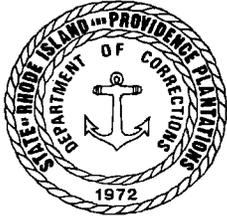


**RHODE ISLAND DEPARTMENT OF CORRECTIONS
POLICY AND PROCEDURE**

	POLICY NUMBER: 2.22 DOC	EFFECTIVE DATE: 05/22/06	PAGE 1 OF 6
	REPEALS: N/A	DIRECTOR: Please use BLUE ink. <i>Nicholas T. Walter II</i>	
SECTION: FISCAL MANAGEMENT		SUBJECT: PROCEDURES FOR MONITORING COMPLIANCE OF SUBCONTRACTORS WITH USDOJ CIVIL RIGHTS REGULATIONS	
AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director			
REFERENCES: 2.13-2 DOC, Requisitioning and Purchasing of Commodities and Services; The Omnibus Crime Control and Safe Streets Act of 1968, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, or sex, in OJP and COPS funded programs or activities. (42 U.S.C. § 3789d and 28 C.F.R. § 42.201 et seq.); Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in OJP and COPS funded programs or activities. (42 U.S.C. § 2000 and 28 C.F.R. § 42.101 et seq.); Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability in OJP and COPS funded programs or activities. (29 U.S.C. § 794 and 28 C.F.R. § 42.501 et seq.); Section 1407 of the Victims of Crime Act (VOCA), which prohibits discrimination on the basis of race, color, national origin, religion, sex, or disability in VOCA funded programs or activities. (42 U.S.C. § 10604); Title II of the Americans with Disabilities Act of 1990, as it relates to discrimination on the basis of disability in OJP or COPS funded programs or activities. (42 U.S.C. § 12132 and 28 C.F.R. Pt. 35); Title IX of the Education Amendments of 1972, as it relates to discrimination on the basis of sex in OJP and COPS funded training or educational programs. (20 U.S.C. § 1681 and 34 C.F.R. Pt. 106); The Age Discrimination Act of 1975 as it relates to services discrimination on the basis of age in OJP or COPS funded programs or activities. (42 U.S.C. § 6102 and 28 C.F.R. § 42.700 et seq.)			
INMATE / PUBLIC ACCESS?		X YES	
AVAILABLE IN SPANISH?		X NO	

I. **PURPOSE:**

To describe the procedures and staff responsibilities for monitoring compliance of Rhode Island Department of Corrections (RIDOC) subgrantees with civil rights regulations for programs funded by grants from the U.S. Department of Justice (USDOJ).

II. **POLICY:**

- A. All recipients of Federal funds, regardless of the type of entity or the amount of money awarded, must provide Certified Assurances that they will not discriminate against any person on the grounds of race, color, religion, sex, national origin, age or disability, in any program or activity funded in whole or in part by Federal financial assistance. The recipient must certify in these Assurances that it will comply with all applicable non-discrimination laws and regulations.
- B. The USDOJ specifically requires that direct recipient organizations must not only comply with such regulations, but must also take steps to assure that subgrantees also comply. RIDOC will take reasonable steps to encourage and monitor compliance by the subgrantees.

III. **PROCEDURES:**

- A. Determination of which contractors and which civil rights requirements apply

- 1. **Definition of Subgrantee:**

- a. A subgrantee is an organization or individual with whom RIDOC provides USDOJ funds in order to provide services or goods to offenders under RIDOC jurisdiction. Under this definition, a firm providing goods or services to benefit RIDOC itself, regardless of the source of funds, is considered a contractor but not a subgrantee. Examples of contractors not subgrantees include an architectural firm developing plans for a new facility and a firm providing computers for use by RIDOC employees in a grant-funded program.
 - b. Generally, a state agency with whom RIDOC subcontracts utilizing USDOJ funds is considered a subgrantee.

- 2. **Determination of which requirements apply:**

- a. All RIDOC subgrantees funded by USDOJ funds are required to certify compliance with the civil rights regulations.
- b. A subgrantee must prepare an Equal Employment Opportunity Plan (EEO) if it is not a non-profit organization AND employs 50 or more (≥ 50) employees AND will receive more than \$25,000 for the specific project AND is utilizing a USDOJ funding source that is listed with a "Y" in the table below.

