

CIVIL RIGHTS & CERTIFIED ASSURANCES

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Objectives

- Audit
- Audit Procedures
- Certified Assurances
- Procedures for Responding to Discrimination Complaints
- Q & A

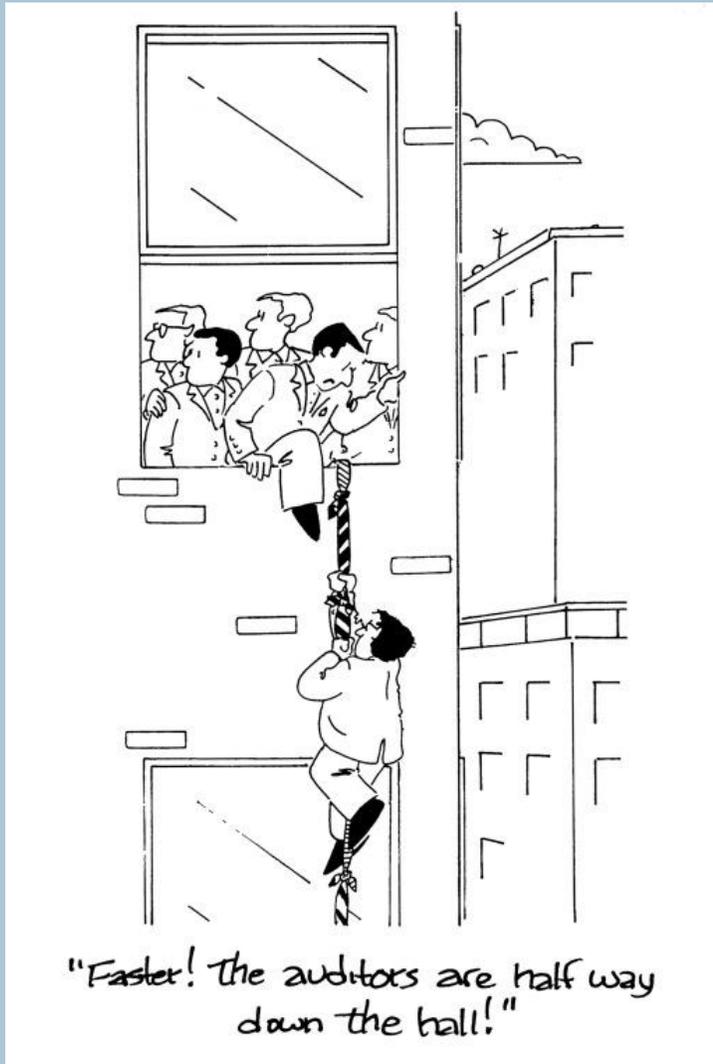
Audit

- Purpose of Auditing:
 - *Assess compliance with Federal requirements*
 - Match requirements
 - Non-supplanting
 - Nondiscrimination
 - 2 CFR §200
 - *Review of internal controls*
 - *Ensure sufficient supporting documentation for costs*
 - *Examine reports*
 - *Provide technical assistance*

Audit

- Minimum auditing activities:
 - *Desk review annually*
 - *Site visit once every two years*
- May increase the frequency and/or depth of audit depending on risk/need
- Auditors available by phone and email throughout the year

Audit



Audit Procedure

- Desk Reviews:

- *Notification/Entrance Conference (around 30 days prior to submission deadline)*
- *Request for supporting documentation, reports, etc.*
- *Potential phone interviews of VOCA funded staff*
- *Auditor analysis*
- *Report Draft/Exit Conference*
 - Includes corrective action plan, if needed
- *Submission of corrective action plan responses and corrected documentation*
- *Finalization of report*

Audit Procedure

- Site Visit:
 - *Notification and Scheduling*
 - Request for supporting documentation, reports, etc.
 - *Entrance Conference*
 - *Review of supporting documentation, reports, etc.*
 - *Tour of facilities and review of supplies/equipment purchased with VOCA funds*
 - *Interviews of VOCA funded staff*
 - *Auditor analysis*
 - *Exit Conference*
 - *Report Draft*
 - Includes corrective action plan, if needed
 - *Submission of corrective action plan responses and corrected documentation*
 - *Finalization of report*

