



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

Via Certified Mail

September 25, 2012

Maura D. Corrigan, Director
Michigan Department of Human Services
235 South Grand Avenue
P.O. Box 30037
Lansing, Michigan 48909

Re: Michigan Department of Human Services
Docket No. 08-OCR-0387

Dear Director Corrigan:

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), initiated a compliance review of all State Administering Agencies, including the Michigan Department of Human Services (DHS), in accordance with federal regulation 28 C.F.R. § 42.206. The focus of the review was on the DHS's compliance with applicable federal civil rights laws along with its monitoring procedures for ensuring that subrecipients are complying with these laws. Of particular interest to the OCR was the DHS's implementation and monitoring of the DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38 [hereinafter Equal Treatment Regulations].

In our notification letter we included a request for information in the form of a Data Request which inquired about the DHS monitoring practices in the above-noted areas. The DHS' Office of Equal Opportunity and Diversity (OEOD) initially responded to our Data Request which was subsequently supplemented with more detailed information provided by Ms. Rebekah Visconti, Deputy Director, DHS Legal Services, in a letter dated April 29, 2011, (hereinafter April Response) June 7, 2012. At the inception of the compliance review, [REDACTED], OCR Attorney, traveled to Lansing to conduct interviews of DHS administrators and provide training to administrators and program staff on the federal civil rights laws the OCR enforces.

On August 14, 2012, the OCR sent the DHS a draft copy of the Compliance Review Report (Report) and requested the DHS review the Report and notify the OCR of any factual inaccuracies within thirty days from August 14, 2012. In response, on September 21, 2012, Cindy Osga, DHS Internal Control Officer, sent an e-mail to Attorney [REDACTED] stating that the

DHS was in general agreement with the draft Report thus, not providing any factual inaccuracies. Accordingly, we issue the Report as Final. As agreed to by Ms. Osga, the DHS will submit to the OCR a status update of the steps taken by the DHS to implement the recommendations contained in the Report by October 19, 2012.

Based on all the information provided by the, coupled with the information the OCR gathered during our onsite visit, we conclude, in regard to the limited scope of our review, that the DHS is not fully compliant with the federal civil rights laws and regulations the OCR enforces. At this time, we have reservations about whether the DHS has adequate complaint procedures in place to respond to discrimination complaints from beneficiaries and employees of subrecipients, whether it is sufficiently monitoring subrecipients for compliance with applicable federal civil rights laws and regulations, and whether it is training and educating its subrecipients on those laws and regulations. Below please find the Report which contains recommendations for improving the DHS methods for monitoring the civil rights compliance of its subrecipients and developing complaint procedures to address discrimination complaints received from employees or beneficiaries of subrecipients to ensure compliance with applicable federal civil rights laws.

Compliance Review Report: Overview and Recommendations

I. Overview

This Report first examines the DHS procedures for monitoring whether subrecipients are meeting their obligations to comply with the federal civil rights laws that are a condition for receiving federal financial assistance. The Report then focuses on the DHS implementation of the DOJ's Equal Treatment Regulations.

A. General Monitoring Procedures to Ensure Subrecipient Compliance with Applicable Federal Civil Rights Laws

Recipients of federal financial assistance from the OJP are responsible for certifying that contractors and subrecipients under DOJ grant programs comply with applicable federal civil rights laws. In reviewing the DHS general efforts to ensure subrecipients compliance with civil rights obligations, the OCR examined how the DHS used the following four tools: (1) standard assurances, (2) onsite visits and other monitoring methods, (3) training programs and technical assistance, and (4) procedures for receiving, investigating, and resolving complaints alleging discrimination in the delivery of services.

1. Standard Assurances

At the time of the OCR's onsite visit through the most recent data response, the DHS received grant funding through the DOJ's, Office on Violence Against Women (OVW) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Two separate DHS divisions, the Bureau of Juvenile Justice (BJJ) and the Michigan Domestic Violence Prevention and Treatment Board

(MDVPTB), are responsible for administering DOJ grant awards on behalf of the DHS.¹ For the sake of clarity, the Data Request response from each division is addressed separately, when necessary, throughout this Report.