CFDA#*	Grant/Program	EEO Required?
16.202	Offender Reentry Program	Y
16.575	Crime Victim Assistance	N
16.579	Byrne Formula Grant Program	Y
16.586	Violent Offender Incarceration and Truth In Sentencing Incentive Grants	N
16.590	Grants to Encourage Arrest Policies & Enforcement of Protection Orders	Y
16.593	Residential Substance Abuse Treatment for State Prisoners	Y
16.606	Criminal Alien Assistance Program	N
16.607	Bullet Proof Partnership Program	Y
16.735	Protecting Inmates & Safeguarding Communities Discretionary Grant Program	N
93.279	Drug Abuse Research Programs	Y

* Code number from the Catalogue of Federal Domestic Assistance.

B. Solicitations for Subgrantees:

- 1. The assigned RIDOC grant manager is responsible for including a civil rights compliance block in the body of the solicitation specifications. The standard language, which follows, can be obtained electronically in word processing format from the Office of Financial Resources.

Civil Rights Compliance:

The successful bidder will be required to certify to the Rhode Island Department of Corrections that it is in compliance with applicable civil rights laws and regulations. These laws and regulations relate to issues concerning Equal Employment Opportunity, Limited English Proficiency, and other anti-discrimination laws. The successful bidder may also be required to prepare an Equal Employment Opportunity Plan. A certification of assurances form will be provided to you upon notification of tentative award. Further information

regarding these assurances may be obtained upon request from RIDOC's Office of Financial Resources (phone 401-462-2555 or email FinRes@doc.ri.gov) or by visiting the U.S. Dept. of Justice Civil Rights website: www.ojp.usdoj.gov/ocr/assistance.htm.

2. The solicitation is processed via the Federal Grants Fiscal Officer at the Office of Financial Resources. This provides an additional check that the civil rights compliance block has been included.
3. In cases where the development of a letter of agreement between RIDOC and the awardees is not a prerequisite to final award, the solicitation request (MS-35) submitted to the RIDOC Business Office should include a directive to the State Office of Purchases that the completion of a Certification of Compliance with Civil Rights Regulations form (Attachment 1) must be submitted as a prerequisite to final award. Required language (which can also be obtained electronically in word processing format), is as follows:

State Purchases: Please include the following requirement in the tentative letter of award:

- *"The completion of a Certification of Compliance With Federal Civil Rights Regulations, as indicated in the solicitation. The form may be obtained by contacting the RIDOC Office of Financial Resources (phone 401-462-2555 or email FinRes@doc.ri.gov)."*

C. **Certification of Compliance:**

1. The assigned RIDOC grant manager is responsible for insuring that the awardee completes a Certification of Compliance with Civil Rights Regulations form (Attachment 1, which is also available electronically from the Financial Resources Unit). Ordinarily, processing of certification is accomplished at the same time as the completion of the letter of agreement.
2. The RIDOC grant manager completes the following sections of the information block on the form:
 - a. Grant number
 - b. Grant project title
 - c. Duration

- d. Award dollars
 3. The RIDOC grant manager forwards to RIDOC's Federal Grants Fiscal Officer an *original* copy of the Certification of Compliance with Civil Rights Regulations form (Attachment 1), along with the signed letter of agreement, if one is required.
 4. The Office of Financial Resources forwards the Certification of Compliance with Civil Rights Regulations form (Attachment 1) to USDOJ-OCR (Office of Civil Rights) and the letter of agreement to the Office of Purchases.
- D. **Contract Renewals:**
1. When renewing a contract under the same USDOJ grant (i.e., when re-solicitation is not required), the assigned RIDOC grant manager notifies the subgrantee of the civil rights compliance requirements and presents the subgrantee with the Certification of Compliance with Civil Rights Regulations form (Attachment 1).
 2. The completed Certification of Compliance with Civil Rights Regulations form (Attachment 1) is forwarded, along with the requisition to renew (MS-35) to the Federal Grants Fiscal Officer, for processing.
- E. **EEOP Submissions:**
1. In cases where the awardee has checked certification C1 or C2 indicating that an EEOP must be submitted, evidence of submission of an EEOP to the USDOJ is forwarded to the respective RIDOC grant manager. The grant manager in turn forwards a copy of this evidence to the Federal Grants Fiscal Officer for central logging.
 2. The Federal Grants Fiscal Officer maintains a tickler file and notifies the grant manager if the EEOP has not been submitted in a timely fashion.
 - a. The grant manager then contacts the awardee.
 - b. The grant manager notifies the awardee that all payments will be suspended until such time as the requirement has been met.