Audit Procedure



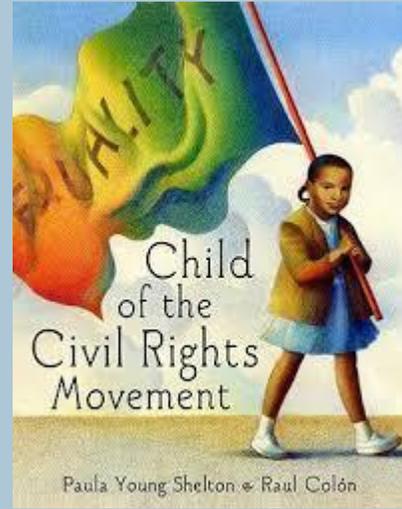
Common Audit Findings

- Inadequate policies and procedures
- Lack of supporting documentation
- Inaccurate or late reports
- Unallowable expenditures
- Insufficient time and activity reporting

How to Have a (Relatively) Pain-Free Audit Experience

■ To Do:

- *Ask questions – we are here to help!*
- *Document, document, document*
- *Read ALL of the grant terms, special conditions, and certified assurances*
- *Review 2 CFR §200*
- *Review DOJ Grants Financial Guide*
- *Read VOCA Rule*
- *Remember: the best things in life are free, but there is no such thing as free federal money*



Certified Assurances: Civil Rights

- 12. The Sub grantee assures that they will maintain statutorily required civil rights statistics on victims served by race or national origin, sex, age, and disability; and permit reasonable access to its books, documents, papers, and records to determine whether the recipient is in compliance with applicable civil rights laws.
- 15. The Subgrantee are required to submit their EEOP plan and/or Certification through OJP's EEO Reporting Tool, at <https://ojp.gov/about/ocr/eeop.htm> The subgrantee must keep a copy on file for audit purposes. Non-profit subgrantees are exempt from submitting the EEOP; instead, they are required to fill out Certification Form (last page).

Certified Assurances: Civil Rights

- 5. The Subgrantee certifies that the programs contained in its application meet all requirements, that all the information is correct, that there has been appropriate coordination with affected agencies and that the applicant will comply with all provisions of the Act and all other applicable Federal laws, regulations, and guidelines:
 - a) The subgrantee assures that it will comply, and all its contractors will comply with: Title VI of the Civil Rights Act of 1964 which prohibits recipients from discriminating on the basis of race, color, and national origin in the delivery of services;
 - b) DOJ Guidance regarding Title VI required recipients to take reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to funded programs;
 - c) section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of disability in the delivery of services and employment practices;
 - d) Title II of the Americans with Disabilities Act of 1990 which prohibits discrimination on the basis of disability in the delivery of services and employment practices;

Certified Assurances: Civil Rights

- a) Title IX of the Education Amendments of 1972, which prohibit sex discrimination in educational programs, and the DOJ implementing regulations at 28 C.F.R. §35;
- b) The Age Discrimination Act of 1975 which prohibits discrimination in the delivery of services on the basis of age. Age Discrimination in Employment Act which prohibits discrimination in employment (age 40 and over);
- c) DOJ Program Statutes, which include the Omnibus Crime Control and Safe Streets Act of 1968, as amended, which prohibits discrimination on the basis of race, color, national origin religion, sex, and disability in the delivery of services and employment practices; the Victims of Crime Act (VOCA) of 1984, 34 U.S.C. § 20110(e) and the regulation implementing the Victim of Crime Act Victim Assistance Program, 28 C.F.R. § 94.114 (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability); and the Violence Against Women Act (VAWA) of 1994, as amended, 34 U.S.C. § 12291(b)(13)(prohibiting discrimination in programs either funded under the statute or administered by the Office on Violence Against Women, both in employment and in the delivery of services or benefits, based on actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity) (referring to the Safe Streets Act for enforcement);
- d) DOJ regulation 28 C.F.R. Part 38 regarding Partnerships with Faith-Based and Other Neighborhood Organizations; and
- e) DOJ Nondiscrimination Regulations at 28 C.F.R. §§ 35; 42, Subparts C, D, E, G, & I; and 54.