In its response, the DHS stated that prior to receiving federal grant funds all subrecipients must endorse a document entitled, “General Provisions-Private, Non-Profit and Private, Proprietary,” which the DHS referenced as its “Standard Assurances.” Within this document, the DHS stated the following provisions require subrecipient compliance with applicable federal civil rights laws and regulations:

C. Compliance with Rules and Regulations

1. Compliance with Federal and State Requirements

The Contractor shall comply with all Federal State, and local statutes, regulations and administrative rules, and any amendments thereto, as they may apply to the performance of this Agreement. This shall include, but shall not be limited to, those laws and regulations that could have a material effect on the Federal program.

In addition, the Contractor shall comply with all Federal grant agreements, provisions Stated² within the Catalog of Federal Financial Assistance, and State and Federal laws and other rules and regulations related to this funding source.

The Contractor shall comply with all Federal Office and Management and Budget circular, which apply to the Federal funding provided under this Agreement which include but are not limited to:

A-122 for cost principles, Relocated to 2 CFR, Part 230

A-110 for administrative requirements, Relocated to 2 CFR, Part 215

A-133 for audit requirements

Special Federal Grant Provisions

¹ The BJJ administers the following DOJ grants awards: Juvenile Accountability Block Grant (including 2010-JBFX-0059, 2009-JBFX-0017, 2008-JBFX-0017 and 2007-JBFX-0072), Title II Formula Grant (including 2010-JFFX-0059, 2008-JFFX-0017, and 2007-JFFX-0013), and Title V Community Prevention Grants (including 2010-JPFX-0016, 2009-JPFX-0035, 2008-JPFX, and 2007-JPFX-0019). The MDVPTB administers the following DOJ grant awards: Sexual Assault Services Program (including 2010-KFAX-0003 and 2009-KFAX-0013), STOP Formula Grant (including 2010-WFAX-0027, 2009-WFAX-0013, 2008-WFAX-0005, and 2007-WFAX-0007), Transitional Supportive Housing Grant 92009-EHS6-0088), Safe Havens for Children Grant (including 2009-CWAX-K003 and 2007-CWAX-0011), and the Rural Grant Project (2010-WRAX-0060).

² The OCR notes the use of the upper case “S” is original to the document submitted by the DHS.

The Contractor shall keep informed of Federal, State, and local laws, Ordinances, rules, regulations, orders, and decrees of bodies or tribunals having any jurisdiction/authority that in any manner affects those engaged in or employed on the work done under this Agreement or that in any manner affects the conduct of work done under this Agreement.

3. Compliance with Civil Rights, Other Laws

The Contractor shall not discriminate against any employee or applicant for employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status pursuant to Public Act 453, Section 209. The Contractor shall also comply with the provisions of the Michigan Persons with Disabilities Civil Rights Act, 1976 Public Act 220, as amended (M.C.L. 37.1101 et. seq³) and Section 504 of the Federal Rehabilitation Act of 1973, P.L. 93-112, 87 Stat. 355⁴, which States⁵ that no employee or client or otherwise qualified handicapped individual shall, solely by reason of this handicap, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Further, the Contractor shall comply with the Americans with Disabilities Act of 1990 (ADA), P.L. 101-336, 104 Stat. 327⁶, which prohibits discrimination against individuals with disabilities and provides enforcement standards. The Contractor shall comply with all other Federal, State or local laws, regulations and standards, any amendments thereto, as they may apply to the performance of this Agreement.

5. Prohibition Against Using Funds to Support Religious Activities

The Contractor shall not use financial funds administered by the State or Federal government to support inherently religious activities, such as worship, religious instruction, or proselytization. If the Contractor engages in such activities, it must offer them separately, in time or location, from the programs or services funded with State or Federal assistance, and participation must be voluntary for the beneficiaries of the State or Federally funded programs or services.

The Contractor shall strictly adhere to provisions of Federal law and regulation,

3 The OCR notes the omission of the period after “seq” is original to the DHS document.

4 Please note the correct citation is 29 U.S.C. § 794

5 The OCR notes the use of the upper case “S” is original to the document submitted by the DHS.

6 Please note the correct citation is 42 U.S.C. §§ 12131-34.

including those found in 42 U.S.C. 604a.

