



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

April 1, 2013

Mr. Michael Gottfried
President and Founder
Team Focus, Inc.
1501 Knollwood Drive
Mobile, AL 36609

Re: Compliance Review of Team Focus, Inc. (12-OCR-0277)

Dear Mr. Gottfried:

On May 15, 2012, the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) initiated a compliance review of Team Focus, Inc., which is a recipient of financial assistance from the OJP.¹ The scope of the compliance review was Team Focus' adherence to applicable federal civil-rights laws, including the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968² and DOJ's regulation, Equal Treatment for Faith-Based Organizations.³ The federal civil-rights laws that apply to Team Focus as a recipient of financial assistance from OJP prohibit discrimination on the basis of race, color, national origin, sex, religion, disability,⁴ or age.⁵

Based on a careful review of Team Focus' written response to the OCR's Data Request, which it later supplemented with other requested materials; onsite observations and interviews; and the entire investigative record, the OCR finds that Team Focus is not fully in compliance with DOJ's

¹At the commencement of the Compliance Review, Team Focus was the recipient of multiple grants from the Office on Juvenile Justice and Delinquency Prevention (i.e., Grant 2008-JL-FX-0554 for \$827,273; Grant 2009-JL-FX-0290 for \$500,000; Grant 2010-JL-FX-0027 for \$500,000; and Grant 2010-JL-FX-0072 for \$100,000) and the Bureau of Justice Assistance (i.e., Grant 2009-D1-BX-0339 for \$350,000; Grant 2010-DD-BX-0598 for \$400,000; and Grant 2010-DD-BX-0599 for \$500,000). The grant periods for some of these awards (i.e., Grant 2010-DD-BX-0598, Grant 2010-DD-BX-0599, and Grant 2010-JL-FX-0027) extend until September 30, 2013.

² 42 U.S.C. § 3789d(c)(1) (2006) (prohibiting recipients of financial assistance under the statue from unlawfully discriminating either in employment or in the delivery of services based on race, color, national origin, sex, or religion) (Safe Streets Act).

³ 28 C.F.R. pt. 38 (Equal Treatment Regulation).

⁴ Section 504 of the Rehabilitation Act (Section 504) of 1973, as amended, 29 U.S.C. § 794.

⁵ Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102.

Equal Treatment Regulation and recommends that it voluntarily take steps to come into compliance with the law. The OCR also finds that Team Focus should, in accordance with Title VI of the Civil Rights Act of 1964,⁶ provide notice to beneficiaries and prospective beneficiaries of their civil-rights protections; Team Focus should also, in accordance with Title VII of the Civil Rights Act of 1964,⁷ clarify its employment practices in classifying certain jobs by sex. Moreover, the OCR counsels Team Focus to develop a policy for handling discrimination complaints from beneficiaries and prospective beneficiaries.

On March 15, 2013, the OCR sent a draft of the Compliance Review Report to Team Focus for comment. On March 28, 2013, the OCR received Team Focus' response, and the OCR revised the draft based on Team Focus' comments.

Compliance Review Report

A. Recipient's Operations

1. Background

Team Focus, founded in June of 2002 by Michael Gottfried, a former college football coach, is a nonprofit organization, incorporated under the laws of the State of Alabama.⁸ The purpose of Team Focus is “to provide fatherless boys, aged 10-17 with role models and positive influences, that affirm the boy—build character and create an environment that fosters self-esteem, self-worth and self-confidence.”⁹ Although Team Focus is not affiliated with any religious institution or faith community, it considers itself a faith-based, Christian organization because it reflects the beliefs of its founders.¹⁰ Team Focus does have an expressly religious perspective, stating that it challenges young men to “[a]chieve the ultimate victory—walking in the destiny God has planned for them” and that it “[e]ncourage[s] these young men in the areas of academics, athletics, social skills and Godly values.”¹¹ Team Focus, does not, however, have any religious requirements for program staff or participants.¹²

⁶ 42 U.S.C. § 2000d (Title VI).

