

CIVIL RIGHTS INFORMATION FOR GCC GRANTEES

CIVIL RIGHTS RESPONSIBILITIES CHART*

*The requirements set forth in this chart apply to any organization that is listed as an *Implementing Agency* and also to any organization that is listed as an *Applicant Agency* in an application for funding from the Governor's Crime Commission. This chart is specific to recipients of United States Department of Justice funding and is not inclusive of all civil rights requirements that may apply. For more information, see the following pages and contact the staff of the Governor's Crime Commission at (919) 733-4564.

INFORMATION AS TO YOUR ORGANIZATION AND THE FUNDING YOU ARE NOW RECEIVING AND/OR ARE REQUESTING			REQUIRED FOR YOUR FUNDING APPLICATION TO BE CONSIDERED COMPLETE		REQUIRED AFTER YOUR FUNDING APPLICATION HAS BEEN APPROVED AND BEFORE ANY FUNDING IS AWARDED	
Your organization type	Amount of federal funding you are now and/or may be receiving	Number of employees in your organization ¹	Do you need to formulate, implement, and maintain a written EEO Plan? ²	Do you need to submit a Short Form EEO to OCR?	Do you need to submit a Certification Form to OCR and GCC?	Do you need to adopt grievance procedures and designate an employee to coordinate efforts? ³
Nonprofit, Indian Tribe, Medical or Education Institution	Less than \$25,000 for each individual grant	Less than 50 employees	NO	NO	YES (see Section A of the GCC EEO Certification Form)	NO, unless USDOJ elects to require
Nonprofit, Indian Tribe, Medical or Education Institution	Less than \$25,000 for each individual grant	50 or more employees	NO	NO	YES (see Section A of the GCC EEO Certification Form)	NO, unless USDOJ elects to require
Nonprofit, Indian Tribe, Medical or Education Institution	\$25,000 or more for any one grant	Less than 50 employees	NO	NO	YES (see Section A of the GCC EEO Certification Form)	NO, unless USDOJ elects to require
Nonprofit, Indian Tribe, Medical or Education Institution	\$25,000 or more for any one grant	50 or more employees	NO	NO	YES (see Section A of the GCC EEO Certification Form)	YES
State Government Entity, Local Government Entity, Private Entity	Less than \$25,000 for each individual grant	Less than 50 employees	NO	NO	YES (see Section A of the GCC EEO Certification Form)	NO, unless USDOJ elects to require
State Government Entity, Local Government Entity, Private Entity	Less than \$25,000 for each individual grant	50 or more employees	NO	NO	YES (see Section A of the GCC EEO Certification Form)	NO, unless USDOJ elects to require
State Government Entity, Local Government Entity, Private Entity	\$25,000 or more for any one grant and less than \$500,000 for each individual grant	Less than 50 employees	NO	NO	YES (see Section A of the GCC EEO Certification Form)	NO, unless USDOJ elects to require
State Government Entity, Local Government Entity, Private Entity	\$25,000 or more for any one grant and less than \$500,000 for each individual grant	50 or more employees	YES	NO	YES (see Section B of the GCC EEO Certification Form)	YES
State Government Entity, Local Government Entity, Private Entity	\$500,000 or more for any one grant	Less than 50 employees	NO	NO	NO	NO, unless USDOJ elects to require
State Government Entity, Local Government Entity, Private Entity	\$500,000 or more for any one grant	50 or more employees	YES	YES	NO	YES

¹ For units of government, this is the number of employees in the larger governmental entity that the unit is part of. For example, with a police department this is the number of employees for the municipality as a whole *and not just the number of employees that happen to work in the police department.*

² Recipient agencies that are subject to the written plan requirement must have an EEO Plan that analyzes the workforce of the entire agency that is named as the grantee on the official award document. For example, a county that is seeking a law enforcement-related grant should include in its written plan (when it is required to have such a plan) an analysis of the entire county's workforce *and not just the workforce of the sheriff's office.*

³ The United States Department of Justice may require such procedures and the designation of an employee, *even when there are fewer than 50 employees and even when the federal funding is less than \$25,000*, as per 28 C.F.R. § 42.505(g).

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1) General Civil Rights Information

- Much of the funding that the Governor's Crime Commission administers is federal funding from the United States Department of Justice (USDOJ). Certain civil rights requirements apply to organizations that apply for and receive this funding.
- The Office for Civil Rights (OCR) in the USDOJ works to ensure that funding recipients do not engage in prohibited discrimination. OCR monitors both the state administering agency (in North Carolina, the Governor's Crime Commission) and funded programs to ensure that the various civil rights requirements are adhered to.
- Organizations that fail to comply with federal civil rights laws may be subject to legal action and may face the withdrawal or withholding of grant funding.
- Though compliance with civil rights requirements is ultimately the responsibility of grantee organizations and staff, the Governor's Crime Commission will assist current and prospective grantees in understanding the nature of those requirements.

