METHODS OF ADMINISTRATION: EQUAL OPPORTUNITY IN SERVICE DELIVERY

This operating procedure provides processes and instructions to ensure non-discrimination in all programs and activities of the Department of Children and Families.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

DENNISE G. PARKER
Human Resources Director

SUMMARY OF REVISED, ADDED, OR DELETED MATERIAL

This operating procedure has been updated to add procedures for implementing compliance with the Settlement Agreement entered into with United States Department of Health and Human Services, ADA Section 504 Compliance, United States Department of Agriculture (USDA) complaints and United States Department of Justice (DOJ) complaint and monitoring procedures. Revisions also reflect reorganizational changes to include but not be limited to:

1) Chapter 8, “Auxiliary Aids Plan for Persons with Disabilities and Limited English Proficiency,” has been deleted. The new Chapter 8 is entitled “United States Department of Agriculture (USDA) Food Assistance Benefits Civil Rights Procedures.”

2) Chapter 9, “Reports and Record Keeping,” is now Chapter 10. The new Chapter 9 is entitled “Department of Children and Families Civil Rights Complaint and Monitoring Procedures for Recipients of Federal Financial Assistance from the United States Department of Justice (DOJ).”

3) Chapter 10 is now Chapter 11.

4) The title “Assistant Staff Director” has been changed to “Human Resources Administrator for Civil Rights.”

This operating procedure supersedes CFOP 60-16 dated February 23, 2006.

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### Appendix A: Glossary of Terms
Chapter 1

GENERAL

1-1. **Purpose.** This procedure describes the Department's Methods of Administration to ensure non-discrimination and equal opportunity in service delivery in accordance with state and federal laws.

1-2. **Scope.** The policies and procedures prescribed in this operating procedure apply to all Department sponsored programs and activities involved in providing services to clients or potential clients.

1-3. **Policy.**

   a. No person shall on the basis of race, color, national origin, age, sex, religion, disability, or political beliefs shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any program or activity receiving or benefiting from federal financial assistance and administered by the Department.

   b. No person shall be retaliated against, harassed, intimidated, threatened, coerced or discriminated against for making a charge, testifying, assisting or participating in any manner in an investigation, proceeding or hearing, or for opposing alleged unlawful discriminatory practices prohibited by this policy or related state and federal laws, rules and regulations.

1-4. **Department Programs and Service Providers.** Department programs and service providers providing aids, benefits or services to clients or potential clients may not on the basis of age, color, disability, national origin, race, religion, sex (except as provided by federal law) or political beliefs:

   a. Deny any individual the opportunity to participate in or receive the aid, benefit or service provided.

   b. Provide any individual any service, aid or other benefit that is different or is provided in a different manner from that provided to others.

   c. Afford or provide an individual an opportunity to participate in or receive aid, benefit or service that is not equal to that afforded or provided to others.

   d. Subject an individual to segregated, different or separate treatment in any manner related to receipt of aid, benefit or service unless such action is necessary to provide qualified persons with a disability with aid, benefits or services that are as effective as those provided to others.

   e. Treat an individual differently from others in determining admission, enrollment, quota, eligibility, membership or other requirement or condition, which must be met in order to receive any aid, benefit or service provided. (The exclusion of persons without disabilities from the benefits of a program limited by federal statute or executive order to persons with disabilities or the exclusion of a specific class of persons with disabilities is not prohibited.)

   f. Deny any individual the opportunity to participate as a member of a planning or advisory board.

1-5. **Authority.**

   a. 45 Code of Federal Regulations (CFR), Part 80, requires non-discrimination on the basis of race, color or national origin in federally assisted programs and activities. (Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code (USC) 2000d et seq.)
b. 45 CFR, Part 84, requires non-discrimination on the basis of disability in federally assisted programs and activities. (Section 504, Title V of the Rehabilitation Act of 1973, as amended, 29 USC 794)

c. 36 CFR, Parts 1193 and 1994 requires that individuals with disabilities have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities.

d. 45 CFR, Part 86, requires non-discrimination on the basis of sex under federally assisted education programs and activities. (Title IX of the Education Amendments of 1972, as amended, 230 USC 1681 et seq.)

e. 45 CFR, Part 91, requires non-discrimination on the basis of age in federally assisted activities. (Age Discrimination Act of 1975 [42 USC 6101 et seq.] as amended, and Age Discrimination in Employment Act of 1968, as amended)

f. 45 CFR, Parts 16, 74 and 96.1 et seq., requires non-discrimination on the basis of race, color, national origin, age, sex, disability and religion in federally assisted programs and activities. (Omnibus Budget Reconciliation Act of 1981, as amended, 42 USC 9849 and Civil Rights Restoration Act of 1987, Public Law 100-259)

g. 28 CFR, Part 35, provides for non-discrimination on the basis of disability in state and local government services and implements Title II of the Americans with Disabilities Act of 1990.

h. 28 CFR, Part 38 (United States Department of Justice Regulations), provides for equal treatment for Faith Based Organizations.


j. 7 CFR 15, implementing Title VI of the 1964 Civil Rights Act, as amended, requires non-discrimination on the basis of age, color, disability, national origin, race, religion or sex in programs and activities funded by the United States Department of Agriculture.

k. The Americans with Disabilities Amendments Act of 2008 (PL 110-325). The ADA Amendments Act of 2008 expanded the scope of the ADA to be consistent with the Congressional intent of the original law.

l. Section 1557 of the Patient Protection and Affordable Care Act is the Civil Rights provision of the Affordable Care Act. Section 1557 prohibits discrimination on the ground of race, color, national origin, sex, age, or disability under “any health program or activity, any part of which is receiving Federal financial assistance … or under any program or activity that is administered by an Executive agency or any entity established under [Title I of ACA]….” Section 1557 is the first Federal civil rights law to prohibit sex discrimination in health care. To ensure equal access to health care, Section 1557 also applies civil rights protections to the Health Insurance Marketplaces established under the Affordable Care Act.

m. The Omnibus Crime Control and Safe Streets Act of 1968 (42 USC 3789d) prohibits any person in any state from being excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activities on the ground of race, color, religion, national origin, or sex.
n. The Juvenile Justice and Delinquency Prevention Act of 2002 (42 USC 5672(b)) provides state and local governments with assistance in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.

o. Executive Order 13166, Improving Access to Services for Person with Limited English Proficiency provides guidance on national origin discrimination including discrimination on the basis of Limited English proficiency (LEP).

p. Section 110.201(3), F.S., requires each state agency to comply with all federal regulations necessary to receive federal funds.

q. Sections 760.01-760.11, F.S., Florida Civil Rights Act, prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or marital status.

r. CFOP 75-2, Contract Management System For Contractual Services, establishes Department policy and procedures for contract management.

1-6. Definitions. For purposes of this operating procedure, see Glossary of Terms in Appendix A for definitions of terms used in this operating procedure.

Chapter 2

LAWS

2-1. Title VI Responsibilities.

a. Title VI of the Civil Rights Act of 1964 as implemented by 45 CFR Part 80 prohibits discrimination on the basis of race, color or national origin in any program or activity receiving or benefiting from federal financial assistance. Specifically, Title VI states: “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

b. Responsibilities under 7 CFR Part 15 and 7 CFR Part 15b effectuate provisions under Title VI to ensure that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving federal financial assistance through the Department of Agriculture.

c. Within the Department of Children and Families, Human Resources, the Office for Civil Rights has been designated by the Secretary as the office responsible for coordinating the Department’s efforts to comply with Title VI. Such responsibility includes coordination of the development and uniform implementation of the federally required “Methods of Administration” to ensure the delivery of equally effective and equally accessible services in a non-discriminatory manner. The Civil Rights Officer for each region is the designated Title VI Coordinator.

d. Contracted service providers with 15 or more employees are required to designate Title VI coordinators and Single-Points-of-Contact to ensure compliance with Title VI non-discrimination in service delivery provisions.

e. All Departmental and Contracted Services Provider Employees are responsible for ensuring equal accessibility and equally beneficial services to all Clients and Companions of the Department.
f. The Department has submitted written assurances to the United States Department of Health and Human Services, United States Department of Agriculture, and the United States Department of Justice that the Department of Children and Families will comply with Title VI. The Department must secure written assurance from each provider that they will not:

(1) Deny an individual any service because of race, color, or national origin. (NOTE: Individuals are not considered to be subjected to discrimination because of their exclusion from the benefits of a program [e.g., Cuban Refugee Services and Indian Health Services] limited by federal law to individuals of a different race, color, or national origin.)

(2) Provide an individual any service, which is different, or is provided in a different manner, from that service provided to others because of race, color, or national origin.

(3) Subject an individual to segregation or separate treatment because of race, color, or national origin.

(4) Restrict an individual's enjoyment of any advantage or privilege enjoyed by others because of race, color, or national origin.

(5) Treat an individual differently from others in determining eligibility, admission, or other requirements or conditions because of race, color, or national origin.

(6) Deny an individual an opportunity to participate in any program because of race, color, or national origin.

(7) Deny an individual the opportunity to participate as a member of a planning or advisory board because of race, color, or national origin.

(8) Select sites or locations for facilities, which have the effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program or activity on the basis of race, color, or national origin.

(9) Will not retaliate against any individual for taking action or participating in action to secure rights protected by civil rights laws.

g. The prohibition against national origin discrimination includes, but is not limited to the provision of qualified foreign-language interpreters to clients who are Limited English Proficient (LEP). The Department, its contractors and subcontractors are required to advise clients of their right to free interpreter services and to obtain the services of an interpreter if requested.

h. The Department and its providers will maintain racial and ethnic data showing the extent to which members of minority groups are beneficiaries of and participants in Department sponsored programs and services. Gathering, maintaining and reporting such data related to employment and service delivery are the responsibilities of the respective programs and those providing services to clients on a contractual basis.

i. Departmental entities, contracted service providers and their subcontractors, providing services to clients, who have previously discriminated against persons on the ground of race, color, or national origin must take affirmative action to overcome the effects of such prior discrimination.

j. Departmental entities or contracted service providers will submit compliance reports annually.

k. Even in the absence of such prior discrimination, Departmental entities or contracted service providers may take affirmative action to overcome the effects of prior discrimination.
2-2. Title IX Responsibilities.

a. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance. Specifically, Title IX states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination, under any education program or activity receiving federal financial assistance...”

b. Title IX applies only to the Department and to contracted service providers and their subcontractors operating an education program. The provider or subcontractor need not be an educational or vocational training institution for Title IX to apply.

(1) For the purposes of Title IX, an “education program” is classroom education or vocational training provided to clients whether or not certificates, diplomas, or degrees are awarded or granted for completing such training or education, and whether or not such training or education is offered full-time. In-service training, on-the-job training, and similar training and educational opportunities available to the Department’s or a provider’s employees, but not clients, are not “education programs” for the purposes of Title IX.

(2) The policies and practices of the Department and its providers for “admitting clients” (i.e., accepting clients for services) into education programs are not covered under Title IX except for those providers who are either vocational education institutions, professional education institutions, graduate higher education institutions, or public institutions of undergraduate higher education. However, even when “admissions” into an education program are exempt from coverage under Title IX, all clients must be treated equally once members of both sexes have been “admitted” or accepted for services by the education program.

c. No course, which is part of an education program operated by the Department or one of its providers, may be limited to one sex or offered in classes separated on the basis of sex except as provided below. Further, if “recreation” or “athletic” courses or activities are offered as part of an education program, the selection of sports and levels of competition must effectively accommodate the interests and abilities of members of both sexes (assuming that clients of both sexes are participating in the education program). However, the federal regulation provides the following exceptions to these requirements:

(1) Physical education classes can be grouped by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

(2) Classes or activities involving bodily contact sports can be separated by sex.

(3) Sex education classes can be separated by sex.

