

VAWA and SASP Civil Rights Training



February 22, 2023

PRESENTED BY
Erica Haas, Attorney
Kansas Governor's Grants Program

www.grants.ks.gov

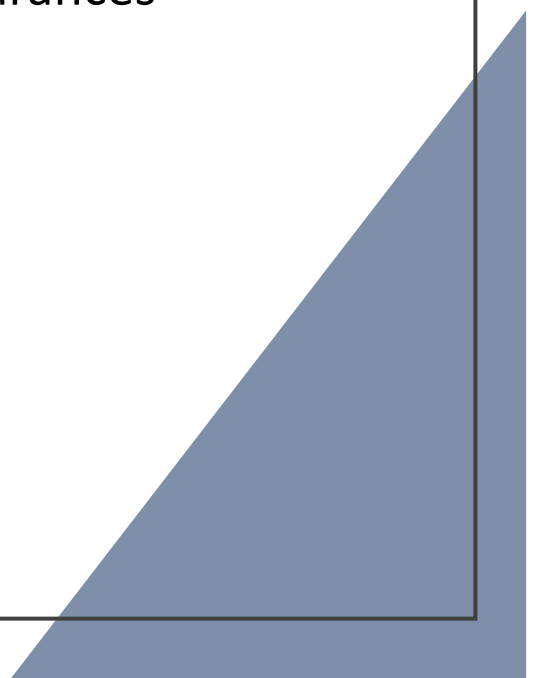
Welcome

Jamie Bowser, Director of Operations

- This webinar is being recorded.
- Please mute your microphone/turn off video.
- Have the **VAWA** and **SASP** 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
- Prepare to engage!
 - 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 link to the PowerPoint and the recorded training will be sent to the Subgrantee's primary contact and posted on www.grants.ks.gov.**

Training Agenda

Civil Rights Grant Assurances
Erica Haas, Attorney



Introduction

Notice of Prohibited 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, or age.
 - Kansas EO 19-02: ancestry, military or veteran status, marital or family status, genetic information, or political affiliation
 - Kansas EO 18-04: Prohibits sexual harassment and retaliation
- [KGGP's Non-discrimination 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](https://grants.ks.gov/about-us/kansas-governor's-grants-program-(kggp)-non-discrimination-policy)

What are Grant Assurances?

