



**U.S. Department of Justice**

Office of Justice Programs

*Office for Civil Rights*

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*Washington, D.C. 20531*

November 15, 2011

VIA CERTIFIED MAIL

Kristine Ring  
Director  
New Mexico Crime Victims Reparation Commission  
8100 Mountain Road, NE, Suite 106  
Albuquerque, NM 87110

Re: Compliance Review of New Mexico Crime Victims Reparation Comm'n  
Docket No. 11-OCR-0348

Dear Ms. Ring:

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of federal financial assistance from the Office of Community Oriented Policing Services, the Office on Violence Against Women (OVW), the OJP, and OJP components comply with federal civil rights laws. As you know, recipients of federal financial assistance have an obligation not to discriminate against protected classes of people either in employment or in the delivery of services.

In carrying out the OCR's civil rights enforcement responsibilities, the OCR is conducting a broad compliance review of all State Administering Agencies (SAA) in accordance with federal regulation 28 C.F.R. § 42.206. The focus of this review is to determine both compliance with applicable federal civil rights laws and SAA monitoring procedures for ensuring the compliance of subrecipients with these laws. As part of that review, the OCR is evaluating the New Mexico Crime Victims Reparation Commission (CVRC or Commission). Of particular interest to the OCR is the CVRC's compliance with the federal regulations that the DOJ issued in January of 2004, Equal Treatment for Faith-Based Organizations, 28 C.F.R pt. 38. The regulations advise SAAs not to discriminate either in favor of or against faith-based organizations. The regulations also instruct funded faith-based organizations not to discriminate in the delivery of services or benefits based on religion or to use federal funds for inherently religious activities.

On September 13, 2011, the OCR conducted an onsite visit with the CVRC in Albuquerque, New Mexico, to interview management and program staff; we also provided a training program for the Commission about the federal civil rights laws that the OCR enforces and effective ways to monitor subrecipient compliance with applicable civil rights obligations. The OCR would like to thank you for assisting the DOJ during its onsite visit.

In regard to the limited scope of this Compliance Review, the OCR concludes that the CVRC is not fully in compliance with the requirements of the federal civil rights laws that the OCR enforces. Specifically, we recommend that the Commission: (1) strengthen its guidance to subrecipients about their legal obligations regarding applicable federal civil rights laws, (2) continue to utilize and refine its monitoring protocol, (3) refine and expand its civil rights training for subrecipients, and (4) develop complaint procedures for responding to certain discrimination allegations. The following Compliance Review Report includes recommendations for improving the CVRC's methods for monitoring the civil rights compliance of subrecipients and ensuring compliance with its federal civil rights obligations.

## **Compliance Review Report: Overview and Recommendations**

### **I. Overview**

This Compliance Review Report first examines the CVRC's 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 Commission's 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 CVRC's general efforts to ensure subrecipients' compliance with their civil rights obligations, the OCR evaluates how the Commission uses 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 employment and services discrimination.

##### **1. Standard Assurances**

The OCR examines the standard assurances that the CVRC uses in connection with its administration of the following programs: (1) Victims of Crime Act (VOCA) Victim Assistance grants, and (2) the OVW's Violence Against Women Act Services • Training • Officers • Prosecutors grants (VAWA STOP). In applying for VOCA or VAWA funds, an applicant must submit an assurances document to the Commission that includes the following language regarding civil rights laws:

It will comply, and all its contractors will comply, with the non-discrimination requirements of the Omnibus Crime Control and

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Safe Streets Act of 1968, as amended, 42 USCS 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.

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 Projects.

It will provide an Equal Employment Opportunity Project if required to maintain one, where the application is for \$500,000 or more.

(VOCA and VAWA Assurances, ¶¶ 13-15.)

