

CIVIL RIGHTS TRAINING

Department of Youth Affairs



Purpose of Training

To provide Civil Rights information and reporting procedures.

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DEFINITIONS

• “A PERSON WITH A DISABILITY” MEANS ANY PERSON WHO: 1. has a physical or mental impairment that substantially limits one or more of such person’s **major life activities (self-care, walking, seeing, learning, breathing, speaking, working)**; 2. has a record of such an impairment; or 3. is regarded as having an impairment that is not both temporary and minor.

• “Complainant” refers to the person or persons initiating the complaint.

• “Harassment” is a form of behavior that is characterized by conduct: (1) based on race, color, national origin, sex, religion, disability, or age; and (2) if sufficiently severe,

persistent, or pervasive, could reasonably be expected to create an intimidating, hostile, or offensive working or learning environment.

• “Retaliation” refers to adverse actions taken by an employer or service provider because an individual engaged in a protected activity, such as opposing a discriminatory practice or participating in a discrimination complaint process.

• “OCR” Office of Civil Rights

• “DOJ” Department of Justice

• “DYA” Department of Youth Affairs



Federal Civil Rights Laws

- Title VI of the Civil Rights Act of 1964, prohibits discrimination on the basis of race, color, or national origin in the delivery of services;
- Section 504 of the Rehabilitation Act of 1973, prohibits discrimination on the basis of disability in the delivery of services and employment practices;
- Title II of the Americans with Disabilities Act of 1990; ADA Amendments Act of 2008, prohibits discrimination on the basis of disability in the delivery of services and employment practices;
- Title IX of the Education Amendments of 1972, prohibits discrimination on the basis of sex in education programs and activities;
- The Age Discrimination Act of 1975, prohibits discrimination on the basis of age in the delivery of services;



DOJ Program Regulations

- The Omnibus Crime Control and Safe Streets Act of 1968, prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment; and
- Equal Treatment for Faith-Based Organizations, prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ federal financial assistance for inherently religious activities.



Civil Rights

Title 42, Chapter 21 of the U.S. Code prohibits discrimination against persons based on age, disability, gender, race, national origin, and religion (among others) in a number of settings -- including education, employment, access to businesses and buildings, federal services, and more. Chapter 21 is where a number of federal acts related to civil rights have been codified -- including the Civil Rights Act of 1866, Civil Rights Act of 1964, and the Civil Rights of Institutionalized Persons Act.

DYA's Obligation

As a recipient of federal funding from the Office of Justice Program, DYA is obligated not to discriminate against protected classes of people either in employment or in the delivery of services.

PROTECTED CLASS:

- **RACE**
- **RELIGION**
- **DISABILITY**
- **COLOR**
- **NATIONAL ORIGIN**
- **SEX**
- **AGE**



DYA Civil Rights Obligation

- Provide training to ALL employees and subaward/recipients
- This training will provide you with information regarding your rights and responsibilities, as an employee, employer, or service provider



CIVIL RIGHTS ACT

Title VI and Dept. of Justice 28 C.F.R. Part 42, Subpart C

Title VI of the Civil Rights Act of 1964, prohibits discrimination on the basis of race, color, or national origin in the delivery of services (42 U.S.C. § 2000d). and the DOJ implementing regulations at 28 C.F.R. Part 42 Subpart C;



Civil Rights Act

Title VI and Dept. of Justice 28 C.F.R. Part 42, Subpart C

Examples of discrimination covered by Title VI include:

- Racial harassment
- Segregation
- Denial of language services to national-origin-minorities who are limited in the English language



Omnibus Crime Control and Safe Streets Act of 1968

28 C.F.R. Part 42, Subpart D

The Omnibus Crime Control and Safe Streets Act of 1968, prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, subpart D;

- No person shall on the grounds of race, color, religion, national origin, or sex be excluded from participation be denied the benefits of, be subjected to discrimination under denied employment in connection with any programs or activity.



Equal Treatment for Faith-Based Organizations

28 C.F.R. Part 38

The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ federal financial assistance for inherent (genuine, unmistakable) religious activities (28 C.F.R. Part 38).



Title IX of the Education Amendments of 1972

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities that receive federal financial assistance.

The U.S. Department of Education gives grants of financial assistance to schools and colleges. The Title IX regulation describes the conduct that violates Title IX.