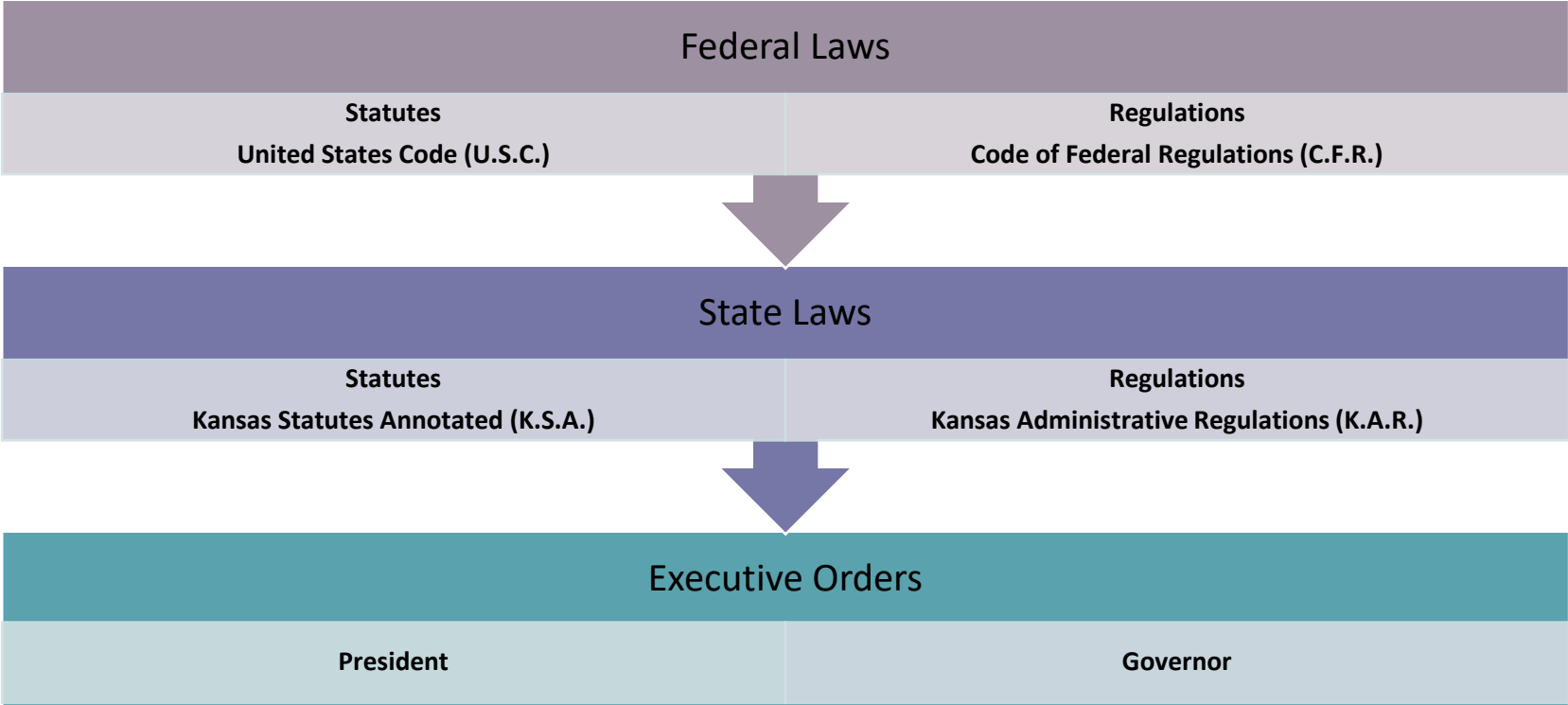
A. Specific requirements set forth by federal and state laws

B. Specific requirements set forth by KGGP

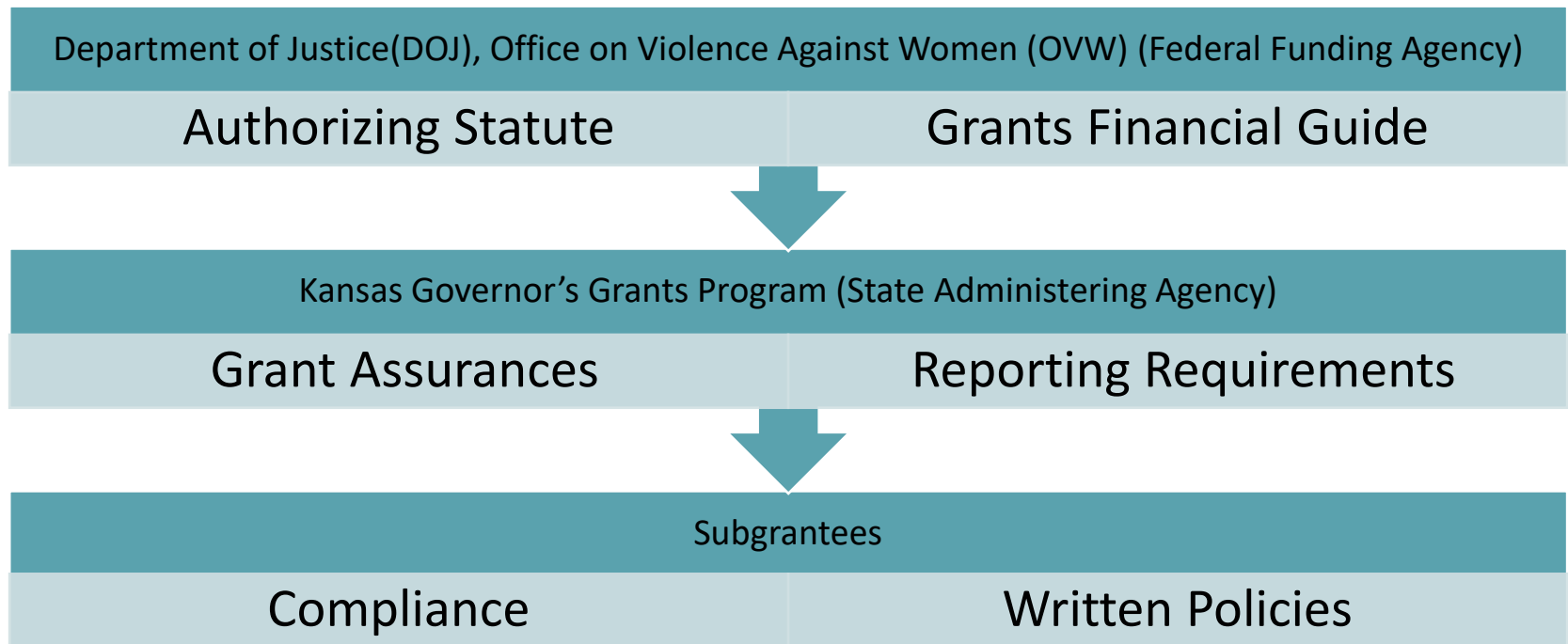
C. Specific requirements that are imposed on Subgrantees to make their jobs busier