Once the CVRC selects VOCA and VAWA subrecipients, but before it releases any grant funds to them, it requires successful applicants to execute various documents. All entities that will receive funds must complete a form, which the Commission created, that requires subgrantees (1) to maintain data regarding its employment practices and delivery of services, (2) to promptly report findings of discrimination that are issued against it, and (3) to comply with pertinent Equal Employment Opportunity Plan (EEO) obligations. The CVRC also requires successful applicants to sign a grant agreement and a special conditions document; however, these documents vary by program.

In order to receive VOCA funds, a successful applicant must agree to the following civil rights provisions:

#### **EQUAL EMPLOYMENT COMPLIANCE**

The contractor agrees to abide by all Federal and State laws and rules and regulations, and executive orders of the Governor of the State of New Mexico pertaining to equal employment opportunity. The subgrantee agrees that no person shall, on the basis of race, color, national origin, sex, sexual preference, age or handicap, be

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excluded from employment with or participation in, be denied services, or be otherwise subjected to discrimination under any program or activity performed under this Agreement.

(Fiscal Year 2012 VOCA Victim Assistance Formula Grant Program Agreement, § VI.)

Organizations must submit an acceptable Equal Employment Opportunity Plan, if required pursuant to 28 CFR 42.302. This plan must be approved by the DOJ, OJP Office of Civil Rights.

(Fiscal Year 2012 VOCA Victim Assistance Formula Grant Program Special Conditions, ¶ 26.)

In order to receive VAWA funds, a successful applicant must agree to the following civil rights provisions:

#### EQUAL OPPORTUNITY COMPLIANCE

The Contractor agrees to abide by all Federal and State laws and rules and regulations, and executive orders of the Governor of the State of New Mexico pertaining to equal employment opportunity. The Contractor agrees that no person shall, on the basis of race, color, national origin, sex, sexual preference, age or handicap, be excluded from employment with or participation in, be denied services, or be otherwise subjected to discrimination under any program or activity performed under this agreement. The Contractor agrees to submit an Office for Civil Rights certification of compliance form within 45 days of the beginning date of the grant award.

(VAWA Grant Agreement, Federal Grant No. 2010-WF-AX-0047, § VI.)

The Contractor agrees to comply with the applicable requirements of 28 C.F.R. Part 8, the Department of Justice regulation governing "Equal Treatment of Faith Based Organization (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to

discriminate in the provision of services on the basis of a beneficiary's religion.

(VAWA Special Conditions, Federal Grant No. 2010-WF-AX-0047, ¶ 34.)

As discussed below in Recommendation A, there are basic federal civil rights obligations that govern all DOJ-funded subrecipients and that should be addressed uniformly in the certified assurances documents the CVRC uses to award VOCA and VAWA grant funds.

## 2. Onsite Visits and Other Monitoring Methods

The CVRC conducts monthly or quarterly desk reviews of subrecipients and endeavors to conduct an onsite visit of a subrecipient once every three years. In determining whether to conduct a site visit of a specific subgrantee, the Commission evaluates whether an organization is a new VOCA or VAWA subrecipient, requires additional technical assistance, or has adopted a best practice in implementing its project that can be shared with other organizations. During a site visit, program monitors may identify problems that warrant further attention or promising practices that should be shared with other subrecipients. Every two months, grant administrators also hold meetings for subrecipients, which enables the Commission to provide ongoing technical assistance to subgrantees and allows organizations to ask questions about the administration of their VOCA or VAWA grants. Grant administrators are also available to respond to technical assistance questions by e-mail and telephone.

In connection with the beginning of its fiscal year 2012 grant cycle, which began on July 1, 2011, the CVRC asked its subrecipients to complete a federal civil rights compliance checklist. The checklist consists of eleven questions that cover various civil rights obligations, including those related to complying with EEO requirements; notifying program participants, beneficiaries, and employees of prohibited discrimination; implementing appropriate discrimination complaint procedures; posting nondiscrimination notices as required by section 504 of the Rehabilitation Act; implementing a grievance procedure and designating a coordinator as required by section 504 of the Rehabilitation Act and Title IX of the Education Amendments of 1972; reporting findings of discrimination to the OCR; providing meaningful access to programs and activities to persons who have limited English proficiency; providing training to employees on applicable civil rights requirements; and ensuring compliance with the Equal Treatment Regulations. To date, the CVRC has not received completed checklists from its subrecipients. The Commission contemplates that it will use this monitoring tool once each year, possibly in connection with routine desk reviews of subrecipients.