Title IX of the Education Amendments of 1972

- Examples of the types of discrimination that are covered under Title IX include sexual harassment; the failure to provide equal opportunity to all genders in, i.e., a male or female dominated career field as in construction or child day care; and discrimination based on pregnancy.
- The Title IX regulation is enforced by OCR and is in the code of federal regulations at [34 CFR Part 106](#).
- Title IX also prohibits employment discrimination, but employment discrimination complaints filed with OCR are generally referred to the [Equal Employment Opportunity Commission](#).



Title IX: Understanding Sexual Harassment

- Sexual harassment creates a hostile environment due to inappropriate speech, materials, or actions.
- Sexual harassment is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, or other conduct, physical or verbal, of a sexual nature.
- Sexual harassment interferes with work performance and creates an intimidating or offensive environment.



Title IX: Understanding Sexual Harassment

- Examples of activities that might create a hostile environment might include:
 - Rude and offensive sexually related words or comments, abusive language
 - sexual behavior or indecent exposure
 - graffiti, posters or calendars, pictures and other visuals, electronic media



Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973, prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794) and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G



Section 504 of the Rehabilitation Act

- Requires that no qualified disabled person shall be discriminated against or be excluded from participation in an activity
- A disability is a mental or physical impairment that limits a person's major life activity (self-care, walking, seeing, learning, breathing, speaking, working)
- Reasonable accommodations/modifications must be made to provide access to programs and/or facilities
- Functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.



Title II Americans with Disabilities Act (ADA)

Title II of the Americans with Disabilities Act of 1990 prohibits discrimination based on disability in public entities. OCR is the agency designated by the U.S. Department of Justice to enforce the regulation under Title II with respect to public educational entities and public libraries. The Title II regulation is in the federal code of regulations at [28 CFR 35](#) .



Title II Americans with Disabilities Act (ADA)

- Prohibits discrimination in:
 - access to programs and facilities
 - Employment
- Comprehensive Website available (www.ada.gov)



Age Discrimination Act of 1975

The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. 7 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I; and

Under the Age Discrimination Act, recipients of federal financial assistance may not exclude, deny or limit services to, or otherwise discriminate against, persons on the basis of age. The Age Act does not cover employment discrimination, which is enforced by the Equal Employment Opportunity Commission (EEOC).



COMPLAINT PROCEDURES

Reporting/Filing a Complaint

- Any person who believes he/she has been a victim of harassment or discrimination should report it through a DYA Civil Rights Officer within a 180 calendar days of the alleged discrimination. For employee discrimination, DYA will follow the Dept. of Administration's procedures.
- Active investigations will result from the report as applicable, and may result in sanctions up to suspension or dismissal, pursuant to Chapter 11 of the DOA Personnel Rules and Regulations, Adverse Action Procedures; and are handled Pursuant to the Equal Employment Opportunity Complaint Procedures.
- If the conduct violates the law, the appropriate authorities will be notified.



COMPLAINT PROCEDURES EXTERNAL ENTITIES

- While the DYA encourages individuals to file any employment or services discrimination complaint with the DYA, the agency's policies and procedures are not intended to impair or limit the rights of anyone to seek a remedy available under state or federal law. As an alternative or in addition to filing a complaint with the DYA, an individual may wish to file a complaint with an external agency for investigation, such as a local or state human rights commission, or an appropriate federal agency. For instance, if a complainant alleges a violation of a federal civil rights law that is enforced by the Office for Civil Rights (OCR), Office of Justice Programs, DOJ, the DYA acknowledgement letter will inform the complainant that s/he may file a complaint directly with the OCR and provide the following contact information:



