group that reaches the five percent trigger in (a), the subgrantee does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral translation of those written materials, free of cost.

Limited English Proficiency cont.

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“Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against national Origin Discrimination Affecting Limited English Proficient Persons”

67 C.F.R. 41466

www.lep.gov

2015 Language Map App | LEP

Contact Information

This webinar is just one opportunity to get your questions answered!

For questions regarding the agency's JAG award throughout the year, please contact the KGGP office.

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