(4) Vocal range or vocal quality requirements, which may result in choruses of predominantly one sex, are permitted.

d. Counseling and guidance, including counseling materials, counseling techniques, counseling tests, or other counseling instruments, when offered or used in an education program operated by the Department or one of its providers, must not discriminate against any person on the basis of sex. Moreover, if a particular class in an education program operated by the Department or one of its providers contains a substantially disproportionate number of individuals of one sex (80% or more of one sex), action as is necessary will be taken to assure that such disproportion is not the result of discrimination on the basis of sex in guidance, counseling, or appraisal materials, or by counselors.
e. If the Department or one of its providers covered by Title IX assists any agency in employing or making employment opportunities available to any of the clients who are participating in the Department’s or provider’s education program, the Department or provider must provide reasonable assurances that such employment or employment opportunities are made available without discrimination on the basis of sex. The Department or provider must not render such assistance to any agency, which discriminates on the basis of sex.

2-3. Section 504 Responsibilities.

a. Section 504 of the Rehabilitation Act of 1973, effective June 3, 1977, is designed to eliminate discrimination on the basis of disability in any program or activity receiving federal financial assistance. Section 504 states: “No otherwise qualified person with a disability in the United States ... shall, solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

b. Within the Department, the Human Resources Administrator for Civil Rights has been designated by the Secretary as the person responsible for coordinating the Department’s compliance with Section 504. The Civil Rights Officers are the designated Regional Section 504 Coordinators. The Civil Rights Officers are also responsible for the development of the Regional Auxiliary Aids Plan and for assisting in its implementation and assisting in the implementation of Region, Circuit, or Facility-specific Auxiliary Aids Plan.

c. Contracted service providers and their subcontractors with 15 or more employees are required to designate Section 504 Coordinators and Single-Points-of-Contact. Section 504 Coordinators and Single-Points-of-Contact are responsible for ensuring appropriate auxiliary aids/accessible accommodations are provided to all clients as required, including, but not limited to, certified sign language interpreters for deaf and hard of hearing clients and companions and qualified foreign language interpreters for Limited English Proficient (LEP) clients.

d. As defined by the federal regulation implementing Section 504, “person with a disability” means any person who has a physical or mental impairment, which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. A “qualified person with a disability” is defined as:

(1) With respect to employment, if that person with a disability can, with “reasonable accommodation,” perform the essential functions of the job in question.

(2) With respect to health, welfare or social services, if that person with a disability meets the essential eligibility requirements for the receipt of such services.

e. The following prohibitions and requirements apply in any program or activity receiving federal financial assistance:

(1) The Department and its providers may not directly or through contractual or other arrangements:

   (a) Deny a qualified person with a disability any service, or the opportunity to participate in any service, because of that person’s disability. (NOTE: The exclusion of persons without a disability from the benefits of a program limited by federal statute or executive order to persons with a disability, or the exclusion of a specific class of persons with disabilities from a program limited by federal statute or executive order to a different class of persons with a disability is not prohibited.)
(b) Afford a qualified person with a disability an opportunity not equal to that opportunity afforded others to receive or benefit from services.

(c) Provide a qualified person with a disability with services that are not equally effective to the services provided to others. (NOTE: To be equally effective, the services are not required to produce identical results or levels of achievement for persons with a disability and persons without a disability, but must afford persons with a disability equal opportunity to obtain the same results, to gain the same benefit, or to reach the same level of achievement in the most integrated setting appropriate to each individual’s needs.)

(d) Provide services in a manner that limits or has the effect of limiting the participation of a qualified person with a disability because of the disability.

(e) Provide services to a person with a disability, or class of persons with a disability, that are separate or different from those services provided to others unless such action is necessary to provide qualified persons with a disability with services that are as effective as services provided to others.

(f) Deny a qualified person with a disability the opportunity to participate as a member of a planning or advisory board because of his or her disability.

(g) Restrict a qualified person with a disability enjoyment of any advantage or privilege enjoyed by others because of his or her disability.

(h) Select sites or locations for facilities that have the effect of excluding persons with a disability from denying them the benefits of, or subjecting them to discrimination under, any program or activity on the basis of their disability.

(2) The Department and its providers must operate programs so that each program, when viewed in its entirety, is readily accessible to persons with disabilities.

(3) The Department and its contracted service providers are not required to make each existing facility or every part of a facility accessible to and usable by persons with a disability; nor are they required to make structural changes in existing facilities where other methods are effective in achieving compliance. However, in choosing among available methods, the Department and its providers must give priority to those methods, which offer programs to persons with disabilities in the most integrated setting appropriate.

(4) The Department and its providers of client services are required to provide appropriate “accessible accommodations” to persons with disabilities. Appropriate “accessible accommodations” includes the provision of certified American Sign Language interpreters for persons who are deaf or hard of hearing at no cost.

2-4. Section 508 Responsibilities.

a. Section 508 of the Rehabilitation Amendments of 1998, requires that when state agencies and government offices develop, procure, maintain, or use electronic and information technology, they shall ensure that the electronic and information technology allows employees and clients with disabilities to have access to and use of information and data that is comparable to the access and use of information and data by employees and clients who are not individuals with disabilities, unless an undue burden would be imposed on the Department.
b. Within the Department, the Human Resources Administrator for Civil Rights has been designated by the Secretary as the person responsible for coordinating the Department’s compliance with Section 508. The Civil Rights Officer is the designated Section 508 Coordinator.

c. As defined by the federal regulation implementing Section 508, “person with a disability” is a person who has a physical or mental impairment that substantially limits one or more major life activities or has a record of such impairment. In general, this includes individuals with a significant vision, hearing, dexterity, cognitive, or mobility impairment.

d. The Department website and all documents posted to the website must comply with Section 508 Accessibility Standards for persons with disabilities.

e. All communication devices, including, but not limited to, facsimile machines, telephones, copiers, and scanners, must comply with Section 508 Accessibility Standards and be accessible to persons with disabilities.

f. The Department will ensure that software applications, multimedia productions, and training developed or produced in-house meets the Section 508 Accessibility Standards.

2-5. Americans with Disabilities Act, as amended, Responsibilities.

a. The Americans with Disabilities Act (P.L.101-336; 28 CFR Part 35) provides protection in several areas for persons who are considered disabled. The ADA is based upon existing legislation, particularly the Rehabilitation Act of 1973 and the Civil Rights Act of 1964.

b. The Human Resources Administrator for the Office of Civil Rights has been designated by the Secretary, as the person responsible for coordinating the Department’s policies for compliance with the Americans with Disabilities Act (ADA). The Civil Rights Officer is the designated Regional ADA Coordinator. The Civil Rights Officers are responsible for the development of the Regional Auxiliary Aids Plan and for assisting in its implementation.

c. The Americans with Disabilities Act of 1990, as amended, states that:

(1) “No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs or activities of the Department, or be subjected to discrimination by the Department or its contract service providers.”

(2) The Department or its service provider in providing any aid, benefit, or service, may not directly or through contractual, licensing, or other arrangements on the basis of disability:

(a) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service.

(b) Afford a qualified individual with any aid, benefit or service not equal to that afforded to others.

(c) Fail to provide a qualified individual with a disability the same level of achievement as that provided to others.

(d) Provide different or separate aids, benefits or services not as effective as those services provided to others.

(e) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis
of disability in providing any accessible accommodation, benefit or service to beneficiaries of the Department’s programs.

(f) Deny a qualified individual membership on planning or advisory boards.

(g) Otherwise limit a qualified individual from receiving aids, benefits or services or opportunity enjoyed by others receiving the aid benefit, or service.

(3) The Department or its service providers will not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(4) The Department will not, directly or through contractual or other arrangements, utilize criteria or methods of administration that:

(a) Has the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability.

(b) Has the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity’s program with respect to individuals with disabilities.

(c) Perpetuates the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same state.

(5) The Department will not make selections that:

(a) Have the effect of excluding individuals with disabilities or otherwise subjecting them to discrimination.

(b) Have the purpose or effect of defeating or substantially impairing the accomplishment of the Department’s objectives with respect to individuals with disabilities.

(6) The Department, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

(7) The Department will not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a public entity establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. The programs or activities of entities that are licensed or certified by the Department are not covered by this part.

(8) The Department will make reasonable modifications to policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

(9) The Department will not impose restrictions based on disability in the provision of the service, program, or activity being offered.

(10) Nothing in this part prohibits the Department from providing benefits, services, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities beyond those required by this part.
(11) The Department shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

(12) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under the ADA or this part, which such individual chooses not to accept.

(13) Nothing in the ADA or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

(14) The Department and its contract service providers will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the non-discriminatory treatment required by the ADA or this part.

(15) The Department and its contract service providers will not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

2-6. **Responsibilities for Providing Accessible Accommodations.**

   a. The Department, its contracted service providers, and their subcontractors are required to provide: “... appropriate accessible accommodations to persons with impaired sensory, manual, or speaking skills where necessary to afford such persons an equal opportunity to benefit from the service in question ... accessible accommodations may include Braille and taped material, interpreters and other aids.” (45 CFR, Section 84.52(d)(1) and (3))

   b. All clients or applicants for services who have impaired sensory, manual or speaking skills are entitled to an equal opportunity to use and benefit from the programs and services of this Department. This includes the provision of reasonable accommodations to ensure that programs and services of the Department are equally accessible to and effective for clients or applicants for services who have such impairments.

   c. Employees of the Department and contracted service providers shall be informed that accessible accommodations and effective communications are to be provided free of charge, including certified American Sign Language interpreters when requested by clients or their companions. All employees shall be made aware of the procedures to follow when serving a person who is deaf or hard of hearing. These procedures will include a mechanism for obtaining the necessary auxiliary aid(s) from outside the Department or service provider if and when appropriate.

   d. In circumstances considered “Aid Essential Communication Situations”, the requested accommodation or auxiliary aid is always provided. Examples of Aid Essential Communication Situations include, but are not limited to: determination of a client’s medical, psychiatric, psychosocial, nutritional, and functional history or description of their condition; discussion of formal treatment plans; informed consent, client rights, permission/authorization for treatment; explanation of diagnosis; explanation of tests, treatment; discussions regarding medications; discharge planning and instructions; mental health evaluations, group therapy, counseling; education classes; eligibility determinations; and investigations by child or adult protective services involving interviews.

   e. When services requested are not of an emergency nature, of lesser importance, complexity or length, these situations are to be considered “Non Aid Essential Communication Situations” and the Department has greater flexibility in determining the appropriate auxiliary aid/service after consultation with the client.
f. The Deputy Secretary is responsible to ensure the implementation of the Auxiliary Aids Plan. Each Regional Managing Director, or Facility Administrator is responsible for implementation and distribution of their specific plan to their program offices and operations units.

g. A copy of each plan will be submitted to DCF Office of Civil Rights for approval. Each plan will be updated as needed but at least annually with copies of all changes submitted to DCF Office of Civil Rights for approval by March 31 each year.

h. At a minimum, each plan will include:

1. A description of accessible accommodations available for use in each phase of the service delivery process (e.g., telephone inquiries, requests, intake interviews, service provision, counseling, emergency services, etc.) when the lack of such aids may effect, deny service accessibility, or hinder service effectiveness.

2. A list of the resources available (e.g., TTY/TDD, list of qualified interpreters, including Department staff and qualified volunteers, deaf service centers, other organizations, etc.) serving persons with disabilities shall be maintained in each region or circuit and by each service provider with over 15 employees.

3. A training requirement for direct services field staff, facility staff and other staff who deal with the public, to include an awareness of deafness; hard of hearing; low vision and blindness; mobility and psychological impairment; the communication options available for accessible accommodations; how to access those aids; and the responsibility to provide reasonable accommodations to ensure that programs and services are equally accessible to and effective for persons with disabilities. Training shall be made available to contract providers as appropriate.