In addition to this checklist, the CVRC uses a separate site review monitoring form for VOCA subrecipients that includes several questions related to civil rights obligations. Specifically, the form elicits information about whether the subgrantee (1) serves crime victims in a non-discriminatory fashion, (2) follows EEOC guidelines in hiring project staff, (3) ensures that

facilities are accessible to disabled persons, and (4) collects and maintains statistical client-related data, including information on a crime victim's national origin, race, sex, age, language, and disability status.

### 3. Training and Technical Assistance

The CVRC regularly endeavors to provide information to VOCA and VAWA applicants and subrecipients about their obligations under applicable federal civil rights laws. Each year, the VOCA and VAWA grant administrators provide grant-writing workshops and post-award workshops that cover various aspects of the grant application and administration processes, respectively. While the Commission offers pertinent assistance to all applicants in preparing their grant proposals, it provides different civil-rights-related information to VAWA applicants than to VOCA applicants. For instance, in the request for proposal (RFP) for VAWA STOP awards, the CVRC includes sections on civil rights compliance and the provision of services to limited English proficient (LEP) persons, but does not address the DOJ's Equal Treatment Regulations; the VOCA Victim Assistance RFP discusses the duties to provide language-assistance services to LEP persons and the unique obligations that apply to faith-based organizations, but does not describe all of the applicable federal civil rights laws. During the post-award workshops, the CVRC more consistently provides information about the civil rights obligations that apply to all subrecipients. In particular, the VOCA and VAWA grant administrators review pertinent federal civil rights provisions in the governing grant agreements for both programs.

### 4. Complaint Procedures

In reviewing complaint procedures, the OCR evaluates the process in place for individuals to pursue complaints of employment and services discrimination against the CVRC and its subrecipients.

On July 28, 2011, the CVRC issued anti-harassment and whistleblower policies that apply to its employees. The anti-harassment policy covers harassment on the basis of race, color, national origin, ancestry, religion, physical or mental disability, marital status, age, or any other basis protected under federal or state law.<sup>1</sup> The whistleblower policy encourages employees to report allegations of wrongdoing and explains that the CVRC will not retaliate against any employee who makes a good-faith report of misconduct. While the Commission has not provided training to personnel on these policies, it is making arrangements for an expert on equal employment opportunity issues to train its staff on issues involving employment discrimination. In addition, the State of New Mexico, through its Human Rights Bureau (HRB), Department of Labor, has procedures to respond to complaints of discrimination from CVRC and subrecipient employees.

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<sup>1</sup> In describing the governing legal authority for the policy, the Commission only references Title VII of the Civil Rights Act of 1964.

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The HRB is responsible for enforcing the provisions of New Mexico law that prohibit discrimination in employment on the basis of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, serious medical condition, or spousal affiliation. N.M. Stat. Ann. § 28-1-7(a) (West 2011). In certain circumstances, a Commission or subrecipient employee can also file an employment discrimination complaint with the Equal Employment Opportunity Commission (EEOC) or the OCR.

The CVRC does not have procedures in place regarding its handling of services discrimination complaints. If it received a complaint, it would conduct an internal investigation to determine whether the allegations have merit. To the extent beneficiaries allege that they are unable to access certain services or benefits from the Commission or a subrecipient, they may be able to pursue claims under New Mexico law, which prohibits discrimination in public accommodations on the basis of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, or physical or mental handicap. *Id.* § 28-1-7(f). In certain circumstances, a CVRC or subrecipient beneficiary can also file a services discrimination complaint with the OCR.