⁷ *Id.* § 2000e (Title VII).

⁸ Resp. Attach. 2(a) (Art. of Inc.) (on file with OCR).

⁹ *Id.* 2(b) at 3 (Bylaws).

¹⁰ Interview with Mickey Gottfried, Co-founder, Team Focus, Inc., in Mobile, Ala. (July 16, 2012). Although Team Focus identifies Michael Gottfried as its founder (Resp. 1), it also identifies his wife, Mickey Gottfried, as a co-founder. Resp. Attach. 2(d).

¹¹ Resp. Attach. 2(b) at 3. On many of its publications, including the application form for prospective beneficiaries, Team Focus includes the following quotation from the Bible near its logo: “‘For I know the plans I have for you,’ declares the Lord, ‘plans to prosper you and not to harm you, plans to give you hope and a future.’” Resp. Attach. 2(e) (*Staff Manual* A-4, A-8, A-9, B-17 (Aug. 1, 2010) (citing Jer. 29:11)).

¹² Resp. 5, 6.

2. Programming

The most important part of Team Focus' programming is a residential summer camp, usually over a long weekend, in which boys engage in team sports; learn leadership skills; acquire job-interview experience through role-playing; learn etiquette, especially in terms of interacting with girls and women; discuss the importance of living principled lives; and acknowledge the challenges of growing up without a father. Team Focus provides tutoring support to boys during the academic year and encourages their participation in community-service projects. Team Focus also holds monthly support groups for the mothers of the boys participating in the program.

Although Team Focus operates summer camps with OJP funding throughout the country,¹³ its headquarters is in Mobile, Alabama; and the OCR observed a portion of the summer camp that Team Focus conducted on the campus of Spring Hill College in Mobile, Alabama, in July of 2012.

While onsite, the OCR witnessed camp participants playing basketball and other team sports, sharing meals, participating in group discussions on topics related to team-building and leadership, watching a film, listening to presentations from community leaders, and reviewing what they learned from each presentation.

Based on the OCR's observations, the participants appeared to be racially and ethnically diverse, and the OCR found no basis to question Team Focus' compliance with federal laws that prohibit discrimination based on race, color, national origin, age, or disability in the delivery of program services or benefits.

The OCR also did not witness group prayers or communal worship services that were an inherent part of the camp's programming.

3. The Screening of *Courageous*

As part of the camp experience, Team Focus screened the film, *Courageous*.¹⁴ The film depicts the lives of five fictional men who are friends and colleagues. The film has a strong Christian

¹³ Team Focus also receives funding from DOJ to operate programs in Birmingham and Montgomery, Alabama; Los Angeles, California; Washington, District of Columbia; Detroit, Michigan; Biloxi and Gulfport, Mississippi; Las Vegas, Nevada; Columbus and Sandusky, Ohio; Columbia, South Carolina; and Austin, Dallas, and Ft. Worth, Texas. Resp. 4.

¹⁴ *Courageous* (Sherwood Pictures 2011). For selected video clips from the film, see the film's website (*Courageous*, <http://courageousthemovie.com> (last visited Mar. 12, 2013)). Also available online are a plot summary (Wikipedia, *Courageous* (film), [http://en.wikipedia.org/wiki/Courageous_\(film\)](http://en.wikipedia.org/wiki/Courageous_(film)) (last visited, Mar. 12,

perspective, encouraging reliance on God and seeking God's assistance through prayer. The turning point of the film occurs when the daughter of the principal character dies. In the wake of her death, the man decides to make a formal resolution to become a better husband and father, and he invites his friends to join him in making this commitment. The commitment that the men make is in expressly religious terms, culminating in a formal ceremony that their families witness as the men sign a resolution to live better lives. The film ends with the main character preaching at church, challenging men to become responsible fathers before God.

To Team Focus' credit, the discussion following the film did not dwell on religious themes; instead, the film served as a catalyst for encouraging the boys to talk about the importance of being a responsible father.