F. Training on Federal Civil Rights Requirements for all Sub Recipients:

1. On an annual basis, the Office of Financial Resources makes training arrangements for applicable RIDOC subgrantees on Federal civil rights requirements. Said training includes, at a minimum, a presentation and the provision of materials available from the USDOJ.
2. This training is offered to RIDOC's subgrantees, as well as subgrantees of subgrantees.
3. The Office of Financial Resources has available at all times applicable working materials from USDOJ.
4. The Office of Financial Resources also directs inquiries to the USDOJ-OCR website.
5. In cases where new awards to subgrantees using USDOJ funds occur in a timeframe in which the annual training is not applicable, Office of Financial Resources makes appropriate arrangements to insure that the awardee fully understands the applicable civil rights requirements.

Certification of Compliance With Civil Rights Regulations
Office for Civil Rights / Office of Justice Programs / USDOJ
For Contracts Issued by the Rhode Island Department of Corrections

INSTRUCTIONS: Read the entire form carefully. Complete the identifying information block. In section I., fill in the name of the person who will be responsible for reporting civil rights findings. Check only the one certification under "I" that applies to your agency. Have your Authorized Official sign at the bottom of page. Forward a copy to the person you identified under "I" and return the original to the Rhode Island Department of Corrections (RIDOC) as soon as possible. Submission of this form is prerequisite to official contract award.

GRANT #:		GRANT PROJECT TITLE:	
SUBGRANTEE NAME (FUNDED ENTITY):			
ADDRESS:			
DURATION:	BEGINNING DATE:	END DATE:	AWARD: \$
SUBGRANTEE CONTACT:		TELEPHONE #:	E-MAIL:
NAME:			

AUTHORIZED OFFICIAL'S CERTIFICATION: As the Authorized Official for the above Subgrantee, I certify, by my signature below, that I have read and am fully cognizant of the duties and responsibilities under this Certification.

I. **REQUIREMENTS OF SUBGRANT RECIPIENTS:** All subgrant recipients (regardless of the type of entity or the amount awarded) are subject to prohibitions against discrimination in any program or activity, and must take reasonable steps to provide meaningful access for persons with limited English proficiency.

❖ I certify that this agency will maintain data (and submit when required) to ensure that: our services are delivered in an equitable manner to all segments of the service population; our employment practices comply with Equal Opportunity Requirements, 28 CFR 42.207 and 42.301 et seq.; our projects and activities provide meaningful access for people with limited English proficiency as required by Title VI of the Civil Rights Act and Federal Executive Order # 13166.

❖ I also certify that the person in this agency or unit of government who is responsible for reporting civil rights findings of discrimination will submit these findings, if any, to the USDOJ (Office of Justice Programs, Office for Civil Rights, 810 7th Street, N.W. Washington, DC 20531) within 45 days of the finding, and/or if the finding occurred prior to the grant award beginning date, within 45 days of the final award beginning date. A copy of this Certification will be provided to this person, as identified below:

Person responsible for reporting civil rights findings of discrimination:

NAME: _____

ADDRESS: _____

TELEPHONE #: _____

Certification of Compliance With Civil Rights Regulations
Office for Civil Rights/Office of Justice Programs/USDOJ
For Contracts Issued by the Rhode Island Department of Corrections *(Continued)*

II. EQUAL EMPLOYMENT OPPORTUNITY PLAN (EEOP) CERTIFICATIONS: Check only one box before THE SINGLE APPROPRIATE CERTIFICATION (A, B, C1, or C2 below) that applies to this subgrantee agency during the period of the grant duration noted above.