Although there are a few legal clauses contained within the Standard Assurances, overall, the document fails to reference the majority of applicable federal civil rights laws or requirements. Additionally, although the Equal Treatment Regulations appear to be paraphrased in part, there is no accurate legal citation to this regulation within the Standard Assurances, and the DHS stated in its data response it also does not specifically cite the Equal Treatment Regulations in any of its pre-award documents. The Standard Assurances also do not instruct subrecipients to submit findings of discrimination to the OCR, nor do they address the requirement to ensure meaningful access to individuals who are considered limited English proficient or LEP. The Standard Assurances also do not convey to subrecipients the Equal Employment Opportunity Program requirements pursuant to 28 C.F.R. §§ 42.301-.308. Finally, the Standard Assurances either omit or contain incorrect legal citations to applicable federal civil rights laws which are fully outlined for your reference in Section II (C) of this Report.

2. Onsite Visits and Other Monitoring Methods

The DHS stated the BJJ does not have any procedures in place to monitor the compliance of its subrecipients and contractors with applicable federal civil rights laws and regulations.

As for the MDVPTB, the DHS stated this division is mandated to develop quality assurance standards for organizations that serve survivors of domestic and sexual violence and must monitor these organizations for compliance. To this end, the MDVPTB conducts site visits of its subrecipients every four to five years during which time subrecipient compliance with the following laws is evaluated: the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. The DHS further stated in its data response that the MDVPTB requests a written response from any subrecipient that received a complaint of discrimination from a member of a protected class under either federal or state law. If the subrecipient received a complaint of this nature, it must describe to the MDVPTB how the complaint was handled.

To supplement its response, the DHS provided a copy of the monitoring document the MDVPTB relies upon when conducting onsite monitoring visits of subrecipients entitled, "MDVPTB Quality Assurance Standards Self Evaluation". Upon review, this document does not directly inquire whether the subrecipient is complying with any of the applicable federal civil rights laws and regulations, thus, failing to monitor for compliance with these laws and regulations.

3. Training and Technical Assistance

In its response, the DHS stated the BJJ does not provide any training or technical assistance to its subrecipients regarding their duty to comply with applicable federal civil rights laws and regulations. However, the DHS stated the MDVPTB holds three to four technical assistance meetings annually for its subrecipients. Per the DHS, these meetings periodically discuss award

document information related to federal civil rights laws and regulations, and the dissemination of the OCR's brochure entitled, "Civil Rights Laws Prohibit Discrimination By Agencies That Receive Federal Financial Assistance." The DHS stated the MDVPTB also provides training for newly appointed directors of funded organizations which includes a discussion of compliance with federal civil rights laws and regulations. Finally, the DHS explained the MDVPTB contracts with an outside organization, the Michigan Coalition Against Domestic Violence and Sexual Violence, to provide statewide trainings which include a discussion of compliance with applicable federal civil rights laws and regulations.⁷

As for training provided to grant-making staff, the DHS stated the BJJ does not provide any training to its staff regarding the Equal Treatment Regulations. However, MDVPTB employees regularly attend civil rights training hosted by the DOJ, to include both the OCR and the Office on Violence Against Women, which does address the Equal Treatment Regulations. To this end, the DHS provided a copy of a Power Point presentation provided by an OCR representative who covered all applicable federal civil rights laws and regulations to include the Equal Treatment Regulations. In a supplemental response, the DHS stated all field workers and first line supervisors are required to annually view an online training module which covers civil rights laws. The OCR reviewed a copy of this training module, and it appears that the module does not address the bulk of the applicable federal civil rights laws and regulations that recipients of federal funding must comply to include the Equal Treatment Regulations.

4. Complaint Procedures

In its data response, the DHS provided several departmental nondiscrimination policies from its administrative handbook which address how complaints of discrimination from its employees and direct clients may be filed and how those complaints are processed and by whom. The DHS also has an existing policy which addresses how complaints of disability discrimination in the delivery of services to its clients under the ADA and Section 504 of the Rehabilitation Act are addressed. However, in response to the OCR's request for clarifying information as to whether any of the policies apply to subrecipient employees or beneficiaries, the DHS stated the policies and procedures are *not* binding on DHS subrecipients to include employees and beneficiaries.⁸

⁷ The DHS provided a copy of a training presentation provided by Faith Trust Institute and entitled, "Faith and the Fundamentals of Cultural Competency." However, upon review of this training, it is unclear to the OCR whether this is the statewide training the DHS notes the MDVPTB provides through a contract vendor. Furthermore, this training presentation does not contain a discussion of the applicable federal civil rights laws and requirements that subrecipients must comply. Please confirm if the training presented by Faith Trust Institute is the statewide training referenced in the DHS response, and if not, please identify what vendor the DHS was referencing and provide a copy of the training noted in the Data Request response.