Procedures for Responding to Discrimination Complaints Received at the Utah Office for Victims of Crime



Responding to Discrimination Complaints

- establishes written procedures for the Utah Office for Victims of Crime (hereinafter “UOVC”) to follow when receiving a complaint alleging employment discrimination from an employee of a grant subrecipients implementing funding from the U.S. Department of Justice (hereinafter “DOJ”).
- The established written procedures will also be followed by UOVC when receiving a complaint alleging discrimination in the delivery of services from clients, customers, program participants, or consumers of a subrecipients implementing funding from the DOJ

Responding to Discrimination Complaints

- All employees and applicants of the UOVC's subrecipients, and clients, customers, program participants, or consumers of subrecipients shall be treated equally regardless of race, color, sex, pregnancy or pregnancy-related conditions, age, religion, national origin, or disability. All individuals have the right to participate in programs and activities operated by UOVC and its subrecipients. The UOVC requires all subrecipients to be in compliance with the Legal Sources identified at the end of this document.
- In addition to these, any agency that receives grants under the Violence Against Women Act (VAWA) of 1994, as amended, is prohibited from discriminating on the basis of gender identity and sexual orientation.

Complaint Procedures

■ Complaint Procedures

If you believe that you have been the target of discrimination by UOVC or a subgrantee of UOVC has discriminated against an employee, a client, a customer or a program participant, or anyone else, and/or if any employee or subgrantee received a complaint of alleged discrimination, such person/employee/subgrantee should notify UOVC's complaint coordinator, Hildegard Koenig by email, letter, telephone, or fax with the following:

Hildegard Koenig, Program Specialist

Utah Office for Victims of Crime

350 E. 500 S. #200

Salt Lake City, UT 84114

hkoenig@utah.gov

Office: 801.297.2636

Fax: 801.533.4127

Complaint Procedures

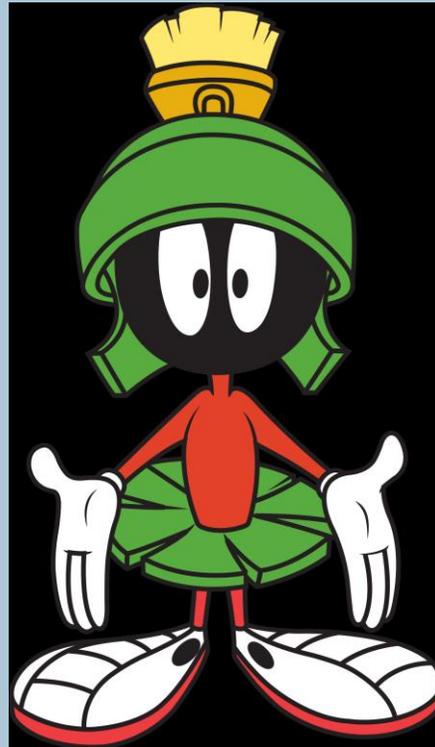
- a. Complaint must include the following:
 - i. *Date of alleged discrimination;*
 - ii. *Protected class claimed;*
 - iii. *Summary of the alleged discrimination with supporting documents;*
 - iv. *A signature attesting to the facts alleged*

- b. UOVC's complaint coordinator will provide written acknowledgment of receiving the complaint; will coordinate the complaint process and will notify the charging party that any discrimination complaint can be filed with Office for Civil Rights; and/or with the following:
 - i. *UOVC's Director and Victim Assistance Coordinator; and/or*
 - ii. *For criminal justice system discrimination claims the District Victims' Rights Committee; and/or*
 - iii. *For employment discrimination claims the Utah Antidiscrimination & Labor Division.*

Public Notification

- The Utah Office for Victims of Crime shall make available this Non-Discrimination Policy to all UOVC staff, program beneficiaries, and subgrantees. This policy will be posted on UOVC's website.
- <https://justice.utah.gov/Crime/Documents/Discrimination-Training/PROCEDURESFORRESPONDINGTODISCRIMINATION%20UOVC.docx>

Q & A



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