



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

July 25, 2012

Elizabeth Ward Saxl, Executive Director
Maine Coalition Against Sexual Assault
83 Western Ave., Suite 2
Augusta, ME 04330

RE: Maine Dep't of Health and Human Services Compliance Review (12-OCR-0489)

Dear Ms. Saxl:

The Office of Civil Rights (OCR), the 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 (COPS), 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, we have selected the Maine Department of Health and Human Services (DHHS) for a compliance review in accordance with federal regulations 28 C.F.R. § 42.206. As you know, DHHS is the State Administering Agency in Maine for the Sexual Assault Services Program (SASP), and in that capacity passes the SASP grant to MECASA. Given this arrangement, the OCR will include MECASA in this compliance review, focusing on MECASA's civil rights monitoring of subrecipients of OVW funds.

The focus of the review is not only on compliance with the applicable federal civil rights laws but also on the DHHS's and MECASA's monitoring procedures for ensuring the compliance of subrecipients. Of particular interest to the OCR is compliance with the federal regulation that the Department of Justice issued in January of 2004, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt 38. The regulation prohibits discrimination either in favor of or against faith-based organizations in awarding federal funds. The regulation also instructs 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. Consequently, in addition to reviewing the DHHS's and MECASA's general procedures for monitoring the civil rights compliance of subrecipients, we are interested in two matters specifically related to faith-based organizations: (1) MECASA's process for reviewing applications from and making grants to faith-based organizations; and (2) MECASA's procedures for ensuring the compliance of subrecipient faith-based organizations with applicable federal civil rights laws.

Elizabeth Ward Saxl, Executive Director
Maine Coalition Against Sexual Assault
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To initiate the review, we have enclosed a Data Request for MECASA's response. Please submit the requested information **within 30 days** from the date of this letter to the following address:

Debra S. Murphy, Attorney Advisor
Attn: Compliance Review
Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, DC 20531

If MECASA elects to send its response via Federal Express or another overnight carrier, it should use the zip code 20001. The response may also be sent via e-mail to debra.murphy2@usdoj.gov.

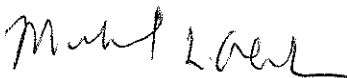
As part of the compliance review, the OCR ordinarily sets aside time to provide technical assistance and training to managers and program staff. The OCR can also work with MECASA in designing technical assistance programs for subrecipients.

We propose an initial onsite visit to the DHHS and MECASA during the week of September 10, 2012. On the following day or days, we would also like to schedule onsite visits to faith-based organizations that are MECASA subrecipients. During the onsite visits with subrecipients, we would like to arrange, if possible, to meet administrators, program staff, and beneficiaries.

The contact person for OCR for the duration of the project is Attorney-Advisor Debra Murphy. On receipt of this letter, I encourage you or a member of your staff to contact Ms. Murphy immediately at 202-305-0667 to discuss next steps.

We look forward to working with MECASA.

Sincerely,



Michael L. Alston
Director

Cc: Christa Elwell
DHHS Office of Child and Family Services, Public Service Management

Data Request Maine Coalition Against Sexual Assault

Compliance Review of the Maine Department of Health and Human Services Case 12-OCR-0489

In accordance with the federal regulation Equal Treatment for Faith-Based Organizations at 28 C.F.R. pt. 38, the Title VI regulation at 28 C.F.R. § 42.107 and the compliance review scheme at 28 C.F.R. § 42.206, the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) requests that the Maine Coalition Against Sexual Assault (MECASA) complete this data request. In submitting responses to the questions below, please restate each numbered question in full before providing a complete written answer or supplying the requested documentation. Please organize and label all produced documents to correspond with the numbered questions and, if applicable, their subparts. **The request for information is ongoing during the course of the compliance review. Until the OCR issues a final compliance review report, the MECASA has a continuing responsibility to update its responses to the data request as circumstances warrant.** For the purpose of this data request, the term “subrecipient” refers to an entity that has received a MECASA award from funds provided by the Office on Violence Against Women (OVW).

1. Please identify the person at MECASA who is responsible for providing the MECASA’s answers to this Data Request. Please provide the person’s (a) name; (b) title; (c) address; (d) telephone number; and (e) e-mail.
2. Please list the grants that MECASA received from the Office on Violence Against Women (OVW) or any of DOJ’s components in FY2010 and FY2011.
3. What procedures does MECASA have in place to monitor the compliance of subrecipients and contractors with their civil rights obligations under the Violence Against Women Act, Victims of Crime Act, Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), Title VI of the Civil Rights Act of 1964 (including the DOJ Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons), Section 504 of the Rehabilitation Act of 1973, DOJ’s Equal Treatment for Faith-Based Organizations regulations, and other applicable nondiscrimination provisions in statutes, executive orders, and regulations that are linked to the receipt of federal financial assistance?
4. Please provide copies of any written instruments MECASA uses as part of its civil rights monitoring process of subrecipients.
5. Please provide copies of the standard assurances or other documents that subrecipients must endorse to receive DOJ financial assistance from MECASA.
6. Please describe any training programs or technical assistance projects that MECASA provides to subrecipients regarding their duties to comply with applicable federal

civil rights laws and regulations. Attach any training materials used, including handouts and powerpoint slides.