⁸ In its response, the DHS stated that if the MDVPTB is made aware of allegations of discrimination, it contacts the DHS Legal Services Office. If the complaint is "beyond the scope" of the MDVPTB, the matter is then referred to the Michigan Civil Rights Commission, the Michigan Department of Energy, Labor and Economic Growth-Wage and Hour Division, or a private attorney. First, please clarify what matters the MDVPTB would consider "beyond

The DHS further stated they were not aware of any employee or beneficiary of a subrecipient ever filing a discrimination complaint against a subrecipient, either internally or externally.

B. Monitoring Compliance with Faith-Based Regulations

The purpose of the Equal Treatment Regulations is to ensure that “[r]eligious organizations are eligible, on the same basis as any other organization, to participate in any [Justice] Department program for which they are otherwise eligible.” See § 28 C.F.R. 38.1(a). The Regulations prohibit the DOJ and its funding recipients from discriminating either for or against an organization on the basis of the organization's religious character or affiliation. Id. In evaluating the DHS’s treatment of faith-based organizations, this Compliance Review focuses on two issues: (1) the review process for making awards to applicant faith-based organizations; and (2) procedures for ensuring that funded faith-based organizations comply with applicable federal civil rights laws.

1. The Process for Making Awards to Applicant Faith-Based Organizations

The DHS notifies and solicits prospective applicants of DOJ grant funds by way of advertising its Requests for Proposals (RFPs) on the Bid4Michigan website which is managed by the Department of Technology, Management and Budget.⁹ The RFPs are posted on the website for a period of two weeks, unless an exception is granted, at which time all received applications are reviewed by a team who ensures each application has satisfied the requirements listed in the award announcement. The review team then independently rates each proposal.¹⁰ Upon rating each application, the proposals are then ranked highest to lowest and awards are then determined. The DHS notifies all applicants, whether or not they were selected for an award, via letter.

In its data response, the DHS stated it does not have any specific mechanisms in place to notify members of the faith-based community regarding the availability of grant funding. The DHS went on to explain that funding is made equally available to all eligible applicants and there are no specific procedures in place to ensure faith-based organizations are neither favored or discriminated against in the funding process.

the scope” of its review. Second, regardless of the current procedures in place, it does not appear that the complaint process identified by the MDVPTB extends to complaints of discrimination from subrecipient employees or beneficiaries.

⁹ The exceptions to notifying and soliciting prospective applicants via the website are as follows: 1) a specific contractor was identified in the funding legislation; 2) the funding source specifies the contractor; and 3) an emergency purchase of goods or services for imminent protection of public health or safety.

¹⁰ Rating teams are formed based on the specific activities proposed and include experienced program staff, contract analysts, a financial reviewer, and a contract administrator.

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In its data response, the DHS stated it does not require any of its nonprofit applicants, including faith-based organizations, to have federal tax exempt status under 26 U.S.C. § 501(c)(3).¹¹

¹¹ Please note that the JJDP, Pub.L. 93-415, 42 U.S.C. § 5601 *et seq.*, requires nonprofit organizations funded under that statute to obtain tax exempt status under 26 U.S.C. § 501 (c)(3). The OCR understands that some of the DHS grants from the DOJ are authorized under the JJDP. The OCR recommends the DHS contact its named grant advisor at the DOJ, OJP to discuss this requirement.

The DHS stated that in both 2009 and 2010, no faith-based organizations applied for funding from the BJJ, and five faith-based organizations had applied for, and received, subawards from the MDVPTB.¹²

2. Procedures for Ensuring that Faith-Based Organizations Comply with Applicable Federal Civil Rights Laws

In its most recent data response, the DHS stated it does not have any procedures in place to ensure faith-based organizations are in compliance with applicable federal civil rights laws and requirements to include faith-based organizations' compliance with the Equal Treatment Regulations found at 28 C.F.R. pt. 38.