4. Detailed procedures to be used by direct service staff in requesting appropriate accessible accommodations. At a minimum, these procedures will include:

   a. How client needs are to be assessed.

   b. Who is responsible for approving the request and obtaining the appropriate accommodations.

   c. A time standard for the provision of services. In some cases, delaying services is not always practical or appropriate; therefore, provision should be made for communication alternatives when advance notice for an auxiliary aid is not given.

   d. A full range of communication options with the selection of the option the person with the disability believes is the most effective to ensure effective access to health care and other services. The range of options that must be provided at no cost to the person who is deaf or hard of hearing must include:

   1. Formal arrangements with interpreters who can accurately, fluently express, and receive in sign language. The names, addresses, phone numbers and hours of availability of interpreters must be readily available to direct services employees.

   2. Assistive listening devices.

   3. Written communication.

   4. Flash cards.
5. Qualified staff trained in basic sign language expressions relevant to emergency treatment.

6. At least one telecommunications device TDD, TTY, etc., or relay service.

7. Family members or companions may be used only if the person who is deaf or hard of hearing specifically requests them. (The Customer /Companion Request for Waiver of Free Communication Assistance, form CF 763 available in DCF Forms, must be signed by the customer.)

(e) Methods of payment to be used when requesting accessible accommodations. The use of accessible accommodations will be at no cost to the client.

(f) A procedure for notifying clients and applicants of the availability of accessible accommodations and procedures for requesting an auxiliary aid.

(g) A monitoring procedure for ensuring compliance with this operating procedure.

i. When it is necessary to obtain accessible accommodations, every effort will be made to obtain them within the Department’s current resources, including qualified volunteers and volunteer organizations. However, if an auxiliary aid is required and must be purchased or leased, payment will be made from the appropriate operating budget.

2-7. The Age Discrimination Act of 1975, as amended, Responsibilities. The federal regulation, 45 CFR Part 91, implements the provisions of the Age Discrimination Act of 1975, as amended (Title III of Public Law 94-135), and requires the following:

a. “No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.”

b. A recipient may not, in any program or activity receiving federal financial assistance, directly or through contractual licensing, or other arrangements, use age distinctions or take any other actions which have the effect, on the basis of age, of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving federal financial assistance; or,

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving federal financial assistance.

c. A recipient is permitted to take an action, otherwise prohibited if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(1) Age is used as a measure or approximation of one or more other characteristics; and,
(2) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and,

(3) The other characteristic(s) can be reasonably measured or approximated by the use of age; and,

(4) The other characteristic(s) are impractical to measure directly on an individual basis.

d. A recipient is permitted to take an action, otherwise prohibited, which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

e. The burden of proving that an age distinction or other action falls within the exceptions outlined is on the recipient of Federal financial assistance.

f. Even in the absence of a finding of discrimination, the Department, program or contracted services provider may take affirmative action to overcome the effects of conditions that resulted in limited participation in program or activity on the basis of age.

g. If a program or provider offers special benefits to the elderly or to children, or if an age distinction is in a United States Department of Health and Human Services rule or regulation, such use of age distinctions shall be presumed to be necessary to the normal operation of such program.

h. Each program and provider has primary responsibility to ensure that its programs and activities comply with the Age Discrimination Act and the implementing regulations, and will take steps to eliminate violations.

i. Departmental programs and providers have primary responsibility to ensure that their programs and activities are in compliance with the Age Discrimination Act and regulations as well as with this operating procedure.

j. Departmental programs and providers shall make necessary information about the Age Discrimination Act and regulations available to clients to inform them about protections against unlawful age discrimination.


a. The Omnibus Crime Control and Safe Streets Act of 1968 prohibits any person from being excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activities on the ground of race, color, religion, national origin, or sex.

b. To ensure compliance with the Omnibus Crime Control and Safe Streets Act of 1968, recipient must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to all programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary.

c. The Department, its contractors and Subrecipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities.
2-9. **Executive Order 11246 Responsibilities.** Executive Order 11246 requires recipients of federal funding to “take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin.” In 1967, this Order was expanded to include affirmative action requirements to benefit women.

2-10. **Executive Order 13729 Responsibilities.** Executive Order 13729 prohibits recipients of federal funding from discriminating against organizations on the basis of religion or religious belief in the administration or distribution of federal financial assistance under social service programs.

2-11. **Executive Order 13166 Responsibilities.** Executive Order 13166 requires recipients of federal funding to examine the services they provide, identify any need for services to those with Limited English Proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

Chapter 3

**ASSIGNMENT OF RESPONSIBILITIES WITHIN THE DEPARTMENT**

3-1. **General.** Compliance with this operating procedure will be ensured individually and collectively by assignment of responsibilities for civil rights compliance activities as specified.

3-2. **The DCF Office of Civil Rights.** The DCF Office of Civil Rights is responsible for the coordination of all Civil Rights compliance activities. The DCF Office of Civil Rights will:

   a. Provide technical assistance, guidance and necessary training to Departmental personnel.

   b. Disseminate Civil Rights information, including, but not limited to, Title VI, Section 504, Age Discrimination Act, Omnibus Budget Reconciliation Act, Title IX, Americans with Disabilities Act (ADA) to the Assistant Secretaries, Regional Managing Directors, Hospital Administrators, Civil Rights Officers, and other appropriate Departmental personnel and interested parties.

   c. Process complaints of discrimination in accordance with procedures established by this operating procedure.

   d. Review compliance reports and investigations conducted by assigned state and Regional compliance representatives.

   e. Assist Regional and Hospital staff, as appropriate, with reviews of and correspondence to other agencies and service providers, to achieve civil rights compliance where noncompliance is found.

   f. Inform Departmental staff of pertinent civil rights issues and activities.

   g. Serve as liaison between the Department and the United States Department of Health and Human Services’ Office for Civil Rights, United States Department of Justice’s Office for Civil Rights, United States Department of Agriculture, and other agencies or groups concerned with the non-discriminatory delivery of services.

   h. Conduct onsite civil rights compliance reviews of Regional, Hospitals, Headquarters programs, Contracted Service Providers, and Subrecipients’ activities to ensure uniform implementation of Title VI, Section 504, the Age Discrimination Act and related federal non-discrimination requirements.
3-3. **Program Offices (Headquarters).** Program Offices shall ensure program compliance with all civil rights requirements and assist the Department’s Office of Civil Rights in the implementation of the Methods of Administration.

3-4. **Regional Managing Directors and Hospital Administrators.** Regional Managing Directors and Hospital Administrators will be responsible for the implementation of the Methods of Administration and for ensuring compliance with all civil rights requirements and operating procedures affecting the Department’s Methods of Administration within their respective Regions or Hospital.

3-5. **Single-Points-of-Contact.** Persons within the Department and contract providers who are located physically at the Department service centers or onsite at each of the provider’s locations, who are responsible for coordinating services to deaf or hard of hearing clients and companions, Limited English Proficient clients, and clients with disabilities requiring other auxiliary aids.

3-6. **Civil Rights Officers.** Individuals charged with implementing the requirements of Titles I and II of the American with Disabilities Act and Section 504 of the Rehabilitation Act, and ensuring the provision of auxiliary aids and services for deaf or hard of hearing, Limited English Proficient clients, and clients with disabilities requiring aid-essential services. Within the Department, Civil Rights Officers are designated ADA/LEP/Section 504 Coordinators. In addition, Civil Rights Officers are responsible for conducting compliance reviews, monitoring, investigations, providing technical assistance and the coordination of the Methods of Administration at the Regional, and Hospital level. Civil Rights Officers are also responsible for developing the Auxiliary Aids and Service Plan for Persons with Disabilities and Persons with Limited English Proficiency, and annually providing the Plan to the DCF Office of Civil Rights and Regional Administration.

Chapter 4

**DISSEMINATION OF INFORMATION**

4-1. **General.** Pursuant to the various federal and state civil rights laws, rules and regulations, the Department will provide notification of its compliance responsibilities to participants, potential participants, applicants, employees, providers and their subcontractors. Further, the Department will appropriately post the non-discrimination policy required by 45 CFR, Parts 80, 84 and 91.

4-2. **Procedures for Notification (Dissemination of Information).**

   a. Departmental staff is required to advise clients or companions whom they believe to be deaf or hard of hearing and Limited English Proficient of the availability of appropriate, no-cost auxiliary aids and services to ensure effective communication when accessing DCF programs and services.

   b. The DCF Office of Civil Rights will distribute, as appropriate or requested, copies of the Notice of Compliance/Statement of Policy to organizations in Florida representing minorities, women, and persons with disabilities as well as the public.

   c. The Notice of Compliance/Statement of Policy will be permanently posted as follows:

      (1) Offices of Deputy Secretary and the Assistant Secretaries on official bulletin boards under their jurisdiction.

      (2) Regional/Headquarters program offices on official bulletin boards.

      (3) Regional offices on official bulletin boards.
(4) Hospitals on official bulletin boards and in common areas.

(5) Service centers in client waiting rooms and client interviewing rooms.

(6) Contracted service providers or subcontractors' waiting rooms, lobbies, or other public access areas.

(7) In a conspicuous place in all other Departmental facilities.

d. The Department’s equal opportunity and non-discrimination policy required by 45 CFR, Parts 80, 84, 86 and 91, is included in CF Pamphlet 60-1, Employee Handbook, which is distributed to all employees.


   a. The Regional/Facility Civil Rights Officer will be responsible for periodic monitoring to ensure that notices are properly posted and that the Department’s non-discriminatory policy is appropriately disseminated.

   b. The Civil Rights Officers will conduct onsite reviews to determine provider compliance with this requirement, pursuant to 45 CFR, Parts 80, 84 and 91.

4-4 Public Notices.

   a. The following or similar statement will be included in all Department publications produced for distribution to the public, including pamphlets, posters and brochures:

      “The Department of Children and Families complies with state and federal non-discrimination laws and policies that prohibit discrimination based on age, color, disability, national origin, race, religion, sex, or political beliefs. It is unlawful to retaliate against individuals or groups on the basis of their participation in a complaint of discrimination or on the basis of their opposition to discriminatory practices.”

   b. All advertisements for public meetings, training sessions, etc. must notify participants of the Department’s and its service provider’s intent to accommodate disabilities. Example wording:

      “If you require accommodations to participate in this event, please call the following (telephone number of appropriate person) within 7 days of the event.”

4-5. Supply of Posters. Notice of Compliance/Statement of Policy will be maintained by the DCF Office of Civil Rights and distributed upon request or revision. Request may be forwarded to the DCF Office of Civil Rights, 1317 Winewood Boulevard, Building 1, Room 110, Tallahassee, Florida 32399-0700.
Chapter 5

CIVIL RIGHTS COMPLIANCE ASSURANCES, IMPLEMENTATION AND MAINTANANCE

5-1. General.

a. This chapter establishes procedures for uniformly assuring civil rights compliance in all Departmental programs and activities as well as in covered contracts and grants between the Department and its service providers to permit the Department to be eligible to receive federal financial assistance.

b. The Department assures that all employees, officials, agents, agencies, contractors and their subcontractors, sub-grantees, community based care providers, or others with whom it arranges to provide services or benefits to clients in connection with any of the Department’s programs and activities are not discriminating against clients in violation of applicable civil rights statutes, regulations, guidelines and standards.

5-2. Assurances.

a. Every contract, grant or financial assistance agreement with a provider, which is negotiated, renewed, or modified after the effective date of this operating procedure, must include appropriate language equivalent to the assurance of compliance.

b. Each state contract or subcontract covered by Presidential Executive Order 11246 must include, if applicable, the equal opportunity clause and assurance of non-segregated facilities, as well as provision for the development of a written affirmative action compliance program for each establishment as required by 41 CFR 60-1.40.