4. BFOQ Positions, Notice of Applicable Civil-Rights Laws, and Grievance Procedures

a. Employment Practices

Team Focus states in its *Staff Manual* that it does not discriminate in the recruiting, hiring, or training of employees based on race, color, national origin, sex, religion, age, disability, or political affiliation.¹⁵ Team Focus's *Staff Manual* states, however, that it may lawfully discriminate in filling certain positions based on a bona fide occupational qualification (BFOQ).¹⁶ During the onsite visit, Team Focus admitted that it had not formally designated any positions as limited to sex on the basis of a BFOQ, but it posited that some of its positions might meet this requirement (e.g., staff who supervised boys in residential facilities).¹⁷

Team Focus also notes that it displays a poster in its Mobile office that provides notice to employees of its compliance with applicable federal laws that prohibit unlawful discrimination in employment.¹⁸ During the onsite visit, the OCR confirmed that the poster was on display, but the poster did not include a citation to the civil-rights protections of the Juvenile Justice and

2013)) and collections of published reviews (Metacritic, Courageous, <http://www.metacritic.com/movie/courageous> (last visited Mar. 12, 2013); Rotten Tomatoes, Courageous (2011), <http://www.rottentomatoes.com/m/courageous/> (last visited Mar. 12, 2013)).

¹⁵ Resp. Attach 2(e) (*Staff Manual* A-3, C-21).

¹⁶ *Id.* A-3; see 42 U.S.C. § 2000e-2(e).

¹⁷ Interview with Michael Gottfried, President and Founder, Team Focus, Inc., in Mobile, Ala. (June 16, 2012) (Gottfried Interview). Although it does not limit paid staff positions by sex, the *Staff Manual* contains a list of the personnel needed for each camp, classifying the tasks for unpaid, volunteer positions in terms of "male volunteers" and "women volunteers." Resp. Attach. 2(e) (*Staff Manual* B-6). For example, among the tasks reserved to women volunteers are handling registration, maintaining a "classroom atmosphere," grading notebooks, setting up and organizing the awards program, and assisting with other administrative duties. *Id.*

¹⁸ Resp. 10(b).

Delinquency Prevention Act (JJDPA) of 1974, as amended, or any other DOJ program statute.¹⁹ The poster also did not instruct employees or beneficiaries that if they should have a grievance based on unlawful discrimination, they could file an administrative complaint with the OCR.

Included in the *Staff Manual* are Team Focus's internal grievance procedures to address employment discrimination complaints.²⁰

b. Delivery of Services and Benefits

Although Team Focus states that it notifies prospective beneficiaries that it complies with federal civil-rights laws,²¹ the OCR found no evidence of its providing this notice either in the materials sent to prospective program participants or in other Team Focus publications distributed to the public.

Team Focus does not have any written grievance procedures to respond to discrimination complaints from program beneficiaries.

B. Applicable Federal Civil-Rights Laws

1. The Equal Treatment Regulation

As a recipient of funding from the Department of Justice, Team Focus, as a condition of its award, must comply with the Equal Treatment Regulation. The Equal Treatment Regulation states that recipients of financial assistance from the Justice Department "may not engage in inherently religious activities, such as worship, religious instruction or proselytization, as part of the programs services funded with direct financial assistance from the Department."²² Team Focus' use of *Courageous* is an inherently religious activity, as the film is a form of Christian proselytization, encouraging viewers to make a commitment to God as understood by the Christian tradition.²³ In theory, it might be possible to separate certain aspects of the film from its explicitly religious content, as the discussion after the film attempted to do. In practice, however, the screening of the film did not comply with the Equal Treatment Regulation. Regardless of how Team Focus may frame the film's presentation, it still contains a religious

¹⁹ See 42 USC § 5672(b) (referring to *id.* § 3789d(c))

²⁰ Resp. 8.

²¹ *Id.* 9(a).

²² 28 C.F.R. § 38.1(b)(1).