II. Recommendations

The DHS currently has minimal procedures in place for monitoring the civil rights compliance of its subrecipients. To strengthen the monitoring efforts of the DHS, we offer the following five recommendations: (1) develop a comprehensive policy, including the establishment of written procedures, for addressing discrimination complaints; (2) add a citation referring to DOJ's Equal Treatment Regulations to its Standard Assurances and grant application guidelines; (3) include information on all of the applicable federal civil rights laws and requirements in its assurance and award documents; (4) monitor subrecipients for compliance with federal civil rights laws during annual onsite monitoring visits; and (5) provide training to subrecipients on their obligations to comply with federal civil rights laws.

A. Develop Comprehensive Policy for Addressing Discrimination Complaints

While the DHS did demonstrate some idea of what steps it may take if it receives a discrimination complaint from its employees or direct clients and how to process complaints of disability discrimination from DHS clients in the delivery of its services, it did not have any explicit procedures in place which address how to process complaints of discrimination from employees or beneficiaries of DHS subrecipients. Accordingly, the DHS should adopt a policy for addressing discrimination complaints that includes, at a minimum, the following elements:

- 1) designate a coordinator who is responsible for overseeing the complaint process;¹³

12 Those organizations, which are identical for 2009 and 2010, are as follows: Bethany Christian Services, YWCA of Metropolitan Detroit-Interim House, YWCA of Greater Flint, YWCA of Kalamazoo, and YWCA of West Michigan.

13 See 28 C.F.R. § 31.202 (a)(1).

- 2) notify employees of the DHS, beneficiaries, and subrecipients of prohibited discrimination in funded programs and activities and the DHS policy and procedures for handling discrimination complaints;¹⁴
- 3) establish written procedures for receiving discrimination complaints from the DHS beneficiaries, and from subrecipient employees and beneficiaries;
- 4) refer each complaint to the appropriate agency for investigation and resolution, such as the EEOC; or referring the complaint to the OCR, which will review the complaint and work with the DHS to resolve the complaint; and
- 5) train DHS program staff on their responsibility to refer discrimination complaints, or potential discrimination issues, to the DHS complaint coordinator for processing as soon as the alleged discrimination comes to their attention.

Information about the applicable laws, complaint forms, and the investigative process may be found at the OCR's website at www.ojp.usdoj.gov/ocr/crc. Developing a comprehensive policy for addressing discrimination complaints should be a top priority for the DHS. To assist the DHS in the drafting process, we have developed, and provide for your consideration, sample procedures for addressing how to process complaints of discrimination from subrecipient employees and beneficiaries.

B. Add a Citation Referring to the Faith-Based Regulations to Subrecipient Standard Assurances, Grant Application Guidelines, and all other Award Documents

The DHS should be sure to include a reference to the DOJ's Equal Treatment Regulations, 28 C.F.R. pt. 38, in its Standard Assurances, and any DOJ grant application documents that may reference prospective faith-based organizations. Subrecipients receiving funding from DOJ components need to be aware of the obligation to comply with these regulations.

C. Include Reference to Civil Rights/Nondiscrimination Provisions in the DHS Standard Assurances

The DHS should include a full and accurate reference to all of the federal civil rights laws the OCR enforces and that subrecipients are required to comply with in the documents noted in Section I (A)(1) of this Report and which contain the assurance and condition that subgrantees must sign when applying for, and receiving federal grant awards. To that end, the DHS should incorporate, at a minimum, the following language in all DOJ subrecipient assurance documents regardless of the amount of the federal financial assistance at issue:

¹⁴ *Id.* at 31.202 (b)(3).

It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); Ex. Order 13279 (equal protection of the laws for faith-based and community organizations); and 28 C.F.R. pt. 38 (U.S. Department of Justice Equal Treatment for Faith-Based Organizations).

In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs and to the Michigan Department of Human Services (DHS).