5-3. Maintaining Compliance by Service Providers.

a. Each provider with fifteen (15) or more employees will complete a Civil Rights Compliance Checklist (form CF 946, available in DCF Forms) and submit the completed form to the Contract Manager annually. This annual requirement also applies to multi-year contracts. The Contract Manager will review the CF 946 for completeness and maintain the original in the appropriate contract file. It is the responsibility of the Contract Manager to ensure completion of CF 946. Reported data shall reflect the Department’s fiscal year (covering July 1 thru June 30). A copy of the completed CF 946 shall be submitted by the Contract Manager to the Regional/Facility Civil Rights Officer no later than July 15, following the end of the fiscal year.

b. For any provider found to be out of compliance, a corrective action plan will be developed or a compliance agreement will be negotiated to remedy any deficiencies found, or the contract will be terminated. The DCF Office of Civil Rights must approve all civil rights corrective action plans.

c. The Regional/Facility Civil Rights Officer will utilize the online reporting tool for submitting compliance reviews.

d. Each provider will be subject to a compliance review once every three years by the Civil Rights Officer. Exceptions will be based on requirements of Settlement Agreements.

e. Compliance reviews DOJ providers and Subrecipients will be conducted biennially.
5-4. Maintaining Compliance in Regional/Circuit/Headquarters Program Offices and Institutions.

   a. Regional program offices and Hospitals shall complete form CF 946 (available in DCF
      Forms) yearly and submit the completed forms to the Regional/Facility Civil Rights Officer. Each
      Regional Program Office is responsible for ensuring the Regional/Facility Civil Rights Officer receives a
      completed CF 946 from every service center location in the Region no later than July 15th of each year.

   b. Upon receipt of all CF 946 forms from Regional Program Offices and Contract Managers, the
      Civil Rights Officer will summarize the information received and complete form CF 1541 for each
      Program. Completed CF1541’s shall be submitted to the DCF Office of Civil Rights on or before
      August 20th each year.

   c. Onsite civil rights reviews will be conducted by the Regional/Facility Civil Rights Officer and
      the DCF Office of Civil Rights.

   d. Compliance will be monitored by the DCF Office of Civil Rights through desk reviews, onsite
      reviews, unannounced visits, limited and full scope reviews and corrective action plans.

   e. Federal civil rights compliance reviews will be conducted as required by the federal agency
      involved. The DCF Office of Civil Rights will act as the Departmental liaison coordinating such reviews.

5-5. Exemptions. The following services are excluded from the reporting and monitoring requirements
of this operating procedure:

   a. The performance of services in-house by an individual other than those performed by
      employees in authorized positions.

   b. Physical and mental health services for examination, diagnosis, treatment, prevention,
      medical consultation or administration conducted by an individual on behalf of Department programs.

   c. Private homes for client placement.

   d. Providers with fewer than 15 employees are excluded from completing the Civil Rights
      Compliance Checklist (form CF 946). All providers, regardless of exemption from filing CF 946 are
      subject to civil rights monitoring as deemed appropriate by the Human Resources Administrator for Civil
      Rights.

Chapter 6

CIVIL RIGHTS COMPLIANCE REVIEW GUIDELINES

6-1. General. This chapter provides technical assistance in conducting civil rights compliance reviews
      to ensure the uniform implementation of the Department’s Methods of Administration.

6-2. Civil Rights Compliance Procedures.

   a. To provide reasonable assurances of compliance, each service provider, Hospital, and
      Departmental program will be assessed for civil rights compliance by the respective Program
      Administrator in conjunction with the Civil Rights Officer, or other official as designated.

   b. Compliance will be monitored by the DCF Office of Civil Rights through review of completed
      checklists, self-assessments, surveys, EEOP/Certifications, desk reviews, onsite reviews, corrective
      action plans, and other compliance monitoring tools. Additionally, monitoring of services provided to
      limited English proficient (LEP) clients and clients who are deaf or hard of hearing shall be conducted
annually in accordance with Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act, and Section 504 Monitoring Plan.

c. Management Reviews of Departmental programs and activities will be conducted on an exception basis by the DCF Office of Civil Rights.

d. Federal Civil Rights compliance reviews will be conducted as required by the federal agency involved. The DCF Office of Civil Rights will act as the Department’s liaison in coordinating such reviews.

6-3. Civil Rights Officers’ Preparation for the Onsite Review. Prior to conducting, as well as during the onsite review, the Civil Rights Officers shall:

a. Coordinate scheduling with appropriate program/provider staff as well as with Regional/Hospital staff.

b. Obtain a brief description of scope and nature of services provided.

c. Obtain and review a description of the organization and structure for the provision of these services, including the size of staff, broken down by types of positions, e.g., nurses, counselors, etc.

d. Obtain and review statistics, giving racial and ethnic breakdown showing:

   (1) The number of applicants in the preceding year.

   (2) The number of persons currently receiving assistance or services.

   (3) Any other statistics available by race and national origin, such as average monthly assistance payments, infant or maternal mortality rate, number of referrals to other agencies or programs and client catchment area demographics.

e. Review available information such as the Contract Manager’s file; EEOP; form CF 946; Civil Rights complaint determinations made by an external agency; civil rights complaints and complaint procedures; Auxiliary Aids Plans; facility brochures; pamphlets or questionnaires; workforce diversity plans; special incident reports; civil rights compliance reports; program monitoring reports; management reviews; Section 504 self-evaluations; self-assessment surveys; and accessibility studies to note problems or issues for special attention, documentation and follow-up.

f. Review other relevant information that is available regarding comparative data such as the location and racial utilization of similar facilities.

6-4. Onsite Review.

a. Visit the provider, facility or program and interview key staff, including designated Title VI and Section 504 coordinator(s) to discuss the policies and activities of each unit of operation.

b. The review must be reported using the compliance monitoring tools and the online reporting system.

c. Describe the methods used, including time intervals, by the program or provider to monitor civil rights requirements and to conduct reviews.

d. Identify any forms or instructions developed to supplement those provided by the DCF Office of Civil Rights (attach copies, if indicated).
e. Describe the methods used by staff and administration to ensure continued compliance with non-discrimination policies in service delivery.

f. Describe the methods used to ensure that staff makes referrals to only those vendors or community agencies who offer services without discrimination.

g. Describe how clients are assigned to staff.

h. Describe how accessible accommodations are provided to clients with disabilities and to clients with Limited English proficiency.

i. Describe how equal access to facilities is assured to clients with disabilities.

j. Identify the methods used in disseminating information concerning the right to file a complaint regarding:

   (1) Beneficiaries of assistance payments or services;

   (2) Applicants or potential applicants for services; and;

   (3) Other interested persons.

k. Describe the methods for receiving, handling, investigating and determining the final disposition of complaints.

l. Summarize the discrimination complaints received during the reporting period including the nature of discrimination alleged, the findings, the disposition, and any corrective steps taken to address the complaint.

6-5. Following the Review.

a. Any deficiencies found by the review, and accomplishments resulting from the review, should be discussed with the administrator or designated staff.

b. Any required corrective action and time frames for such actions should be discussed with the administrator or designee as deemed appropriate.

c. The Regional/Facility Civil Rights Officer shall submit a compliance review report within 120 days of completion of the compliance review.

d. Within sixty days (60) of receipt of the compliance review report from the field, the DCF Office of Civil Rights shall complete its review of the report. For Departmental service locations and facilities, a Letter of Findings will be forwarded to the Regional Managing Director, Regional Program Director or Hospital Administrator as applicable. For contracted client service provider locations, a Letter of Findings will be forwarded to the Department Contract Manager and the contracted provider’s Executive Officer. Any deficiencies found and any corrective action required, together with time frames for completion, will be noted in the report.

e. Any required Corrective Action Plans and follow up shall be completed within thirty-days (30) of receipt of the Letter of Findings. Circumstances preventing timely compliance with this requirement shall be reviewed on a case-by-case basis.

f. If the problem discovered by the review is determined to be severe, a follow-up visit shall be made to evaluate the progress made in addressing the noted deficiencies. Any recommendations for contract termination or referral for administrative/legal proceedings will be made by the Human
Chapter 7
COMPLAINT PROCEDURES – NON-USDA

7-1. **Purpose.** This chapter establishes uniform procedures for resolving complaints of discrimination filed against the Department. These procedures apply to clients and potential clients who allege unlawful discrimination by reason of race, color, sex, marital status, religion, age, national origin or disability. Clients include those individuals applying for or receiving benefits provided by the Department, its Community Based Care and Managing Entity providers and their subcontractors.

7-2. **Retaliation.** No person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Americans With Disabilities Act (ADA) of 1990, or other federal and state civil rights laws, or because he/she participated in any manner in an investigation, proceeding or hearing under said laws.

7-3. **Accommodations.** All Charging Parties, witnesses, and other participants must be advised of their right to request accommodations for any phase of the complaint process. All correspondence issued to participants shall contain contact information for requesting accommodations.

7-4. **Complaint Process.**

a. Clients and potential clients of this Department who believe that they have been discriminated against in the provision of services may file a written complaint of discrimination within 180 days of the alleged discriminatory act with:

(1) Human Resources Administrator – Office of Civil Rights
Department of Children and Families
1317 Winewood Boulevard
Building 1, Room 110
Tallahassee, Florida 32399-0700
(850) 487-1901; TDD (850) 922-9220; Fax (850) 921-8470

(2) United States Department of Health and Human Services (HHS)
Attention: Office for Civil Rights
Atlanta Federal Center, Suite 3B70
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909
(404) 562-7888; TDD (404) 331-2867; Fax (404) 562-7881

(3) United States Department of Agriculture (USDA)
Attention: Office of Civil Rights
Atlanta Federal Center, Suite 8T36
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909
(404) 562-1808; (404) 562-0532; (404) 562-1890; Fax (404) 527-4517
b. The complaint must be signed by the Charging Party and contain:

(1) Basis for the complaint: race, color, religion, sex, age, national origin, disability, political beliefs, or retaliation.

(2) Name, address and phone number of the person (Charging Party) filing the complaint.

(3) Name and address of the person or provider against whom the complaint is filed.

(4) Description and dates of the alleged discriminatory act(s).

c. Complaints filed with federal agencies listed above are subject to the federal laws governing such complaints. Final determination of the validity of the complaint will be made by that agency.

7-5. Notification of Complaint.

a. Internal Complaints. Upon receipt of a written complaint filed directly with the Department, the DCF Office of Civil Rights will send a written acknowledgement of the receipt of the complaint to the Charging Party. A notification of the filing of the complaint shall be sent to the appropriate Deputy Secretary, Assistant Secretary, Regional Managing Director, or Hospital Administrator. Upon notification that the internal complaint has also been filed externally, the DCF Office of Civil Rights will notify the Charging Party that all future communication will be with the external agency directly, not the DCF Office of Civil Rights.

b. External Complaints. Upon receipt of notification of a complaint filed directly with an external agency, the DCF Office of Civil Rights shall notify the appropriate Regional Managing Director or Hospital Administrator of such complaint.

7-6. Complaint Jurisdiction.

a. External Complaints. All discrimination complaints filed with federal or state enforcement agencies are under the respective jurisdictions of those agencies subject to the federal or state laws and regulations governing such complaints. The determination of the validity of external complaints will be made by the external agency after the agency has reviewed the evidence and responses presented by the Department and the Charging Party.

b. Internal Complaints. All discrimination complaints filed with the Department are under the jurisdiction of the DCF Office of Civil Rights and subject to the procedures contained in this operating procedure. The determination of the validity of internally filed complaints will be made by the Human Resources Administrator for Civil Rights after a review of all available evidence and responses, including those contained in the investigative reports.

7-7. Assignment of Complaints for Investigation.

a. Within two (2) business days of the receipt of a complaint, the DCF Office of Civil Rights will assign a case number, scan the documents received, enter and assign the complaint within the DCF
Office of Civil Rights Tracking System, and advise the Regional or Facility Civil Rights Officer of the assignment.

b. A complaint will be assigned to the Regional/Facility Civil Rights Officer for investigation except in the case of a conflict of interest, in which case another Department representative may be designated as the investigator by the Human Resources Director or Human Resources Administrator for Civil Rights.


a. The Civil Rights Officer will identify the issues raised in the complaint and ensure all allegations are investigated to the fullest.

b. The scope of the investigation must be determined by the Civil Rights Officer, taking into consideration document requests and/or instructions from the DCF Office of Civil Rights or the external agency. The investigation will be comprehensive, separately addressing each issue and allegation contained in the complaint.

c. Each allegation must be affirmed (supported) or denied (rebutted) and the reasons for such determination together with affidavits and other supporting documentation for each determination clearly presented and indexed appropriately. Minimally, each investigative report must reflect:

1) The manner in which the Charging Party was treated and affected and why.