- CERTIFICATION "A" [NO EEOP IS REQUIRED IF (1), (2) and/or (3) below apply(ies)].**
Check (1), (2) and/or (3) as they apply to your entity. *(More than one may apply).*

This funded entity has not been awarded more than \$1 million cumulatively from all programs administered by the U.S. Department of Justice over an 18-month period that includes the above grant duration period, and

- _____ (1) is an educational, medical or non-profit institution or an Indian Tribe; and/or
_____ (2) has fewer than 50 employees (< 50); and/or
_____ (3) was awarded through this contract/grant from RIDOC less than \$25,000 in federal U.S. Department of Justice funds.

Therefore, I hereby certify that this funded entity is not required to maintain an EEOP, pursuant to 28 CFR 42.301, *et seq.*

- CERTIFICATION "B" [EEOP MUST BE ON FILE].**

This funded entity, as a for-profit entity or a state or local government having 50 or more (≥ 50) employees, was awarded, through this grant from RIDOC more than \$25,000, but less than \$500,000 in federal U.S. Department of Justice funds. Also, it has not been awarded more than \$1 million cumulatively from all programs administered by the U.S. Department of Justice over an 18-month period that includes the above grant duration period.

Therefore, I hereby certify that the funded entity has formulated an EEOP in accordance with 28 CFR 42.301, *et seq.*, subpart E, that it has been signed into effect by the proper authority and disseminated to all employees, and that it is on file for review or audit by the Office for Civil Rights, Office of Justice Programs, as required by relevant laws and regulations, or that these conditions will all have been met within 45 days of the date of final award.

- CERTIFICATION "C1" [EEOP MUST BE SUBMITTED].**

This funded entity, as a for-profit entity or a state or local government agency having 50 or more (≥ 50) employees, was awarded, through this grant from RIDOC more than \$500,000, in federal U.S. Department of Justice funds, but it has not been awarded more than \$1 million cumulatively from all programs administered by the U.S. Department of Justice over an 18-month period that includes the above grant duration period.

Therefore, I hereby certify that the funded entity has already submitted or will submit to the USDOJ (address above), within 45 days of the final award, an EEOP or an EEOP Short Form, that will include a section specifically analyzing the subgrantee (implementing) agency. Furthermore, I will forward to my contact administrator at RIDOC either a letter certifying that the EEOP has been submitted or a copy of the cover letter to USDOJ.

Certification of Compliance With Civil Rights Regulations
Office for Civil Rights/Office of Justice Programs/USDOJ
For Contracts Issued by the Rhode Island Department of Corrections (Continued)

CERTIFICATION "C2" [EEOP MUST BE SUBMITTED].

This funded entity, as a for-profit entity or a state or local government agency, having 50 or more (≥ 50) employees, has been awarded more than \$1 million cumulatively from all programs administered by the U.S. Department of Justice including this subgrant from RIDOC, over an 18-month period that includes the above grant duration period.

Therefore, I hereby certify that the funded entity has already submitted or will submit to the USDOJ (address above), within 45 days of the final award, an EEOP or an EEOP Short Form, that will include a section specifically analyzing the subgrantee (implementing) agency. Furthermore, I will forward to my contract administrator at RIDOC either a letter certifying that the EEOP has been submitted or a copy of the cover letter to USDOJ. If I have already submitted an EEOP applicable to this time period, I will send to RIDOC a copy of the letter received from the Office of Civil Rights showing that the EEOP is acceptable.

III. SUBCONTRACTING:

I understand that if my entity is allowed to subcontract and, in fact, subcontracts any of the work associated with the contract with RIDOC in which U.S. Department of Justice funds are utilized, I am obligated to notify the subcontractor(s) of the obligations described in this document with which they are also required to comply. I will arrange with my RIDOC grant manager for the preparation of a similar certification form to be prepared and submitted.

As the Authorized Official for the above Subgrantee, I certify, by my signature below, that I have read and am fully cognizant of our duties and responsibilities under this Certification.

Authorized Official's Signature

Date

Typed Name

Date

This original signed form must be returned to your contract administrator at RIDOC. You must also forward a signed copy to the person you identified under "I" on page 1. RIDOC will forward a copy to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.