D. A and B – mostly A

Authority for Grant Assurances
*Not negotiable



Authority for Grant Assurances



Nondiscrimination Laws

- As a condition of grant funding, Subgrantees 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

- 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);
- 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;

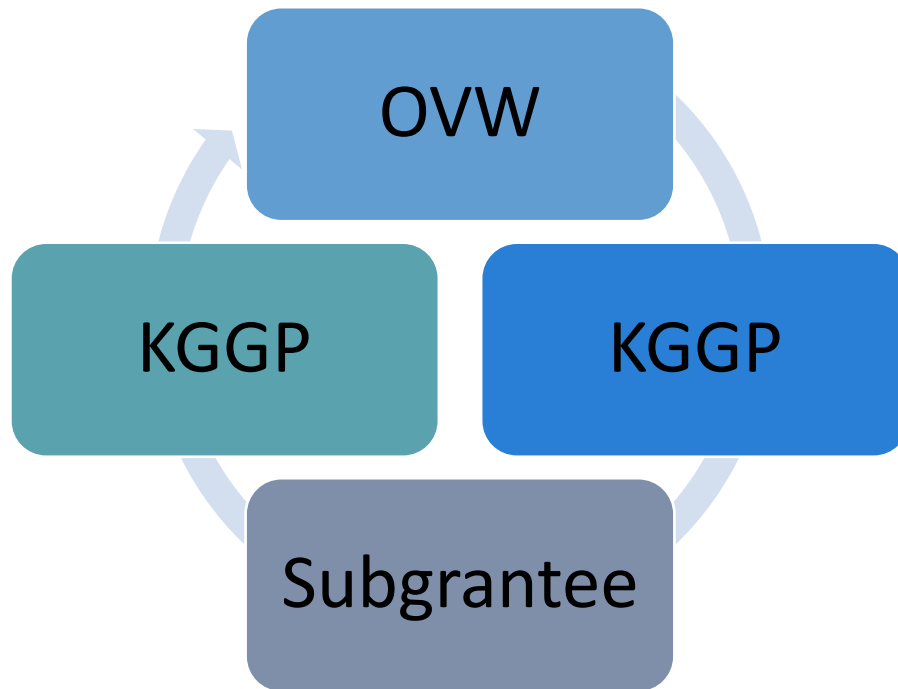
Nondiscrimination Laws

- The Victims of Crime Act (VOCA) of 1984, which prohibits discrimination on the basis of race, color, national origin, religion, sex, or disability (34 U.S.C. § 20110(e) et seq.); and
- The Violence Against Women Act (VAWA) of 1994, as amended, 34 U.S.C. § 12291 (b)(13) (prohibiting discrimination in programs either funded under the statute or administered by the Office on Violence Against Women, both in employment and in the delivery of services or benefits, based on actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity) (referring to the Safe Streets Act for enforcement).