2) The manner in which others similarly situated were treated, affected and why.

3) The alleged discriminator’s reasons for such actions or treatment and related policies and practices.

4) If such actions, treatment, policies and/or practices were lawful and non-discriminatory.

5) The recommended position for the Department (Respondent) relative to the merits of the complaint, i.e., “letter of violation” or “no violation” to believe that a violation of Title VI or other applicable discrimination laws has occurred as alleged.

6) Based upon its investigation, if the Office of Civil Rights is unable to conclude that the information obtained establishes violations of the statutes, then “No Finding” is made as to any other issues that might be construed as having been raised by this complaint.”


a. Notarized and sworn (or affirmed) statements will be utilized during the investigative process.

1) A notarized statement is a statement prepared by the witness that gives an accounting of what the witness knows or does not know regarding the Charging Party’s allegations. Formats for such statements are prescribed in s. 117.05, F.S. Civil Rights Officers should familiarize themselves with this section to ensure that notarized statements are administered and accepted according to legal requirements. Under no circumstances is a Civil Rights Officer allowed to notarize a statement that has not been signed in their presence.

2) A sworn (or affirmed) statement is a written or verbal statement by a Charging Party, witness, subject or other contact that is made while under oath. All Regional/Facility Civil Rights
Officers are required to be notaries. As such, they are authorized to administer oaths under s. 117.03, F.S.

(3) When administering an oath prior to a witness interview (whether tape-recorded or not), the Civil Rights Officer should inform the interviewee of the following:

“I am (name). I am employed by the Department of Children and Families as a Civil Rights Officer in the Office of Civil Rights. I am at (address, city, and state) and the date is (give date). I am also a licensed notary in the State of Florida and am authorized to administer oaths. Please raise your right hand.” After the witness raises his or her right hand, continue with: “Do you swear (or affirm) to tell the truth, the whole truth, and nothing but the truth?”

b. Interviews will be conducted in an impartial, objective and factual manner. Each witness shall be informed that it is the intent of the Department to investigate the complaint in an impartial and expeditious manner.

c. No direct contact with a Charging Party is to be made in situations in which the Charging Party filed his or her complaint with an external agency and is represented by an attorney. Requests for information or documentation from such Charging Party are to be made to the Charging Party’s attorney. Please note the attorney must submit a Notice of Appearance to the Civil Rights Officer if the complaint was filed through the internal process.

d. Interview notes may be made during the interview to ensure accuracy, clarity and completeness. Interview notes shall be clearly marked with the date and time of the interview and both the interviewer and interviewee’s names. All interview notes are to be signed or initialed by the interviewee. If someone other than the Civil Rights Officer conducts an interview, the Civil Rights Officer shall attempt to obtain copies of or review and attest to the existence of documents supporting the interview statements being relied upon.

e. Other evidence or information that is substantiated by personal observations of a witness may be used as supporting evidence.

f. Documents such as reports, rules, regulations, manuals, policies, operating procedures, notarized statements and expert witness testimony constitute acceptable evidence.


a. The Civil Rights Officer shall review all issues identified in the complaint to ensure sufficient information has been received to address each allegation. The information and documents acquired during the investigation shall be assessed to determine their significance and sufficiency as evidence contributing to a Departmental finding of “no violation” or “letter of violation” to believe that an unlawful act discrimination has occurred as alleged.

b. The investigation must include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of the Charging Party as compared to the treatment of similarly situated individuals, and any policies and practices cited by the Charging Party, which may be, or appear to be, discriminatory.

c. Inconclusive, uncorroborated evidence or hearsay testimony is an insufficient rationale for “letter of violation” determinations. In those situations without any substantial evidence or a preponderance of evidence to prove an allegation, the findings will be “no violation.”

d. Responses that cannot be substantiated by affidavits or other documents will not be included in the report.
e. Once a basis of discrimination is established for a complaint, the respondent is required to produce lawful and non-discriminatory reasons for its actions. It is the responsibility of the Charging Party to prove by a preponderance of evidence that such reasons are a pretext for unlawful discrimination. Civil Rights Officers are not advocates for the Charging Party or for the Alleged Discriminatory Official, but are Departmental representatives responsible for obtaining facts and evidence upon which the Department can make a reasonable, compelling and prudent determination and position concerning the complaint.


a. Format Order. Documentary evidence appears in the investigative report following the order in which the documents are referenced within the report, beginning with the Charging Party’s complaint of discrimination. Witness questions, document requests, the individual’s reply, and documents submitted in response to such questions or document requests are kept together.

b. Tab. All information is clearly marked by the use of tabs. Evidence closely related, belongs under one letter tab (for example, “Tab A”).

c. Complaint Log. The complaint log will be completed within the DCF Office of Civil Rights Tracking System and is part of the investigative file.

d. Documents. All documents collected during the course of the investigation, including, but not limited to, affidavits, sworn statements, and routing sheets, shall be scanned by the Civil Rights Officer, and along with the Investigative Report, shall be attached to the applicable case information file within the DCF Office of Civil Rights Tracking System.

(1) Original supporting documents will be forwarded by the Civil Rights Officers to the DCF Office of Civil Rights to be incorporated into the official Departmental file.

(2) All work papers, notes, and copies retained by the Civil Rights Officers may be destroyed after verification that the DCF Office of Civil Rights has received hardcopies of the original documents and are able to retrieve the electronic complaint file from the Tracking System.

e. Reporting Telephone and Other Contacts. Telephone and other contacts will be entered into the DCF Office of Civil Rights Tracking System.


a. Each allegation is to be separately numbered and listed in chronological order, with subheadings if necessary. Re-phrasing is permitted for clarity.

b. The investigative report will be a narrative of what occurred so that someone who is not familiar with the case will be able to understand it.

c. Individuals mentioned in the Investigative Report will be first identified by complete name and job title. Thereafter, refer to the individual by abbreviated job title and last name, such as “Supervisor Jones.”

d. The report shall be prepared in single-space, left justification format on letter-sized paper.

e. The report shall identify facts that are non-disputed.

f. The report shall use short sentences and plain language.
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g. The report shall avoid the use of acronyms.

h. The report shall specify as many relevant dates as possible and should state if the individual is unable to obtain specific dates.

i. If no information has been presented in response to a document request, or in support of an allegation, so state and provide explanation, e.g., “requested, did not provide,” etc.

j. Identify any conflicts in the evidence.

k. The investigative report will include the following, which are to be submitted to the DCF Office of Civil Rights via hardcopy and the DCF Office of Civil Rights Tracking System:

1. The complaint, any additional information that the Charging Party wishes to submit, pertinent law statutes, and a brief statement of the jurisdictional basis.

2. Affidavit(s) and/or statement(s) from the alleged discriminatory official(s) in response to each allegation, with supporting documentation, if applicable.

3. Affidavit(s) and/or sworn statement(s) by any witnesses testifying on behalf of either party.

4. Statement of position by the respondent, along with any documents in support of that position.

5. Records and documents gathered in evidence.

6. Investigator’s summary and recommendation of findings of “letter of violation” or “no violation” to substantiate discrimination or retaliation allegations.


a. External Complaints. All external complaint investigations will be completed within 90 days of receipt of the complaint by DCF Office of Civil Rights. Civil Rights Officers will complete an investigative report within 45 days of assignment of complaint and will forward the report to the DCF Office of Civil Rights for review. The DCF Office of Civil Rights will complete its review within 45 days of receipt from the field staff. All investigative reports shall be submitted to the DCF Office of Civil Rights via the Civil Rights Tracking System, after appropriate legal review.

b. Internal Complaints. All internal complaint investigations will be completed within 180 days of receipt of the complaint by the Department’s Office of Civil Rights. Civil Rights Officers will complete an investigative report within 90 days after assignment of the complaint and will forward the report to the DCF Office of Civil Rights for final review. The DCF Office of Civil Rights will complete its final review within 90 days of receipt of the report from the field staff. All investigative reports shall be submitted to the DCF Office of Civil Rights via the Civil Rights Tracking System, after appropriate legal review.

c. Legal Review. Review by the appropriate legal staff shall be completed within 3 days for external complaints and 5 days for internal complaints, following receipt of the report from the Civil Rights Officer.
d. **Administrative Review.**

(1) Upon receipt of the investigative report, the DCF Office of Civil Rights will review the report to determine if there is a need for additional information or immediate corrective action. Edits not affecting the substantive findings of the Civil Rights Officer shall be made by DCF Office of Civil Rights staff. Upon completion of the report, the Human Resources Administrator for Civil Rights will forward the report to the Human Resources Director for final review and approval.

(2) If Legal Counsel, the Human Resources Administrator for Civil Rights, or the Human Resources Director determines the report to be insufficient or to require additional information, the report will be returned for further review, investigation or other appropriate action. Any objections and comments will be noted in writing to indicate the specific deficiencies cited or other reasons for further review.

7-14. **Requesting Exceptions and Extensions.** Requests for exceptions to the procedures described in this operating procedure or extensions of the time required to complete the investigative report may be made by the Civil Rights Officer to the Human Resources Administrator for Civil Rights. Such requests will include the reasons for the exceptions or extensions; any additional time needed; the anticipated completion date; and any recommended alternative procedure or action. The Civil Rights Officer will contact the Human Resources Administrator for Civil Rights when:

a. Requesting technical assistance.

b. Requesting an extension of the due date for the investigative report.

c. Contacted by investigators outside of the agency.

d. There is a union grievance pending.

e. There may be the appearance of a conflict of interest or other need to reassign responsibility for the investigation.

f. Litigation has been initiated on behalf of the Charging Party relating to the complaint.

g. Requesting exceptions or waiver from established procedures or reporting requirements.

7-15. **Conclusion of Investigations.** Investigations must be concluded within the following time limits:

a. External complaints, non-USDA – ninety (90) days.

b. External complaints, USDA – twenty-five (25) days.

c. Internal formal complaints – one hundred and eighty (180) days.

d. Internal informal complaints – fourteen (14) days.

e. Internal complaints (food assistance related – USDA) – ninety (90) days.

f. Internal complaints (HHS to be notified) – ninety (90) days.
7-16. **Complaint Decision and Disposition.** Based on the investigative report, findings and recommendations, the Human Resources Administrator for Civil Rights will determine the Department’s position relative to each complaint.

   a. **Internal Complaints.**

      (1) If there is a finding of “no violation” or “no cause”, the complaint will be dismissed, the complaint file closed and the Charging Party and appropriate parties notified of the closure in writing. If the Charging Party does not agree with the dismissal, they may file a complaint externally with one of the agencies listed in this operating procedure.

      (2) If a letter of violation is issued, conciliation will be initiated by the DCF Office of Civil Rights with the appropriate parties.

   b. **External Complaints.**

      (1) If the Department finds “no violation”, the DCF Office of Civil Rights will prepare a position statement supporting the finding and will submit the statement along with supporting documentation to the external agency that will make the final determination/disposition of the complaint.

      (2) If the Department finds a violation has occurred, the DCF Office of Civil Rights will initiate conciliation with the appropriate parties.

      (3) If the external agency issues a letter of violation, the external agency will initiate conciliation coordinated internally by the DCF Office of Civil Rights with the appropriate Regional Managing Director or Hospital Administrator.

      (4) The external state and federal agencies will make final disposition of complaints filed with their agencies through dismissal, remedial or corrective action, voluntary compliance agreements, negotiated settlements, technical assistance, or enforcement proceedings.