The recipients will determine whether it is required to formulate an Equal Employment Opportunity Plan (EEO) in accordance with 28 CFR § 42.301 et seq. If the applicant is not required to formulate an EEO, it will submit a certification form to the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights (OCR), and the OPM indicating that it is not required to develop an EEO. If the applicant is required to develop an EEO, but is not required to submit the EEO to the OCR, the applicant will submit a certification form to the OCR and the MSP certifying that it has an EEO on file which meets the applicable requirements. If the applicant is awarded a grant of \$500,000 or more and has fifty or more employees, it will submit a copy of its EEO to the OCR and OPM. Non-profit organizations, Indian Tribes, and medical and educational institutions are exempt from the EEO requirement, but are required to submit a certification form to the OCR to claim the exemption (a copy should also be submitted to the OPM). Additional information about the EEO requirements may be found online at http://www.ojp.usdoj.gov/about/ocr/eeop_comply.htm.

Finally, additional information about the other civil rights obligations of grantees addressed in this Report may be found online at <http://www.ojp.usdoj.gov/ocr/>.

Although the DHS has an existing policy in place entitled, "AHJ 1315, Limited English Proficiency," which instructs employees on providing language assistance services at no cost to LEP persons, it does not appear that this policy extends to subrecipients. Thus, the DHS should also include in its assurance documents, a provision requiring subrecipients to certify that they will provide meaningful access to their programs and activities to LEP persons. In June of 2002, the DOJ published guidance for its financial aid recipients and state subrecipients about taking reasonable steps to provide meaningful access to programs and activities for LEP persons in accordance with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968. For a detailed discussion of the requirement to provide meaningful access to LEP persons, please review the guidance issued by the DOJ on this matter entitled, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," 67 Fed. Reg. 41,455 (June 18, 2002).

Finally, the DHS may wish to add a sentence stating that in accordance with federal civil rights laws, the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

D. Monitor for Compliance with Federal Civil Rights Laws during Onsite Monitoring Visits

The DHS should ensure DOJ subrecipients comply with grant requirements. Pursuant to its responsibility to monitor the compliance of subrecipients with applicable federal civil rights laws, the DHS should broaden the scope and basis for selecting subrecipients for monitoring to include monitoring for civil rights compliance. Specifically, the DHS should evaluate its subrecipients for compliance with all civil rights requirements that are binding on recipients of federal funding (e.g., whether the subrecipient has a grievance procedure and a designated coordinator as required by section 504 of the Rehabilitation Act and Title IX of the Education Amendments of 1972). Also, the DHS should be sure to monitor whether the subrecipient is complying with DOJ's Equal Treatment Regulations, including the prohibitions against using federal funds to engage in inherently religious activities and discriminating against program beneficiaries on the basis of religion.

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To assist the DHS in strengthening its onsite monitoring procedures, please find enclosed a monitoring checklist which was developed by the OCR and addresses the applicable federal civil rights laws and requirements that an SAA should monitor its subrecipients for compliance.

E. Provide Training to Subrecipients on Their Obligations to Comply with Federal Civil Rights Laws

The DHS, through the MDVPTB, is providing some training for its subrecipients on compliance with applicable federal civil rights obligations. However, the BJJ is not providing any training for its subrecipients on compliance with applicable federal civil rights obligations. Thus, to ensure subrecipients are aware of their obligations under federal civil rights laws, we strongly recommend the DHS provide periodic training for its subrecipients on the applicable federal civil rights laws. Training of this type should be for every subrecipient and offered at least once during a grant cycle, whether the DHS provides the training in person, during a teleconference, or through other means. To assist the DHS in the provision of training to subrecipients, the OCR has developed a comprehensive civil rights training which is accessible online at <http://www.ojp.usdoj.gov/about/ocr/assistance.htm>. The OCR is available to provide the DHS with technical assistance in developing civil rights training programs.

Conclusion

The DHS should implement the recommendations set forth in the Report to ensure substantial compliance with the federal civil rights laws the OCR enforces. On request, the OCR is available to provide technical assistance to the DHS in addressing the concerns raised in the Report.

Thank you for your cooperation and the assistance of your staff throughout the compliance review process. If you have any questions, please contact [REDACTED] electronically at [REDACTED] or by telephone at [REDACTED].

Sincerely,

Michael L. Alston
Director

Enclosures

Cc: Rebekah Mason Visconti, Director
DHS Legal Services
235 S. Grand Avenue
P.O. Box 30037
Lansing, MI 48909-7537

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Jeff Meaton
DHS Legal Services
235 S. Grand Avenue
P.O. Box 30037
Lansing, MI 48909-7537