

Civil Rights



Office of the Governor
Criminal Justice Division



Civil Rights Laws

1	Title VI of the Civil Rights Act of 1964: Prohibiting discrimination in programs or activities on the basis of race, color and national origin.
2	Program Statutes (e.g. Safe Streets Act, Victims of Crime Act, JJDPA): Prohibiting discrimination in employment practices or in programs and activities on the basis of race, color, religion, national origin, and sex.
3	Section 504 of the Rehabilitation Act of 1973: Prohibiting discrimination in employment practices or in programs and activities on the basis of disability.
4	Title II of the Americans with Disabilities Act of 1990: Prohibiting discrimination in services, programs, and activities on the basis of disability.
5	Age Discrimination Act of 1975: Prohibiting discrimination in programs and activities on the basis of age.
6	Title IX of the Education Amendments of 1972: Prohibiting discrimination in educational programs or activities on the basis of sex.



Protected Classes



- Race
- Color
- National Origin
- Sex
- Religion
- Disability
- Age



No Retaliation

- If a person files an employment or service discrimination complaint, regardless of its merits, an employer or service provider cannot retaliate against the person who filed the complaint.
- Retaliation claims are often easier to prove than the underlying discrimination claim.

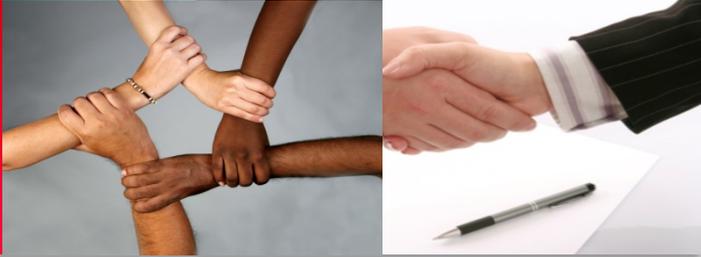
Title VI of the Civil Rights Act of 1964



- Provides the basis for civil rights protection in Federally assisted programs.
- Applies to the whole organization receiving Federal funds, not just the specific grant funded program.
- Prohibits the following on the basis of race, color or national origin:
 - Treating individuals differently when determining eligibility for services.
 - Denying the opportunity to participate as a member of a planning or advisory body.
 - Selecting a program's location with the purpose or effect of excluding individuals.



Disability Discrimination



	<p>Section 504 of the Rehabilitation Act of 1973</p>	<ul style="list-style-type: none">• Applies to recipients of federal funding and prohibits discrimination against qualified individuals on the basis of disability.
	<p>Title II of the Americans with Disabilities Act of 1990 (ADA)</p>	<ul style="list-style-type: none">• Applies to public entities, whether or not they receive federal funding and prohibits discrimination against qualified individuals on the basis of disability.

DOJ Program Statutes

Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act)

➔ The Safe Streets act prohibits discrimination against any person on the grounds of race, color, religion, national origin, or sex.

Victims of Crime Act (VOCA)

➔ VOCA prohibits the exclusion of benefits, services or employment to individuals on the grounds of race, color, religion, national origin, handicap, or sex.

Juvenile Justice and Delinquency Prevention Act (JJDP)

➔ JJDP prohibits discrimination on the basis of race, color, religion, national origin, sex, and handicap.

➔ These Acts apply to both employment in connection with the agency and services offered by the agency.



Ways to Prove Discrimination



Disparate Treatment

Intentionally treating individuals in a protective class differently.

Disparate Impact

Neutral policy or procedure has the effect of discriminating against individuals of a protected class.



National Origin Discrimination

Includes Discrimination on the basis of LEP

A Limited English Proficient person has a first language other than English and has a limited ability to read, speak, write, or understand English.

Avoid Discrimination Against LEP Persons

- Take reasonable steps to ensure meaningful access to the programs, services and information free of charge.
- Establish and implement policies and procedures for language assistance services that provide LEP persons with meaningful access.

Provide Language Services

- Oral (Interpretation) Services – Ensure interpreter is competent. NOTE: In most instances, family members, friends and uncertified persons are NOT appropriate.
- Written (Translation) Services – Provide translation of written materials, especially vital documents.

Develop a Language Access Plan (Go to www.LEP.gov for more information)

- Ensures consistent application of policies and practices
- Provides the basis for training staff on how best to serve LEP persons
- Informs LEP persons about available language access services

Equal Employment Opportunity Plan (EEO Plan)

An EEO Plan is a comprehensive document which analyzes:

- an agency's workforce in comparison to relevant labor market data
- employment practices to determine their impact on the basis of race, national origin, and sex.

The EEO Plan is a tool to identify possible discriminatory practices.

Go to www.ojp.usdoj.gov/about/offices/ocr.htm for more information on agency EEO Plan obligations.

Faith Based Organization (FBO) Guidance



FBO Practices

- FBOs may not use Federal funding to advance inherently religious activities.
- FBOs may not discriminate against beneficiaries based on religion or religious belief.
- FBO Regulations do not alter existing statutory non-discrimination provisions against employment discrimination.

FBO Treatment

- Obstacles to the inclusion of FBOs in funding programs must be eliminated
- FBOs must be given equal treatment as other organizations

New LGBT Discrimination Rules

Applies only to VAWA grants

- “The Violence Against Women Reauthorization Act of 2013 added a new civil rights provision that applies to all OVW grants issued in FY 2014 or after.

“This provision prohibits OVW grantees from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identify, sexual orientation, or disability in any program or activity funded in whole or in part by OVW.

“The grantee acknowledges that it will comply with this provision.”

Source: Grantee Conditions and Responsibilities



Guidance on Culturally Specific Populations

Culturally Specific / Underserved Populations in Texas

1. What are the culturally specific populations or underserved populations within your region?
2. What are the specific needs of these communities?
3. How can we identify and serve these communities better?
4. Which underserved populations should be prioritized in Texas due to the severity of their unmet needs?



Definitions

42 U.S. Code § 13925 - Definitions and grant provisions

Culturally Specific Populations: “Culturally specific” means primarily directed toward racial and ethnic minority groups

Faith-Based Organizations: “A group of individuals united on the basis of religious or spiritual beliefs. Direct their efforts toward meeting the spiritual, social, and cultural needs of their members.”



Definitions

42 U.S. Code § 13925 - Definitions and grant provisions

Underserved Populations: Populations who face barriers in accessing and using victim services. Includes populations that are underserved due to:

- geographic location
- religion
- sexual orientation
- gender identity
- race & ethnicity
- special needs i.e. language barriers, disability, age
- any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services



Culturally Competent Victim Restoration

**Cultural
Competency
occurs when:**

(1) cultural knowledge, awareness and sensitivity are integrated into action and policy

(2) the service is relevant to the needs of the community and provided by trained staff, board members, & management

(3) an advocate or organization recognizes each client is different with different needs, feelings, ideas and barriers.