In monitoring a subrecipient, the Commission evaluates, through its federal civil rights compliance checklist, whether the subgrantee notifies program participants, program beneficiaries, and employees that it does not discriminate on the basis of race, color, national origin, religion, sex, disability, or age in the delivery of services or in its employment practices. It also determines whether a subrecipient has written policies or procedures in place for notifying program beneficiaries how to file complaints alleging discrimination in the subgrantee's programs or activities.

## 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.” 28 C.F.R. § 38.1(a) (2010). The Regulations prohibit the DOJ and DOJ-funded recipients from discriminating either for or against an organization on the basis of the organization's religious character or affiliation. *Id.* In evaluating the CVRC's equitable treatment of faith-based organizations, the Compliance Review Report 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 CVRC administers the VOCA Victim Assistance program, which supports activities serving crime victims, and the VAWA STOP program, which promotes a coordinated, multidisciplinary approach to improving the criminal justice system's response to violent crimes against women,

such as domestic violence and sexual assault. For both programs, the CVRC includes solicitation announcements in its newsletter, on its Web site, and on the New Mexico Domestic Violence Leadership Commission Web site. It also advertises the funding opportunities in the *Albuquerque Journal* and in an electronic bulletin. In addition, the Commission sends solicitation announcements to the New Mexico Coalition of Sexual Assault Programs; the New Mexico Coalition Against Domestic Violence; the Coalition to STOP Violence Against Native Women; the New Mexico Administrative Office of the District Attorneys; the New Mexico Children, Youth, and Families Department; the New Mexico Department of Public Safety; and the New Mexico Sheriffs' and Police Association. The Commission does not require a nonprofit applicant to have federal tax-exempt status in order to receive VOCA or VAWA funding.

a. VOCA subaward process

The CVRC relies on an RFP process to select VOCA Victim Assistance subrecipients. A VOCA peer review committee, consisting of experts in the fields of sexual assault, domestic violence, child abuse, and criminal justice, reviews submitted proposals. The committee reviews the applications for compliance with the RFP's requirements and may request additional, clarifying information from individual applicants. It scores proposals based on twelve selection criteria and, after identifying those projects that will be the most beneficial to crime victims in New Mexico, makes recommendations for specific grant award allocations. The CVRC Board reviews the committee's recommendations and makes final funding decisions. For the VOCA Victim Assistance program administered by the CVRC in fiscal year 2012, no faith-based organization applied for funding.

b. VAWA subaward process

Like the selection process for VOCA Victim Assistance awards, the CVRC relies on an RFP process to select VAWA STOP subrecipients. Once it receives applications, the Commission relies on two proposal review committees to analyze and prioritize the proposals. The committees are composed of statewide experts on violence against women, and include representatives from law enforcement agencies, courts, victim services groups, and faith-based organizations. These committees evaluate the merits of each application based on twelve selection criteria. As part of the review and selection process, the committees consider critical service needs and projects with a demonstrated history of success. After completing their assessment of applications, the committees make funding recommendations to the CVRC Board for final approval. In reviewing applications, the review committees consider geographic diversity, existing service availability in various regions throughout the state, and regional population densities. For the VAWA STOP program administered by the CVRC in fiscal year 2012, one faith-based organization (Catholic Charities) applied for and received funding.

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

The Equal Treatment Regulations circumscribe how faith-based subrecipients may use federal financial assistance. Specifically, such subgrantees may not engage in inherently religious activities with federal funds; nor can they discriminate against potential or actual program beneficiaries on the basis of religion or religious belief. 28 C.F.R. §§ 38.2(b)(1), (d). In administering its VOCA Victim Assistance and VAWA STOP programs, the CVRC seeks to ensure that faith-based organizations provide services consistent with their obligations under the Equal Treatment Regulations. Through its federal civil rights compliance checklist, the Commission monitors whether subgrantees (1) provide services to everyone regardless of religion or religious belief; (2) ensure that they do not use federal funds to conduct inherently religious activities, and that any such activities are kept separate in time or place from federally funded activities; and (3) ensure that participation in religious activities is voluntary for beneficiaries of federally funded programs.