7-17. **Restricting Use of Information.**

   a. Information in the investigative report is confidential pursuant to s. 119.0711(1), F.S. However, once the Department’s position and the external agency’s position has been determined relative to the merits of a complaint, certain materials may be obtained as part of the discovery process when suits are filed, or may be made available to Charging Parties.

   b. All requests for review of investigative materials or reports must be directed to the Human Resources Administrator for the DCF Office of Civil Rights, who is the official custodian of such records.

 Chapter 8

**UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) FOOD ASSISTANCE BENEFITS CIVIL RIGHTS PROCEDURES**

8-1. **Purpose.** This chapter establishes uniform procedures for resolving complaints of discrimination filed against the Department by food assistance applicants and beneficiaries. These procedures apply to customer/clients and potential customer/clients who allege unlawful discrimination by reason of race, color, sex, marital status, religion, age, national origin, political beliefs, or disability.

8-2. **Retaliation.** No person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI of the Civil Rights Act of 1964
(7 CFR 15 and 7 CFR 15b), Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act (ADA) of 1990, as amended, or other federal and state civil rights laws, or because he/she participated in any manner in an investigation, proceeding or hearing under said laws.

8-3. **Accommodations.** All Charging Parties, witnesses, and other participants must be advised of their right to request reasonable accommodations for any phase of the complaint process. All correspondence issued to participants shall contain contact information for requesting accommodations.

8-4. **Complaint Filing.**

   a. Customer/clients and potential customer/clients of this Department who believe that they have been discriminated against may file a written complaint of discrimination within 180 days of the alleged discriminatory act with:

   (1) Human Resources Administrator for Civil Rights  
       Department of Children and Families  
       1317 Winewood Boulevard  
       Building 1, Room 110  
       Tallahassee, Florida 32399-0700  
       (850) 487-1901; TDD (850) 922-9220; Fax (850) 921-8470

   (2) United States Department of Agriculture (USDA)  
       Director, Office of Civil Rights  
       1400 Independence Avenue, SW  
       Washington, D.C. 20250-9410  
       (800) 795-3272 or (202) 720-6382 (TTY)

   (3) United States Department of Agriculture (USDA)  
       Attention: Office of Civil Rights  
       Atlanta Federal Center, Suite 8T36  
       61 Forsyth Street, S.W.  
       Atlanta, Georgia 30303-8909  
       (404) 562-1808; (404) 562-0532; (404) 562-1890; Fax (404) 527-4517

   b. The complaint must contain:

      (1) A basis for the complaint, e.g., race, color, religion, sex, age, national origin, disability, political beliefs, or retaliation.

      (2) The name, address and phone number of the person (Charging Party) filing the charge.

      (3) The name and address of the provider (respondent) being filed against.

      (4) A description and dates of the alleged discriminatory act(s).

8-5. **Complaint Receipt.** The Office of Civil Rights is the Department's central intake point for all externally and internally filed complaints. Departmental offices receiving such complaints directly must immediately forward the complaints to the DCF Office of Civil Rights or the Regional/Facility Civil Rights Officer.
8-6. **Complaint Jurisdiction.**

a. **External Complaints.** All discrimination complaints filed with the United States Department of Agriculture are under its jurisdiction and are subject to federal or state laws and regulations governing such complaints. Determinations of the validity of these external complaints will be made by the United States Department of Agriculture after review of the evidence and responses presented by the Department and the Charging Party.

b. **Internal Complaints.** All discrimination complaints filed with the Department are under the jurisdiction of the Office of Civil Rights and subject to the procedures contained in this operating procedure. Determination of the validity of internally filed complaints will be made by the Human Resources Administrator for Civil Rights after review of all available evidence and responses, including those contained in the investigative reports.

c. **Verbal Complaints.** In the event a Charging Party makes the allegations of discrimination verbally or in person and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made must contact the Regional/Facility Civil Rights Officer. This includes all discrimination complaints received through the Client Relations Office, Economic Self Sufficiency Program Office, contract providers, and/or Economic Self Sufficiency Program community partners.

8-7. **Assignment of Complaints for Investigation.**

a. Within two (2) calendar days of receipt of a complaint, the DCF Office of Civil Rights shall assign a case number, scan the documents received, enter and assign the complaint within the DCF Office of Civil Rights Tracking System, and advise the Regional or Facility Civil Rights Officer accordingly.

b. A complaint will be assigned to the Regional/Facility Civil Rights Officer for investigation except in the case of a conflict of interest, in which case another Department representative may be designated as the investigator by the Human Resources Director or Human Resources Administrator for Civil Rights.

c. All USDA complaints alleging discrimination on the basis of age alone will be forwarded to the Food and Nutrition Services (FNS) Regional Office of Civil Rights in Atlanta by the DCF Office of Civil Rights within 5 working days after receipt of the complaint. The Regional Office will refer the complaint to the Federal Mediation and Conciliation Service (FMCS) within 10 days of initial receipt by the Office of Civil Rights. The service will have 60 days to mediate the complaint. If mediation is successful and the complaint is resolved, FMCS will forward its findings to FNS. This will initiate a letter to the Charging Party by FNS confirming that the mediation was successful. If mediation is unsuccessful, or if FNS does not send the complaint to FMCS within the 10-day time frame, FNS will process the complaint in accordance with the established complaint processing procedures for other complaints.

8-8. **Notification of Complaint.**

a. **Internal Complaints.** Upon receipt of a written complaint filed directly with the Department, the DCF Office of Civil Rights will send written acknowledgement of the receipt of the complaint to the Charging Party. Written notice of the complaint shall be provided to the appropriate Deputy Secretary, Assistant Secretary, Regional Managing Director or Facility Administrator.

b. **External Complaints.** The DCF Office of Civil Rights will notify the appropriate Regional Managing Director or Hospital Administrator in writing upon notification of a complaint filed directly with the United States Department of Agriculture.
8-9. **Investigative Process.**

a. All complaints alleging discrimination on the basis of race, color, national origin, age, sex, political beliefs, or disability, either written or verbal, must be processed within 90 days of receipt.

b. All complaints filed externally with USDA, which require a 25-day response, will be assigned to the appropriate Regional/Facility Civil Rights Officer to compile documents requested by USDA. These documents will be forwarded to USDA by the DCF Office of Civil Rights. The assigned Regional/Facility Civil Rights Officer will **not** prepare an investigative report for these complaints.

c. For internal complaints alleging discrimination in the Food Assistance Program, an investigative report will be prepared within 45 calendar days of receipt of the complaint, submitted for legal review and approval through the appropriate legal counsel and forwarded to the DCF Office of Civil Rights. The DCF Office of Civil Rights will complete the final review within 45 days of receipt of the report from the field.

d. If Legal Counsel, the Human Resources Administrator for Civil Rights or the Human Resources Director determines the report to be insufficient, the report will be returned for further review or investigation. Any objections should be noted in writing to indicate the specific deficiencies cited or other reasons for the rejection of the report.

e. The Civil Rights Officer will ensure all allegations are investigated to the fullest. Another Departmental representative may be designated as the investigator at the discretion of the Human Resources Director or Human Resources Administrator for Civil Rights.

f. The investigative report will include, but not be limited to, the following:

   1. The complaint, any additional information that the Charging Party wishes to submit, pertinent law statutes, and a brief statement of the jurisdictional basis.

   2. Sworn affidavit(s) and/or statement(s) by the Alleged Discriminatory Official in response to each allegation, with supporting documentation, if applicable.

   3. Sworn affidavit(s) and/or statement(s) by witnesses testifying on behalf of either party.

   4. A statement of position by the respondent, along with any documents in support of that position.

   5. Records and documents gathered in evidence.

   6. The investigator's summary and recommendation of findings of "letter of violation" or "no violation" to substantiate the discrimination or retaliation allegations.

g. Request for time extensions shall be made to the DCF Office of Civil Rights by the Civil Rights Officer via email or letter. The request must include the reason for the delay and the anticipated completion date. The document and the Office of Civil Rights’ response should be filed in the complaint-reading file.

h. Following review and approval by the DCF Office of Civil Rights and the Human Resources Director, the investigative report must be submitted to United States Department of Agriculture’s regional office for final approval.
i. Following approval by United States Department of Agriculture, the DCF Office of Civil Rights shall issue a decision letter, along with a copy of the investigative report, to the Charging Party, which will include the Charging Party's appeal rights to the Secretary of Agriculture.

j. A Charging Party may appeal the Department’s findings by requesting an appeal in writing to:

   Director, Office of Civil Rights
   United States Department of Agriculture
   1400 Independence Avenue, SW
   Washington, D.C. 20250

8-10. Compliance Reviews.

a. The Economic Self Sufficiency Program Office responsible for performing civil rights compliance reviews must provide a copy of the completed review to the DCF Office of Civil Rights within 5 days of completion. The review shall contain findings and recommendations.

b. The DCF Office of Civil Rights shall conduct a review of the recommendations and findings within 30 days and issue recommendations for corrective actions if needed.

c. The DCF Office of Civil Rights will notify the Economic Self Sufficiency Program Director or a designee of its recommendations.

d. If the DCF Office of Civil Rights determines corrective action is necessary, the Regional/Facility Civil Rights Officer and Regional or Facility program designee shall determine appropriate action to be taken to ensure compliance is met within 90 days.

e. The DCF Office of Civil Rights shall maintain copies of Management Evaluation reports for three (3) years.

f. The DCF Office of Civil Rights shall conduct joint Management Evaluations annually.

8-11. Client Relations. All complaints received by Client Relations alleging civil rights issues shall be forwarded to the Regional/Facility Civil Rights Officer or the DCF Office of Civil Rights in Tallahassee, Florida within five (5) days of receipt.

Chapter 9

DEPARTMENT OF CHILDREN AND FAMILIES CIVIL RIGHTS COMPLAINT AND MONITORING PROCEDURES FOR RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE FROM THE UNITED STATES DEPARTMENT OF JUSTICE (DOJ)

9-1. Purpose.

a. This operating procedure applies to all Subrecipients and their contractors receiving federal financial assistance from the United States Department of Justice (collectively, “Subrecipients”). Specifically, it establishes uniform procedures for:

   (1) Receiving, investigating, and resolving complaints of employment and services discrimination and retaliation against Subrecipients; and,

   (2) Monitoring civil rights compliance of Subrecipients.
b. These procedures apply to:

(1) Applicants and employees of Subrecipients; and,

(2) Customer/clients and potential customer/clients of Subrecipients who allege unlawful discrimination or retaliation by reason of race, color, national origin, sex, religion, age, or disability.

c. While this operating procedure provides a mechanism for the Florida Department of Children and Families (DCF) to handle certain employment and services discrimination complaints against Subrecipients, the Office for Civil Rights, Office of Justice Programs, Department of Justice retains the authority to:

(1) Conduct supplementary or de novo investigations;

(2) Approve, modify, or reject recommended findings;

(3) Approve, modify, or reject proposed voluntary resolutions; and,

(4) Initiate formal enforcement action.