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.

Subgrantee Compliance
grant conditions



Subgrantee Compliance Audit

- KGGP and the Subgrantee must be able to understand and explain all Subgrantee activities
 - DOCUMENTATION
 - If it isn't documented it didn't happen

Laws and Regulations

{4}

- Subgrantees are required to comply with all provisions of the Grant Assurances document. By signing the Grant Assurances, the Subgrantee documents it is in compliance with all conditions as applicable to the VAWA and SASP grant projects.
- It is the Subgrantee's responsibility to ensure that any other entity partnering with the Subgrantee on the VAWA or SASP project also comply with all provisions of the Grant Assurances document.

Civil Rights and Nondiscrimination {32 and 29} Subgrantee Responsibilities

Shall not discriminate on the basis of race, color, religion, national origin, sex, age, or disability (U.S.C.s)

Shall not discriminate on the basis of sexual orientation, gender identity or expression, ancestry, military or veteran status, marital or family status, genetic information, or political affiliation (Kansas EO 19-02)

Written non-discrimination policy

Civil Rights and Nondiscrimination {32 and 29} Written Policies

Notify beneficiaries and employees of non-discrimination

Notify beneficiaries and employees how to file a discrimination complaint (must include contact information)

Address how discrimination complaints from beneficiaries and employees will be processed

Designate a civil rights liaison (must include contact information)

Civil Rights and Nondiscrimination {32 and 29} Written Policies

Finding of discrimination by
a state or federal
administrative agency: notify
KGGP and
DOJ Office for Civil Rights

Train all employees annually
and new employees upon
employment

- **Laws
- **Subgrantee policy

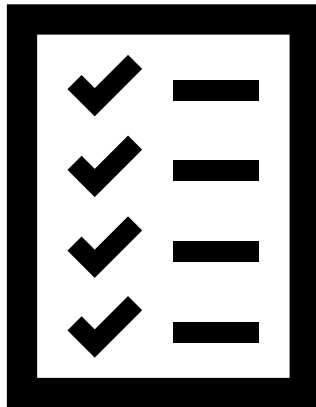
Executive Orders:
18-04 Sexual harassment
19-02 non-discrimination

Annual Civil Rights Compliance Review Subgrantee Responsibilities

- Complete and return the Civil Rights Compliance Form with Grant Assurances (if a special condition)
 - Include copies of Subgrantee's:
 - Non-discrimination policy;
 - Equal Employment Opportunity Plan Certification Form;
and
 - Limited English Proficiency policy.

Annual Civil Rights Compliance Review Analyst Responsibilities

- Review Subgrantee's policies and EEOC certification
- Complete and file the Civil Rights Checklist
- Contact Subgrantee for more information, if needed
- Email Subgrantee when review is completed
- Open grant portal after review is completed
 - New Subgrantees only



Required: Civil Rights Form

Suggested Resource: Civil Rights Checklist

<https://grants.ks.gov/resources/checklists-and-forms>

Civil Rights and Nondiscrimination {32 and 29}

VAWA Reauthorization Act of 2013:

No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in 18 U.S.C. §249(c)(4)), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under [VAWA], and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

Civil Rights and Nondiscrimination {32 and 29}

VAWA Reauthorization Act of 2013 (continued):

If sex segregation or sex-specific programming is necessary to the essential operation of a program, nothing in this paragraph shall prevent any such program or activity from consideration of an individual's sex.

In such circumstances, Subgrantees may meet the requirements of this paragraph by providing comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming.