7. If MECASA has conducted any civil rights related compliance reviews, desk audits or other monitoring of subrecipients in fiscal years 2010 and 2011, please provide (a) a narrative description of the scope of the review; (b) copies of any letters of findings or other conclusions issued to the subrecipients following the review; and (c) copies of written recommendations, remedial plans, or compliance agreements to ensure that subrecipients remain in or come into compliance with applicable civil rights obligations.
8. (a) What procedures does MECASA have in place to respond to discrimination complaints from the employees or beneficiaries of subrecipients? (b) Please provide copies of all written procedures, forms, memoranda, policies, or other documents related to processing discrimination complaints from employees or beneficiaries of subrecipients.
9. (a) What procedures does MECASA have in place to respond to discrimination complaints from its own employees or applicants for employment. (b) Please provide copies of all written procedures, forms, memoranda, policies, or other documents related to processing discrimination complaints from MECASA employees and applicants.
10. If MECASA is aware of any complaints, filed either internally or externally, from January 1, 2010 to the present from beneficiaries, prospective beneficiaries, applicant organizations, or subrecipients alleging discrimination in any program or activity funded by MECASA or alleging discrimination in MECASA's grantmaking process, please provide the following information: (a) the name and address of the complainant; (b) the forum in which the complaint was filed; (c) a summary of the alleged discriminatory behavior; (d) the status or disposition of the complaint; and (e) a description of MECASA's corrective actions, if applicable.
11. For fiscal year 2010 please identify the following information for each DOJ grant administered by MECASA: (a) the total number of subaward applicants; (b) the number of subaward applicants that are faith-based organizations; (c) the total number of subrecipients; and (d) the number of subrecipients that are faith-based organizations.
12. For fiscal year 2011 please identify the following information for each DOJ grant administered by MECASA: (a) the total number of subaward applicants; (b) the number of subaward applicants that are faith-based organizations; (c) the total number of subrecipients; and (d) the number of subrecipients that are faith-based organizations.
13. For fiscal year 2010 please provide the following information about each faith-based organizations that was an applicant for a DOJ grant administered by MECASA: (a)

the name and address of the applicant organization; (b) the name, title, and telephone number of the chief executive officer; (c) the amount of the award for which the organization applied; (d) the funding program to which the organization applied; (e) whether the organization received funding, and if so, the amount of the award; (f) a brief description of the funded program; and (g) if the organization did not receive assistance, the reason for the denial.

14. For fiscal year 2011 please provide the following information about each faith-based organizations that was an applicant for a DOJ grant administered by MECASA: (a) the name and address of the applicant organization; (b) the name, title, and telephone number of the chief executive officer; (c) the amount of the award for which the organization applied; (d) the funding program to which the organization applied; (e) whether the organization received funding, and if so, the amount of the award; (f) a brief description of the funded program; and (g) if the organization did not receive assistance, the reason for the denial.
15. For fiscal years 2010 and 2011, please provide the following information: (a) a list of the names and addresses of all MECASA subrecipients that in turn made subawards to faith-based organizations from funds made available from the OJP, its components, COPS, and OVW; (b) for each identified subrecipient that made subawards to faith-based organizations, please provide the name, title, and telephone number of the subrecipient's chief executive officer; (c) for each identified subrecipient that made subawards to faith-based organizations, please provide (i) the name and address of each faith-based organization that received a subaward, (ii) the name, title, and telephone number of the subawarded faith-based organization's chief executive officer, (iii) the amount of the subaward, (iv) the federal program that served as the source of the subaward, and (v) a brief description of the subawarded program provided by the faith-based organization.
16. (a) Has MECASA established any protocols to ensure that faith-based organizations, whether funded directly by MECASA or indirectly by MECASA subrecipients, are neither favored nor discriminated against in the funding process? (b) Does MECASA have in place any procedures for ensuring that faith-based organizations, whether funded directly by MECASA or indirectly through MECASA subrecipients, are in compliance with DOJ regulations 28 C.F.R. pt. 38, which prohibit faith-based organizations from using federal funds to engage in inherently religious activities?