9-2. Accommodations. All Charging Parties, witnesses, and other participants in the complaint or monitoring processes must be advised of their right to request reasonable accommodations in connection with those processes. All correspondence issued to participants shall include information about requesting a reasonable accommodation.


a. Applicants and employees of Subrecipients who believe they have been discriminated against may, in certain cases, file a written complaint of discrimination with:

(1) Subrecipient

(2) Executive Director
    Florida Commission on Human Relations
    (file within 365 days of alleged discriminatory action)
    2009 Apalachee Parkway, Suite 200
    Tallahassee, Florida 32301-4857
    (850) 488-7082; Fax (850) 488-5291

(3) District Director, Miami District Office
    (file within 300 days of alleged discriminatory action)
    United States Equal Employment Opportunity Commission
    One Biscayne Tower, Suite 2700
    2 South Biscayne Boulevard
    Miami, Florida 33131
    (305) 808-1740; (800) 669-4000; Fax (305) 808-1855

(4) District Director, Tampa Area Office
    (file within 300 days of action of alleged discriminatory action)
    United States Equal Employment Opportunity Commission
    501 East Polk Street, Room 1000
    Tampa, Florida 33602
    (813) 228-2310; (800) 669-4000; Fax (813) 228-2841
(5) Human Resources Administrator for Office of Civil Rights
(file within 365 days of alleged discriminatory action)
Department of Children and Families
1317 Winewood Boulevard
Building 1, Room 110
Tallahassee, Florida 32399-0700
(850) 487-1901; TDD (850) 922-9220; Fax (850) 921-8470

(6) United States Department of Justice
(file within 365 days of alleged discriminatory action)
Office for Civil Rights – Office of Justice Programs
810 7th Street, N.W.
Washington, D.C. 20531
(202) 307-0690; TDD/TTY (202) 307-2027; Fax (202) 616-9865

b. An employment discrimination complaint filed with a Subrecipient or state agency must contain:

(1) A basis for the complaint (e.g., race, color, national origin, religion, sex, age, disability discrimination or retaliation).

(2) The name, address, and phone number of the person filing the charge (Charging Party).

(3) The name, address, and phone number of the Subrecipient against whom the complaint is being filed (Respondent).

(4) A description and date(s) of the alleged discriminatory act(s).

9-4. Services Discrimination Complaints Against Subrecipients.

a. Customers/clients and potential customer/clients of Subrecipients who believe they have been discriminated against may, in certain cases, file a written complaint of discrimination with:

(1) Subrecipient

(2) Human Resources Administrator for Civil Rights
(file within 365 days of alleged discriminatory action)
Department of Children and Families
1317 Winewood Boulevard
Building 1, Room 110
Tallahassee, Florida 32399-0700
(850) 487-1901; TDD (850) 922-9220; Fax (850) 921-8470

(3) United States Department of Justice (DOJ)
(file within 365 days of alleged discriminatory action)
Office for Civil Rights – Office of Justice Programs
810 7th Street, N.W.
Washington, D.C. 20531
(202) 307-0690; TDD/TTY (202) 307-2027; Fax (202) 616-9865
b. A services discrimination complaint filed with a Subrecipient or federal agency must contain:

(1) A basis for the complaint (e.g., race, color, national origin, religion, sex, age, disability discrimination or retaliation).

(2) The name, address, and phone number of the person filing the charge (Charging Party).

(3) The name, address, and phone number of the Subrecipient against whom the complaint is being filed (respondent).

(4) A description and date(s) of the alleged discriminatory act(s).

9-5. Complaint Receipt.

a. The Office of Civil Rights is the Department’s central intake point for all complaints filed with a Subrecipient or the Department under this operating procedure.

b. A Subrecipient shall advise the DCF Office of Civil Rights of an employment or services discrimination complaint filed against it within seven (7) days of receiving the complaint.

c. Subrecipient staff or Department employees, including contract management or Client relations staff, receiving a civil rights complaint must forward the complaint to DCF Office of Civil Rights or the Regional/Facility Civil Rights Officer within five (5) days of receiving the complaint.

d. In the event a Charging Party makes allegations of discrimination verbally to DCF Office of Civil Rights (either by telephone or in person) and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made Subrecipient must contact the Regional/Facility Civil Rights Officer.

e. DCF Office of Civil Rights shall coordinate and track discrimination complaints filed against Subrecipients as a technical assistance. Within two (2) calendar days of receiving a complaint, DCF Office of Civil Rights will assign a case number, scan the documents received, enter and assign the complaint within the DCF Office of Civil Rights Tracking System, and inform the Regional/Facility Civil Rights Officer accordingly.

9-6. Procedure Regarding Initial Response to Discrimination Complaint.

a. Within three (3) calendar days of receiving a written employment discrimination complaint that has been filed with the Department and is subject to this operating procedure, DCF Office of Civil Rights will forward the complaint to the Florida Commission on Human Relations for investigation. A letter shall also be mailed to the Charging Party informing him or her of the referral and providing appropriate contact information.

b. Upon receiving a written services discrimination complaint that has been filed with the Department and is subject to this operating procedure, DCF Office of Civil Rights will send a written acknowledgment of the complaint to the Charging Party, advising him or her of action to be taken. DCF Office of Civil Rights will also notify the appropriate Deputy Secretary, Assistant Secretary, Regional Managing Director or Hospital Administrator that a complaint has been filed.


a. DCF Office of Civil Rights will ensure all service discrimination allegations are fully investigated. A services discrimination complaint will normally be assigned to the Regional/Facility Civil
Rights Officer for investigation; however, in case of a conflict of interest, another Department representative may be designated as the investigator at the discretion of the Headquarters Human Resources Director or the Human Resources Administrator for the Office of Civil Rights.

b. All DCF Office of Civil Rights complaints against Subrecipients alleging services discrimination on the basis of race, color, national origin, age, sex, or disability, either written or verbal, must be processed within 180 days of receipt.

c. Any request for a time extension shall be made to DCF Office of Civil Rights by the DCF Civil Rights Officer via e-mail or letter. The request must include the reason for the delay and the anticipated completion date. The document and DCF Office of Civil Rights’ response should be filed in the complaint-reading file and the Civil Rights web database system.

d. An investigative report evaluating each services discrimination complaint will be prepared within ninety (90) calendar days of receipt of the complaint, submitted for legal review and approval through the appropriate legal counsel, and forwarded to DCF Office of Civil Rights.

e. The investigative report will include, but not be limited to, the following:

   (1) The complaint, any additional information that the Charging Party wishes to submit, pertinent statutes, and a brief statement of the jurisdictional basis.

   (2) Sworn affidavit(s) and/or statement(s) by the Alleged Discriminatory Official in response to each allegation, with supporting documentation, if applicable.

   (3) Sworn affidavit(s) and/or statement(s) by witnesses testifying on behalf of either party.

   (4) A statement of position by the respondent, along with any documents in support of that position.

   (5) Records and documents gathered in evidence.

   (6) The investigator's summary and recommendation of findings of "letter of violation" or "no violation" to substantiate discrimination or retaliation allegations.

f. If Legal Counsel, the Human Resources Administrator for Civil Rights, or the Human Resources Director determines the report to be insufficient, the report will be returned for further review or investigation. Any objections should be noted in writing to detail specific deficiencies or other reasons for rejection of the report.

g. A determination about the validity of services discrimination complaints will be made by the Human Resources Administrator for Civil Rights after a review of all available evidence and responses, including those contained in the investigative reports.

h. Following review and approval by the Department, DCF Office of Civil Rights shall issue a decision letter to the Charging Party that will include the Charging Party’s appeal rights.


a. In the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, national origin, religion, or
sex against a Subrecipient, the Subrecipient will forward a copy of the findings to DOJ Office for Civil Rights and DCF Office of Civil Rights.

b. Following notice that a finding of discrimination has been made, the Human Resources Administrator for Civil Rights will determine the appropriateness of a management review of the Subrecipient’s pertinent employment or services practices.


a. DCF Office of Civil Rights is responsible for conducting biennial (every two years) compliance monitoring of Subrecipients, including Civil Rights compliance reviews.

b. Contract Managers must provide a completed copy of the pertinent CF946 form (applicable to Subrecipients) to the Civil Rights Officers no later than July 15th of each year.

c. A Subrecipient shall provide an Equal Employment Opportunity Plan (EEOP) to DOJ Office for Civil Rights and a copy to DCF Office of Civil Rights, if required to submit one. If not required to submit an EEOP, eligible Subrecipients shall provide a certification to DOJ Office for Civil Rights and DCF Office of Civil Rights that it has a current EEOP on file, if required to maintain one. For grantees receiving less than $25,000; or grantees agencies with less than 50 employees, regardless of the amount of the award, no EEOP is required.

d. A Subrecipient shall submit an EEOP Short Form (if required to do so) or Certification Form (if not required to submit the EEOP Short Form) to DOJ Office for Civil Rights and DCF Office of Civil Rights within sixty (60) days of the grant award date. The Office of Civil Rights will be the Department’s official custodian of records for the EEOP or Certification Form filed by the Subrecipient. The contract unit will develop a direct link to enable Subrecipients to file a copy of the appropriate form directly with DCF Office of Civil Rights.

e. DCF Office of Civil Rights shall conduct a review of form CF 946 within thirty (30) days of receiving the document; issue recommendations for corrective actions, if needed; and advise the appropriate Program Director of any recommendations. If corrective action is necessary, the Regional/Facility Civil Rights Officer and Regional or Facility program designee shall determine what action items are appropriate to ensure the Subrecipient comes into compliance within ninety (90) days of being notified of specific deficiencies.

9-10. Compliance Monitoring.

a. DCF Office of Civil Rights shall conduct biennial (every two years or as directed) monitoring of Subrecipients through onsite visits and desk reviews.

b. DCF Office of Civil Rights shall utilize the DOJ-specific Civil Rights Compliance Review Checklist in the monitoring process, and shall include review of the Subrecipient’s EEOP or Certification (if applicable) and survey of Limited English Proficiency (LEP) needs.

c. Following its compliance monitoring, DCF Office of Civil Rights shall issue a report of its findings and any appropriate recommendations. This report shall be provided to the appropriate Program Director and appropriate Subrecipient.

d. Nothing in this operating procedure is to be construed to limit DCF Office of Civil Rights from conducting onsite monitoring of any Subrecipient as directed by the Human Resources Administrator for Civil Rights.
9-11. **Training.**

   a. Contract Managers are responsible for training Subrecipients regarding their civil rights responsibilities under federal law, including, but not limited to, the provision of services to LEP persons under Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968.

   b. The DCF Office of Civil Rights is responsible for providing technical assistance regarding civil rights training content.

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Chapter 10

**REPORTS AND RECORD KEEPING**

10-1. **General.** The reports and reviews required implementing civil rights compliance activities will be maintained and reviewed to determine the extent to which provisions of this operating procedure and the related civil rights compliance requirements have been followed.

10-2. **Reports.**

   a. Form CF 946 will be completed by each eligible provider (15 or more employees), Hospital, Regional, or Headquarters program office and a copy submitted annually by the Contract Manager to the Civil Rights Officers by July 15th.

   b. Form CF 1541 will be completed for each program by the Civil Rights Officer and submitted annually to the Office of Civil Rights by August 20th.

   c. Auxiliary Aids and Services Plan for Persons with Disabilities and Limited English Proficiency Plan will be completed for each Region or Hospital, and submitted to the DCF Office of Civil Rights by March 31st.

   d. Copies of EEOP’s, EEOP Short Forms, or Certification Forms shall be submitted for review to DCF Office of Civil Rights annually by October 1st by Department of Justice recipients and Subrecipients.

   e. Department programs will track and record the provision of Auxiliary Aids to customer/clients with Limited English Proficiency and customer/clients with disabilities, including, but not limited to, deaf or hard of hearing customer/clients, when accessing each Department Direct Service facility. This record shall be available for review by the Regional/Facility Civil Rights Officer upon request.

10-3. **Record Keeping.**

   a. All records, reviews, checklists, compliance agreements, corrective action plans, reviewer notes, review summaries and other documentation reflecting civil rights compliance activities, including, but not limited to, 1964 Civil Rights Act Title VI, Section 504 of the ADA, Omnibus Crime Control and Safe Streets Act of 1968, Executive Order 13166, and other applicable state and federal laws, will be maintained by the Civil Rights Officers.

   b. The Contract Manager is the custodian of records for the original CF 946, to be maintained in the contract file.
c. Documentation of the dissemination of the Department non-discrimination policy and procedures, including to whom sent or given, how and when it was distributed, and what information was provided will be maintained by the DCF Office of Civil Rights for programs and service providers.

Chapter 11

TRAINING/EVALUATION

11-1. **General**.

a. The DCF Office of Civil Rights will ensure that appropriate civil rights compliance training and technical assistance are provided to the Civil Rights Officer to include:

   (1) Annual Civil Rights Officers workshop.