## II. Recommendations

The CVRC already has in place a number of procedures to monitor the compliance of its subrecipients with various grant requirements. To strengthen the Commission's civil rights monitoring efforts, the OCR offers the following four recommendations: (1) modify the civil rights/nondiscrimination provisions in its grant agreements, (2) continue to utilize and refine its monitoring protocol, (3) provide consistent training to all subrecipients regarding their obligations to comply with federal civil rights laws, and (4) develop a comprehensive policy for addressing discrimination complaints.

### A. Modify the Civil Rights/Nondiscrimination Provisions in Grant Agreement

The CVRC should ensure that all DOJ subrecipients agree to grant agreement assurances that accurately reflect their federal civil rights obligations. To that end, the OCR recommends that the Commission amend its VOCA and VAWA grant agreements to include the following language or substantially similar language, which would continue to apply to all applicants for and subrecipients of DOJ funding, regardless of the amount of federal financial assistance at issue:<sup>2</sup>

Recipient will comply (and will require any subgrantees or contractors to comply) with any applicable federal

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<sup>2</sup> In addition to adding this language to its grant agreements, the CVRC should use the OCR's EEOC Certification Form, which is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>. After incorporating these changes into its grant award process, the Commission can eliminate its reliance on the Certification of Compliance with Regulations form.

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); 28 C.F.R. pt. 31 (U.S. Department of Justice Regulations – OJJDP Grant Programs); 28 C.F.R. pt. 42 (U.S. Department of Justice Regulations – Nondiscrimination; Equal Employment Opportunity; Policies and Procedures); Exec. Order No. 13279 (equal protection of the laws for faith-based and community organizations); Exec. Order No. 13559 (fundamental principles and policymaking criteria for partnerships with faith-based and neighborhood organizations); and 28 C.F.R. pt. 38 (U.S. Department of Justice Regulations – 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, or sex 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 the New Mexico Crime Victims Reparation Commission (CVRC).

Recipient will provide an Equal Employment Opportunity Plan (EEOP) to the Office for Civil Rights, Office of Justice Programs and the CVRC, if required to submit one; otherwise, it will provide a certification to the Office for Civil Rights, Office of Justice Programs and the CVRC that it has a current EEOP on file, if required to maintain one. For public grantee agencies receiving less than \$25,000, or public grantee agencies with fewer than 50 employees, regardless of the amount of the award, no EEOP is required. Information about civil rights obligations of grantees can be found at <http://www.ojp.usdoj.gov/ocr/>.

The CVRC may also consider including in the certified assurances the following language or substantially similar language regarding language-assistance services, which would apply to all DOJ programs:

As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and

resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with the Omnibus Crime Control and Safe Streets Act of 1968 and Title VI of the Civil Rights Act of 1964, the recipient must take reasonable steps to ensure that LEP persons have meaningful access to its programs. Meaningful access may entail providing language assistance services, including oral interpretation and written translation, where necessary. In conducting its programs and activities, the recipient is encouraged to consider the language service needs of LEP persons whom it serves or encounters. Additional assistance and information regarding LEP obligations can be found at <http://www.lep.gov>.

The Commission may also wish to add a sentence to the grant agreements 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.

**B. Continue to Utilize and Refine Monitoring Protocol**

The CVRC is to be commended for its general efforts to monitor subrecipients through desk reviews and onsite visits, as well as for its use of monitoring forms. As part of its responsibility to monitor the compliance of subrecipients with applicable federal civil rights laws, the Commission should continue to ensure that it conducts periodic monitoring of its subrecipients and refine its monitoring protocol, as appropriate, to reflect additional or different civil rights requirements that arise. For instance, the CVRC should expand its federal civil rights monitoring form to include a question about whether the subrecipient has written policies or procedures in place for notifying employees how to file complaints alleging discrimination by the subgrantee. We also encourage the Commission to expand its federal civil rights compliance checklist to include those questions on its VOCA monitoring form that relate to civil rights compliance.