²³ See, e.g., Frank Scheck, *Courageous: Film Review*, The Hollywood Reporter (Sept. 30, 2011) ("Non-Christian audiences may be put off by the endless proselytizing on display."), available at <http://www.hollywoodreporter.com/review/courageous-film-review-242705>.

message that Team Focus integrated into a federally funded program.²⁴ Moreover, courts have recognized that minors are particularly vulnerable to religious indoctrination in programs operated by government-sponsored faith-based organizations; consequently, the OCR has concerns about whether all the campers, who are minors, voluntarily chose to view the film.²⁵

2. Notice Provisions in Federal Civil-Rights Laws

Some of the federal civil-rights laws that may apply to Team Focus include the requirement to notify beneficiaries of their civil-rights protections under federal law. For example, the implementing regulation for Title VI states that a recipient should provide notice to beneficiaries of the protections afforded them under the statute, which includes being able to access federally funded services for which they are eligible free of discrimination based on race, color, or national origin.²⁶

C. Recommendations

1. Omit or Modify the Showing of *Courageous*

Given the express religious content in *Courageous*, Team Focus has two options for coming into compliance with the Equal Treatment Regulation. The first option is to cease showing the film to program participants. The second option is to show the film in adherence with the restrictions in the Equal Treatment Regulation. The Equal Treatment Regulation states that funded faith-based organizations may engage in inherently religious activities if they can ensure that the inherently religious activities are separate in either time or location from the DOJ-funded program *and* participants who engage in the inherently religious activities do so voluntarily.²⁷

²⁴ The film's production company, Sherwood Pictures, is affiliated with the ministry of the Sherwood Baptist Church of Albany, Georgia. Alex Kendrick and his brother Stephen Kendrick are pastors at the church; Alex Kendrick directed the film, played the main character, and co-wrote the screenplay with his brother Stephen, who served as the film's producer. Gary Goldstein, *Review: 'Courageous,' from Alex Kendrick*, Los Angeles Times (Oct. 3, 2011), available at <http://articles.latimes.com/2011/oct/03/entertainment/la-et-courageous-20111003>. In describing the purpose of the films produced by Sherwood Pictures, Alex Kendrick said, “[T]hese movies are more about ministry than entertainment.” Paul J. Alessi, *Alex Kendrick Interview*, The Independent Critic (2011), available at http://www.theindependencritic.com/alex_kendrick_interview.

²⁵ See, e.g., *Teen Ranch v. Udw*, 389 F. Supp. 2d 827, 836-37 (W. D. Mich. 2005) (holding that the option not to participate in religious programming that was available to youths whom the state placed in a state-funded residential-care facility operated by a faith-based organization did not avert an Establishment Clause violation), aff'd 479 F.3d 403 (6th Cir. 2007).

²⁶ 28 C.F.R. § 42.106(d). The implementing regulation for Section 504 also contains a notice requirement for recipients that (1) receive federal financial assistance in the amount of \$25,000 or more and (2) have fifty or more employees. 28 C.F.R. § 42.505(f). At the time of the onsite visit, Team Focus had less than fifty employees (Gottfried Interview), so the notice requirement under Section 504 did not apply.

²⁷ 28 C.F.R. § 38.1(b)(1).

Team Focus could screen *Courageous*, but it would have to show the film either in a separate location from the program site or at a different time than the federally sponsored program. In addition, Team Focus would have to inform participants (and the legal guardians of minors) that viewing the film is a voluntary activity that is separate from the federally funded program.²⁸

2. Improve Notice to Employees and Beneficiaries on Applicable Federal Civil-Rights Laws

The OCR recommends that Team Focus should review the ways in which it notifies employees, prospective employees, beneficiaries, and prospective beneficiaries of the protections they have under the civil-rights laws that apply to a recipient of financial assistance from the Justice Department. In particular, Team Focus should include in its communications with prospective program beneficiaries that it does not discriminate on the basis of race, color, national origin, religion, disability, or age either in the selection of program participants or in the delivery of program services.