2) Written Equal Employment Opportunity Program (EEOP or EEO Plan)

- The USDOJ has promulgated regulations relative to EEO Plan requirements and these regulations are codified at [28 C.F.R. §§ 42.301-.308](#). The regulations spell out the types of agencies that are required to keep EEO Plan data for USDOJ and the minimum standards for what such plans are to include. The federal Office of Justice Programs (in the USDOJ) also has a helpful page on the topic (www.ojp.usdoj.gov/about/ocr/eeop.htm), with answers to questions and instructions on complying with EEO requirements.
- Written EEO Plans are required to incorporate employment statistics from the preceding fiscal year. Complying with the EEOP requirement requires the collection of actual employment and labor market data. Furthermore, such plans are to be regularly updated so as to incorporate data from the preceding fiscal year.
- Not all funding recipients are required to formulate, implement, and maintain an EEOP. For more information, see www.ojp.usdoj.gov/about/ocr/faq_eeop.htm#7.

3) Short Form Equal Employment Opportunity Plan (Short Form EEOP or EEOP Short Form)

- Those funding recipients that are required to keep an EEOP are expected to develop an EEOP Short Form. For more information, see www.ojp.usdoj.gov/about/ocr/faq_eeop.htm#8.
- OCR has an EEOP Short Form Builder system that guides users through the process of developing an EEOP Short Form. The EEOP Short Form Builder is available at www.ojp.usdoj.gov/about/ocr/eeop_comply.htm. Sample Short Form EEOP's relative to law enforcement agencies and non-law enforcement agencies are available at www.ojp.usdoj.gov/about/ocr/pdfs/shortform_lawenforcement.pdf and www.ojp.usdoj.gov/about/ocr/pdfs/shortform_non_lawenf.pdf, respectively.
- Funding recipients that are required to develop a Short Form EEOP are also expected to collect EEO-related information above and beyond what is included in the Short Form EEOP. For more information, see www.ojp.usdoj.gov/about/ocr/faq_eeop.htm#9.
- Not all funding recipients that are required to *develop* a Short Form EEOP are also required to *submit* that document to OCR for review. Indeed, the submission requirement only applies to

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grantees receiving a single award for \$500,000 or more. For more information, see www.ojp.usdoj.gov/about/ocr/fag_eeop.htm#11.

4) Certification Form

- The GCC EEO Certification Form is adapted from the [Certification Form](#) maintained by OCR, altered so as to include additional submission instructions.
- A GCC EEO Certification Form is to be completed and submitted (original to OCR, copy to GCC) before any grant funding is awarded.
- The GCC EEO Certification Form is mailed out to prospective grantees that have been recommended to receive GCC funding. It is not necessary that this form be accessed or completed earlier in the grant application process.

5) Grievance Procedures

- Some funding recipients are required to maintain grievance procedures relative to disability-related discrimination. Where required, such procedures should incorporate due process standards and provide for the prompt and equitable resolution of complaints of discrimination on the basis of disability. Grantees that meet or exceed the threshold amounts relative to grievance procedures will also need to designate an employee (a 'Section 504 Coordinator') to coordinate compliance with Section 504 of the Rehabilitation Act of 1973. For more information, see [28 C.F.R. § 42.505](#) and [29 U.S.C. § 794](#).

6) Equal Treatment Regulation

- All grantees are expected to comply with the requirements of [28 C.F.R. Part 38](#), the USDOJ regulation governing "Equal Treatment for Faith-Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that USDOJ awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. The recipients of direct grants may still engage in inherently religious activities but such activities must be separate in time or place from the USDOJ-funded program and the participation in such activities by individuals receiving services from a grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the USDOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Faith-based organizations may, in some circumstances, consider religion as a basis for employment. For more information, see www.ojp.gov/about/ocr/equal_fb and Executive Orders [13279](#) and [13559](#).

7) Limited English Proficiency (LEP)

- All grantees are to take reasonable steps to provide meaningful access to programs and activities for persons with Limited English Proficiency (LEP is a limited ability to read, write, speak, or understand English). In determining what level of access is sufficient, a grantee may make use of the four-factor analysis that is set forth in the [USDOJ LEP guidance](#).
- For more information, see www.justice.gov/crt/about/cor/13166.php, www.lep.gov, and [Executive Order 13166](#).

8) Additional Information

- The homepage for OCR (in the USDOJ): www.ojp.usdoj.gov/about/offices/ocr.htm.
- Grant-related civil rights links collected by the USDOJ: www.justice.gov/crt/about/cor/links.php.