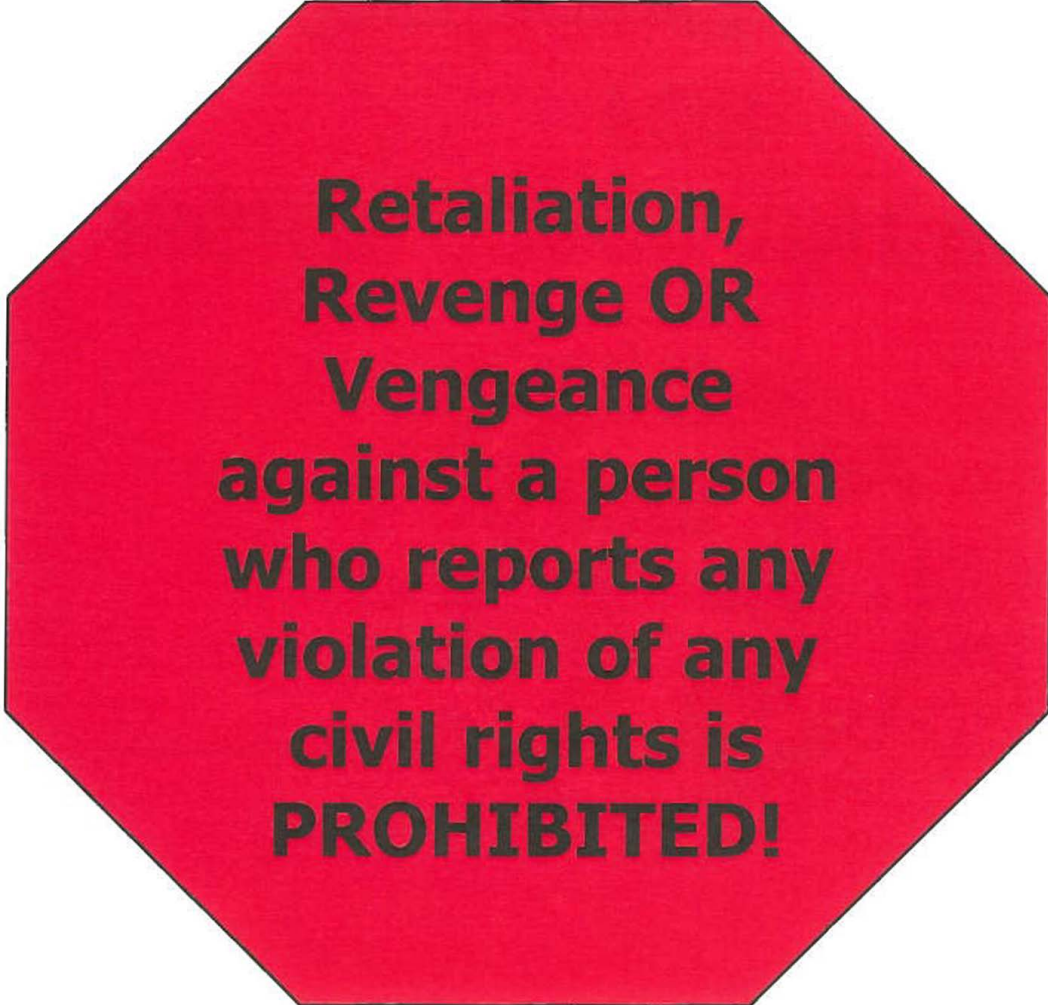
External Contact Information

U.S. Equal Employment
Opportunity Commission
Los Angeles District Office
Roybal Federal Building
225 East Temple St., 4th
Floor
Los Angeles, CA 90012
Telephone: 1.800.669.4000
TTY: 1.800.669.6820
<http://www.eeoc.gov/field/losangeles/charge.cfm>

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street NW
Washington, DC 20531
Telephone: 202.307.0690
TDD/TTY: 202.307.2027
<http://www.ojp.usdoj.gov/about/ocr/complaint.htm>



Retaliation Prohibited



**Retaliation,
Revenge OR
Vengeance
against a person
who reports any
violation of any
civil rights is
PROHIBITED!**



CIVIL RIGHTS COMPLAINT PROCEDURES
FOR
Department of Youth Affairs
EMPLOYEES



DYA CIVIL RIGHTS OFFICERS

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COMPLAINT PROCEDURES

Reporting/Filing a Complaint at a LOCAL LEVEL

- Any person who believes he/she has been a victim of harassment or discrimination should report it through a DYA Civil Rights Officer within 20 calendar days of the alleged discrimination.
- Government of Guam Line Agency employees are subject to Dept. of Administration's Personnel Rules and Regulations Equal Employment Opportunity Complaint Procedures, appendix F. A resolution could take up to one year depending on circumstances, i.e. inability to resolve matters informally, availability of parties involved, scheduling, etc.



COMPLAINT PROCEDURES

Reporting/Filing a Complaint at a LOCAL LEVEL

OUTCOMES:

- Active investigations will result from a complaint as applicable, and may result in disciplinary action, up to suspension or dismissal, pursuant to Chapter 11 of the DOA Personnel Rules and Regulations, Adverse Action Procedures.
- If the conduct violates the law, the appropriate authorities will be notified.

For more detail information regarding a civil rights federal law, you can do a web search by keying in the law of which you are needing additional information or speak to a DYA Civil Rights Officer.



Any questions?



Thank you for your time.