3. Develop Grievance Procedures for Program Beneficiaries

The OCR recommends that Team Focus develop grievance procedures to accept and resolve complaints of discrimination from beneficiaries and prospective beneficiaries. At a minimum, Team Focus should develop a grievance policy that states that it will immediately refer all discrimination complaints from beneficiaries or prospective beneficiaries to the OCR.

4. Clarify BFOQ Employment Policy

If, as admitted, Team Focus limits certain employment positions based on sex, it should (1) identify which positions it has classified by sex and (2) proffer a legal justification for the restriction in accordance with the BFOQ exemption under Title VII.²⁹

5. Consider Compliance with Title IX and DOJ Program Statutes That Prohibit Sex Discrimination in the Delivery of Services

In reviewing Team Focus' policy to provide programming exclusively to fatherless boys, the OCR considered whether the male eligibility requirement might violate DOJ program statutes³⁰

²⁸ OCR's recommendations regarding the screening of *Courageous* would apply to similar proselytizing films. Although the OCR only viewed *Courageous*, it notes that Team Focus has shown an earlier Kendrick Brothers' film, *Facing Giants* (Sherwood Pictures 2006), at another camp. Resp. Attach. 2(e) (*Staff Manual* B-12).

²⁹ Employment discrimination claims under the Safe Streets Act and the JJDPA rely on Title VII standards. 28 C.F.R. § 42.203(c).

Michael Gottfried, President and Founder

Team Focus, Inc.

April 1, 2013

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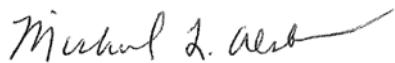
and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in federally assisted educational programs.³¹ After consulting with OJP's Office of General Counsel, the OCR did not investigate the issue of sex discrimination because of the statutory language in the congressionally selected appropriations to Team Focus in fiscal years 2009 and 2010.³² If Team Focus applies for federal financial assistance in the future under a discretionary grant program, it may want to consider whether its policy of restricting services to boys may be in compliance with federal civil-rights laws. Significantly, Team Focus' principal private benefactor requested, as a condition for funding, that it develop a program for girls.³³ Team Focus subsequently dropped the girls' program after the private funder withdrew its financial support.³⁴

D. Securing Voluntary Compliance

Based on the foregoing review of the investigative record, the OCR has concluded that Team Focus is not fully in compliance with the Equal Treatment Regulation. The OCR has also noted other matters on which Team Focus could improve its adherence to the applicable federal civil-rights laws. Within thirty days from the date of this letter, the OCR requests that Team Focus file a response, noting what measures it plans to implement to address the recommendations contained in this Compliance Review Report.

If you or your counsel have any questions, please contact Senior Counsel George Mazza at George.Mazza@usdoj.gov or (202) 307-0690.

Sincerely,



Michael L. Alston

Director

³⁰ See *supra* notes 2, 19.

³¹ 20 U.S.C. § 1681.

³² Department of Justice Appropriations Act, 2010, Pub. L. No. 111-117, tit. II, 123 Stat. 3034, 3133-34, 3136 (2009) (State and Local Law Enforcement Assistance (4), Juvenile Justice Programs (2)); Department of Justice Appropriations Act, 2009, Pub. L. No. 111-8, tit. II, 123 Stat 524, 580-81 (State and Local Law Enforcement Assistance (5), Juvenile Justice Programs (2)).

³³ General Motors Acceptance Corporation (GMAC) previously funded Team Focus and as a condition of its sponsorship, requested that Team Focus develop a comparable program for girls. Michelle K. Terry, Litigation Counsel, American Center for Law & Justice, to George J. Mazza, Senior Counsel, OCR, OJP 1-2 (Aug. 13, 2012). The girls program, G.I.R.L.S. Network, which was not separately incorporated, began in September 2007 and ended in December 2010. *Id.* 2. "The G.I.R.L.S. Network pilot program concluded upon the loss of GMAC funding." *Id.*

³⁴ See *supra* note 33.

Michael Gottfried, President and Founder

Team Focus, Inc.

April 1, 2013

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