The Office for Civil Rights (OCR) has posted FAQs on the VAWA nondiscrimination provision at: [OCR VAWA Nondiscrimination Provision FAQs](#)

Civil Rights and Nondiscrimination {32 and 29}

VAWA Reauthorization Act of 2013 (*continued*):

- Sex-Segregated Programming
 - When males and females receive services in separate settings
- Sex-Specific Programming
 - When a recipient designs programming differently for males and females

Beneficiaries choose the appropriate program based upon gender identity

Civil Rights and Nondiscrimination {32 and 29}

VAWA Reauthorization Act of 2013 (*continued*):

- Necessary to the Essential Operation of a Program --Fact-specific inquiry, consider:
 - Nature of the services
 - Consequences to beneficiaries of making sex-segregated or sex-specific
 - Literature on efficacy
 - Impact on transgender clients

Reasons may not be trivial, based solely on convenience, or rooted in stereotypes

Civil Rights and Nondiscrimination {32 and 29}

VAWA Reauthorization Act of 2013 (*continued*):

- Comparable Services
- Fact specific inquiry, consider:
 - Nature, quality, and duration of the service;
 - Relative benefits of different therapeutic modalities; and
 - Geographic location.

Civil Rights and Nondiscrimination {32 and 29}

VAWA Reauthorization Act of 2013 (*continued*):

- What is Gender Identity?
 - “Actual or perceived gender-related characteristics”
(from Matthew Shepard – James Bird Hate Crime Prevention Act)
 - A person’s internal view of the individual’s gender
 - May or may not correspond to sex assigned at birth

Civil Rights and Nondiscrimination {32 and 29}

VAWA Reauthorization Act of 2013 (*continued*):

- Serving Transgender Clients
 - Assign clients to service which corresponds to the gender with which the client identifies
 - Consider transgender victim's health and safety in making housing assignments
 - Transgender client's own views regarding personal safety deserve serious consideration
 - Do not isolate or segregate
 - Do not make burdensome demands for identity documents
 - Do not inquire into surgery or other medical interventions

Equal Employment Opportunity Plan {31 and 33} Subgrantee Responsibilities

- Every year, submit EEOP related information online to the Federal Office of Justice Programs, Office for Civil Rights
 - Reporting Tool: <https://ocr-eeop.ncjrs.gov>
 - Submit the EEOP certification to the KGGP
 - Every two years, submit a Utilization Report, if required
- If required by state or federal law, formulate an EEOP (Utilization Report)

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://ojp.gov/about/ocr/eeop.htm>

Equal
Treatment for
Faith-Based
Organizations
{33 and 34}

DOJ Regulations: FBO guidance
(revised January, 2022)

- 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.

Limited English Proficiency {37 and 38}

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.

Limited English Proficiency {37 and 38}

Subgrantees are required to develop a written policy

Five Topics to Include:

Process for
Identifying
LEP persons

Availability
of language
assistance
tools:
Interpreter,
translator,
language line

Process for
notifying LEP
persons of
available and
free services

Annual
training for
ALL staff

Annual
review and
updates

Limited English Proficiency {37 and 38} DOJ Safe Harbor

A Subgrantee will be considered in compliance with its obligation to provide written materials in non-English language if:

(a) The Subgrantee provides written translations of vital documents for each eligible LEP language groups 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 {37 and 38} Resources

Federal Guidance

- *“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

Language Access Tips and Training

- <https://grants.ks.gov/resources/limited-english-proficiency>

US DOJ – Civil Rights Division
[2015 Language Map App | LEP](#)

Special Conditions {53 and 54}

Examples:

- Civil Rights Compliance Form
- New requirements and/or assurances
- Submission of delinquent reports
- Submission of requested documentation
- Budget adjustments when applicable
- Attendance at trainings
- Additional requirements if determined to be warranted



Q & A

KGGP Website

Visit the KGGP website at

www.grants.ks.gov

for information on grant management.

- Grant Opportunities
- Resources – Managing a Grant Award
- Resources – Civil Rights Information
- Kansas Academy for Victim Assistance (KAVA)



SAVE THE DATES

**25TH ANNUAL CRIME VICTIMS' RIGHTS CONFERENCE
MAY 3 - 4, 2023**

**PRE-CONFERENCE INSTITUTE
MAY 2, 2023**

HYATT REGENCY - WICHITA, KANSAS

Survivor Voices: Elevate. Engage. Effect Change.

www.grants.ks.gov

Thank you for attending the webinar!

Contact Information

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

For questions regarding the agency's **VAWA** or **SASP** grant award contact KGGP office.

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