**C. Refine and Expand Training for Subrecipients Regarding Their Obligations to Comply with Federal Civil Rights Laws**

The VOCA and VAWA grant administrators make a concerted effort to inform subrecipients of their civil rights obligations. The OCR especially applauds the CVRC for providing significant guidance to applicants and subgrantees on their responsibilities to provide adequate language-assistance services under Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968. The Commission, however, should ensure that all subgrantees throughout the two programs receive training that comprehensively describes their obligations under applicable federal civil rights laws. The OCR is available to provide the CVRC with technical assistance in refining and expanding its civil rights training programs.

D. Develop Comprehensive Policy for Addressing Discrimination Complaints

As previously noted, the CVRC has procedures in place to respond to discrimination complaints from its own employees, and the HRB, the EEOC, and the OCR are also available to resolve certain discrimination complaints. Nonetheless, the Commission has an obligation as a recipient of federal financial assistance to have in place policies that comprehensively address how it responds to employment and services discrimination complaints that it receives from CVRC and subrecipient employees and beneficiaries.

The CVRC's anti-harassment policy provides helpful guidance on how it handles harassment complaints from employees. To strengthen this policy, the Commission should add references to those federal statutes over which the OCR has jurisdiction, such as the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, that prohibit harassment in employment. The Commission should also amend its policy to explicitly prohibit harassment on the basis of sex. Finally, the CVRC, in this policy or elsewhere, should explain that the Commission prohibits discrimination in employment (which is a broader category than harassment in employment) based on an applicant or employee's membership in a covered protected class.

In addition to its anti-harassment policy and any discrimination policy that it may issue, the CVRC should implement a policy for addressing discrimination complaints that includes at a minimum the following elements:

- designating a coordinator who is responsible for overseeing the complaint process;
- notifying appropriate CVRC and subrecipient employees and beneficiaries of prohibited discrimination in funded programs and activities and the Commission's policy and procedures for handling discrimination complaints;
- establishing written procedures for receiving discrimination complaints from CVRC and subgrantee employees and beneficiaries;
- investigating each complaint internally or referring it to the appropriate agency, such as the EEOC or the OCR, for investigation and resolution;
- notifying the complainant that he or she may also file a complaint with the OCR;
- training CVRC program staff on their responsibility to refer discrimination complaints or potential discrimination issues involving subrecipients to the Commission's complaint coordinator for processing as soon as the alleged discrimination comes to their attention;

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- ensuring that subrecipients have procedures in place for responding to discrimination complaints that employees and beneficiaries file directly with the subrecipient; and
- notifying CVRC employees and beneficiaries of prohibited discrimination and the procedures for filing a complaint of discrimination, and ensuring that subrecipients do the same.

To assist the CVRC in developing an appropriate complaint policy, the OCR encloses discrimination complaint procedures that were adopted by two other State Administering Agencies. While the Commission's adoption of either of these procedures would satisfy the instant recommendation, the OCR also recognizes that there may be other, equally effective approaches that accomplish the same objectives. Additional information about the applicable laws, complaint forms, and the investigative process can be found at <http://www.ojp.usdoj.gov/ocr/crc>.

### III. Conclusion

We find that the CVRC should implement the OCR's recommendations to ensure substantial compliance with the federal civil rights laws that the OCR enforces. On request, the OCR is available to provide technical assistance to the Commission in addressing the concerns raised in this Report. **Immediately upon receipt of this letter, we ask that a responsible CVRC official contact Attorney Advisor Christopher Zubowicz to develop a timeline and goals for implementing the OCR's recommendations.** Thank you for your cooperation and the assistance of your staff during the Compliance Review process. If you have any questions, please contact Mr. Zubowicz at 202.305.9012.

Sincerely,

/s/ Michael L. Alston

Michael L. Alston  
Director

Enclosures