



Coalition Experiences of Civil Rights Compliance Monitoring

by Terri Poore, SASP Technical Assistance Specialist

In 2012, Maine and Florida were both recipients of a civil rights compliance review from the Office for Civil Rights (OCR) in the Office of Justice Programs (OJP) at the U.S. Department of Justice (DOJ). As both the Maine Coalition Against Sexual Assault and the Florida Council Against Sexual Violence pass through federal Sexual Assault Services Program (SASP) funding, they were subject to the review along with the state administering agencies and the entities with whom they subcontract. OCR is responsible for ensuring VAWA grantees' compliance with a [broad array of civil rights laws](#) that protect employees and program recipients from discrimination based on race, color, national origin, religion, sex, disability, age, sexual orientation, and gender identity.

Each coalition received a letter (see link in resources section) detailing the information they would need to provide. One focus of the review concerned compliance with a specific federal regulation, [Equal Treatment for Faith-Based Organizations](#). In Florida, The Salvation Army ran a certified rape crisis center at the time and was a sub-recipient of SASP. However, Maine has not funded a faith-based program.

The main components of the Equal Treatment for Faith-Based Organizations are:

- Prohibiting discrimination for or against an organization on the basis of religion, religious belief, or religious character in the administration or distribution of Federal funds;
- Allowing a religious organization that participates in Department programs to retain its independence and continue to carry out its mission, provided that direct Department funds do not support any inherently religious activities. While inherently religious activities are permissible, they must be separate in time or place from the funded program, and participation in such activities by individuals receiving services must be voluntary;
- Clarifying that faith-based organizations can use space in their facilities to provide Department-funded services without removing religious art, icons, scriptures, or other religious symbols; and
- Ensuring that no organization that receives direct financial assistance from the Department can discriminate against a program beneficiary, or prospective beneficiary, on the basis of religion or religious belief.

Neither organization felt like the monitoring was prompted by a problem but was more exploratory and also focused on training and providing information. A key part of the review focused on the coalitions' approach to ensuring sub-recipients' compliance with civil rights laws. This was true both for the local programs' treatment of clients as well as employees. In other words, OCR wanted to know whether coalitions were providing local providers with the necessary tools and training to ensure that neither employees nor clients were experiencing discrimination, and if they did experience discrimination, that they knew how to take action. OCR made it clear that the coalitions had a duty ensure the compliance of

sub-recipients which might require that they provide additional training and technical assistance to all funding recipients related to civil rights compliance issues.

OCR asked about the coalitions' procedures for ensuring that sub-recipients were making employees and clients aware of their rights as well as their procedures for responding to claims of discrimination from employees and program recipients. OCR wanted to ensure that clients and employees knew that they have the right to complain to the coalitions, and that there was a written process in place for them to do so, since they were administering funding. They also needed to make clients aware that they could also complain to the state agency receiving the funds or to OCR, if they experienced discrimination. Finally, they wanted to make it clear that by virtue of receiving the federal funding, all recipients were subject to the applicable civil rights law regardless of the number of employees they had.

On the positive side, according to both coalitions, the monitoring experience seemed educational rather than punitive and the training was useful. Jennifer Dritt, Executive Director of FCASV, had advice for coalitions preparing for this type of monitoring, "Don't be afraid. Look at it as a learning opportunity to find out what you're doing well and how you can improve." She further recommended that coalitions designate someone to take the [OCR trainings](#) and have that person train the local programs on it. Ebony Tucker, then at FCASV and now Executive Director of the Louisiana Foundation Against Sexual Assault, commented, "If a coalition is funding programs, they should take a look at what their programs know and are communicating to clients and make sure to have them document that information in their files." On the challenging side, the amount of documentation the coalitions needed to provide was extensive and required a significant investment of time. Neither coalition received a final report from OCR with information or conclusions.

State administrators and coalitions can draw from the experiences of Maine and Florida, avail themselves of OCR's training resources, and work with sub-recipients to make sure they are informing clients and staff of their rights and reporting options. Attending to civil rights compliance issues is a great way to ensure survivors from all walks of life have access to recovery services.