   (2) Pre-service training on civil rights compliance responsibilities, including investigatory techniques, to new Civil Rights Officer within thirty (30) days after appointment.

   (3) Technical assistance guidelines/modules.

b. The Human Resources Training, Development and Talent Management Center of Excellence is responsible for the provision of EEO/AA training/orientation, as appropriate, to include:

   (1) New employee orientation.

   (2) In-service training for supervisors, employees and contract providers regarding Title VI, Section 504, and the Americans with Disabilities Act.

   (3) Training for Contract Managers, Grants Managers, and other staff assigned civil rights compliance responsibilities and Senior Managers/Select Exempt Service staff as appropriate.

c. Contract Managers are responsible for training service providers and Subrecipients regarding their responsibilities under DOJ Civil Rights requirements, including, but not limited to, the free provision of foreign language interpreters under Title VI of the 1964 Civil Rights Act.

d. Training will consist of workshops, technical assistance, internet websites and conferences, as well as the distribution of Department pamphlets, operating procedures, guidelines and other technical assistance materials.

11-2. **Program Evaluation**.

a. The DCF Office of Civil Rights will assume the overall responsibility for evaluating compliance activities to determine the effectiveness of procedures used to maintain compliance.

b. Compliance review and evaluation may also be scheduled with review activities in accordance with CFOP 75-8, Policies and Procedures of Contract Oversight.

c. The Deputy Secretary, through the Program Office Directors, is responsible for reviews and evaluation of program-specific civil rights compliance activities.

d. The Regional and Hospital Administrators, through the Civil Rights Officers, are responsible for the evaluation of compliance activities to determine the effectiveness of procedures used to maintain and to assure civil rights compliance.
e. The evaluation process will be completed by onsite reviews of all programs and providers, reviews of civil rights compliance checklists, Title VI Compliance reports, ADA Compliance reports, Self-Assessments, Quality Assurance reports, related data and surveys, including reviews and monitoring by the DCF Office of Civil Rights.
GLOSSARY OF TERMS

Accessibility. A public entity may not deny the benefits of its programs, activities, and services to persons with disabilities because its facilities are inaccessible. A public entity’s services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by persons with disabilities. This standard, known as “program accessibility,” applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible.

Accommodation to Persons with Disabilities. It is the obligation of the Department and its contracted services providers to make reasonable accommodations for a client, or potential client’s physical and mental limitations.

ADA/Section 504 Coordinators. Any individual charged with implementing the requirements of Titles I and II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, ensuring the provision of auxiliary aids and services for deaf or hard of hearing, Limited English Proficient clients, and clients with disabilities requiring aid-essential communication services. Within the Department, Civil Rights Officers are designated ADA/Section 504 Coordinators.

Aid-Essential Communication Situation. Any circumstance in which the importance, length, and complexity of the information being conveyed is such that the exchange of information between parties should be considered as aid-essential, meaning that the requested auxiliary aid or service is always provided.

Aid-Essential Services. Auxiliary aids or services that enable a disabled individual to participate in or benefit from any activity or program.

Alleged Discriminatory Official. Individual(s) accused of alleged discriminatory conduct.

Americans with Disabilities Act of 1990 (ADA), as amended. Comprehensive law which prohibits discrimination against people with disabilities in employment (Title I), in public services (Title II), in public accommodations (Title III) and in telecommunications (Title IV). The ADA Amendments Act of 2008 expanded the scope of the ADA to be consistent with the Congressional intent of the original law.

Applicant for Services. A person seeking services from the Department, its contract providers and their subcontractors, but not yet determined eligible for a program or service.

Assistive Listening Devices and Systems (ALDS). Amplification systems to improve hearing ability in large areas and in interpersonal communications systems. These systems deliver the desired signal directly to the ears or hearing aids of the listener, thus overcoming the negative effects of noise, distance and echo. Some examples that are available could include, but are not limited to: hardwire, loop, infrared, and FM system.

Auxiliary Aids and Services. Includes qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing loss; qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual loss; acquisition or modification of equipment or devices; and other similar services and actions. These auxiliary aids and services will enable clients to fully benefit from and participate in Departmental programs and services. See 45 C.F.R. § 84.52(d) (3); 28 C.F.R. § 35.104; and P.L.110-325, the ADA Amendments Act of 2008.

Captioning (Closed). Refers to converting the spoken word to text displayed in the visual media (videos, television, etc.) in a way that it is available only to individuals whose televisions are equipped with captioning decoders.

Captioning (Open). Refers to converting the spoken word to text displayed in the visual media (videos, television, etc.) so that it is seen by everyone who watches the film (i.e., it cannot be turned off).

Charging Party. A person who files a complaint of discrimination as provided in this operating procedure.

Civil Rights Act of 1964. A comprehensive law establishing federal guarantees of civil rights in the fields of voting, public accommodations, use of public facilities, public education, and benefits under federally assisted programs, employment and other fields generally categorized as equal protection of the laws within the meaning of the Fourteenth Amendment to the United States Constitution.

Civil Rights Officer. Employee responsible for investigations, compliance monitoring and review, technical assistance, and coordination of civil rights activities.

Client. As used in this operating procedure, this term includes anyone applying for or participating in the services provided by the Department, its contracted services providers and their subcontractors. It includes persons making general inquiries or in any way seeking access to or receiving information from the Department, its contracted services providers and their subcontractors, either in person, in writing or via telecommunications. May also be referred to as “Customer” or “Customers.”

Communication Access Realtime Translation (CART). The simultaneous conversion of spoken words to text through computer-assisted transcription or court reporting, and displaying that text on a video screen. This communication service is beneficial to individuals who are deaf or hard of hearing that do not use sign language or for whom assistive listening devices and systems are ineffective. A verbatim or word-for-word transcription is created. Several professional CART certifications are offered through the National Court Reporters Association.

Registered Professional Reporter (RPR). This is the basic level of certification required for court reporting and is the first step in learning the advanced skills necessary to become a CART provider. RPRs have achieved writing accuracy at 225 wpm.

Certified Realtime Reporter (CRR). This designation demonstrates a proficiency in realtime translation.

Certified CART Provider (CCP). This level reporter possesses the knowledge, skill, and ability to produce complete accurate simultaneous translation and display of live proceedings utilizing computer-aided translation in a live event setting at speeds exceeding 180 wpm.

Community Based Care. A community based network of providers who are equipped to manage and deliver all needed services and supports to meet the needs of child victims and their families.

Companion or Companions. Any individual who is deaf or hard of hearing and is one of the following:

- a person whom the Customer indicates should communicate with the Department about the Customer, such as a person who participates in any treatment decision; a person who plays a role in communicating the Customer’s needs, condition, history, or symptoms to the
Department; a person who helps the Customer act on the information, advice, or instructions provided by the Department; a person legally authorized to make healthcare or legal decisions on behalf of the Customer; or such other person with whom the Department would ordinarily and regularly communicate about the Customer.

**Compliance Monitoring.** A method used to assess compliance with non-discrimination laws as they apply to the Department of Children and Families programs, activities, contracted services providers, subcontractors, and/or community based care providers. Monitoring will be conducted onsite or through desk audits.

**Compliance Review.** A method used to ensure compliance with all Civil Rights regulations as they apply to the Department, its contracted services providers and subcontractors. The compliance review is an onsite review and may be large and complex addressing multiple issues (full scope review) or may address fewer issues (limited scope review).

**Contract Oversight Unit.** Section 402.7305(4), F.S. requires the Department of Children and Families to create contract management units in each region/circuit, to be staffed by individuals specifically trained to perform contract monitoring. The Units are responsible for monitoring the administrative and programmatic terms and conditions of the Department’s contracts with providers of client services.

**Contracted Services Provider.** Any public, private or nonprofit agency or corporation that has entered into a contractual agreement with the DCF to provide services directly to the public. Also referred to as “DCF Contract Provider.”

**Customer/Companion Communication Assessment and Auxiliary Aid/Service Record.** A record of appropriate auxiliary aids and services provided. To be used in completing a communication assessment for Clients or Companions.

**Customer Feedback Form.** A form used by direct services to collect data on the effectiveness and appropriateness of the auxiliary aid or service provided and the performance of the interpreter provided.

**Customer or Customers.** Any individual who is seeking or receiving services from the Department, its contract providers and their subcontractors. May also be referred to as “Client or Clients.”

**DCF Contract Agency.** Any public, private or nonprofit agency or corporation that has entered into a contractual agreement with the DCF to provide services directly to the public. Also referred to as “contracted services provider.”

**DCF Direct Service Facility.** Any service center, facility, or office that employs DCF Personnel to provide program services directly to DCF Customers on a daily basis. A DCF Direct Service Facility operates within DCF’s twenty (20) circuits.

**DCF or Department.** Florida Department of Children and Families.

**DCF Region.** One of six (6) administrative or operational units of DCF managed by one of six (6) Regional Managing Directors who report directly to the Deputy Secretary.

**Departmental Programs and Activities.** The operating units of the Department that include, but are not limited to, regions, Hospitals, service networks, program offices, 24-hour residential facilities, as well as other service and treatment facilities.
Disability. A condition that substantially limits a major life activity, such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, lifting, sleeping, and working. A person with a disability is any person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded by a recipient of federal financial assistance as having such impairment.

Discrimination. The failure to treat persons equally because of their race, sex, color, age, religion, national origin, political beliefs, or disability.

Disparate Treatment. Enforcing rules, regulations or other policies or practices differently for different groups, based upon their race, sex, color, age, religion, national origin, political belief, or disability.

Florida Relay Service. The communications link for people who are deaf, hard of hearing, or speech impaired. Through the Florida Relay Service, people who use specialized telephone equipment can communicate with people who use standard telephone equipment. To call Florida Relay, dial 7-1-1.

Foreign Language Interpreter. An individual who is qualified to convert one spoken language into another.

Full Scope Review. Multi-issue or multi-jurisdiction review of the policies, practices and procedures of a service provider.

Individuals With Hearing Loss.

Deaf. An individual whose sense of hearing is nonfunctional, with or without technology, for the purpose of communication and whose primary means of communication is visual.

Deaf-blind. An individual who has significant combined vision and hearing loss that can affect the way they gain information, communicate, orient and move within the environment and live on a daily basis.

Hard of hearing. An individual who has a hearing loss that results in the possible dependence on visual methods to communicate in addition to the use of residual hearing, with or without the assistance of technology, such as hearing aids.

Late-deafened. An individual who lost his or her hearing any time after the development of speech and language; often after the age of adolescence. Late-deafened persons usually have little or no residual hearing.

Interpreters. Interpreters for individuals who are deaf or hard of hearing are categorized according to their level of proficiency or the services they perform:

Certified Deaf Interpreter (CDI)/Deaf Interpreter (DI). Individuals who are certified or qualified to interpret as part of a team to facilitate communication.

Certified Interpreter. A qualified interpreter who is certified by the National Registry of Interpreters for the Deaf or other national or state interpreter assessment and certification program. A RID certified interpreter is qualified to interpret competently, accurately, impartially and effectively, both receptively and expressively, using any specialized terminology necessary for effective communication with a deaf or hard of hearing Customer or Companion.
Intermediate Interpreter. A Certified Deaf Interpreter or Deaf Interpreter, also known as a relay or intermediary interpreter, can be used in tandem with an American Sign Language (ASL) interpreter.

Oral Interpreter. Qualified oral transliterators have knowledge and abilities in the process of speech reading, speech production and the communication needs of speech readers.

Sign Language Interpreter. A person who engages in the practice of interpreting using sign language.

Tactile or Close Vision Interpreter (For Deaf-Blind Individuals). An individual who accurately facilitates communication between hearing and deaf-blind individuals.

Someone who has rudimentary familiarity with sign language or finger spelling is not a qualified sign language interpreter. Likewise, someone who is fluent in sign language but who does not possess the ability to process spoken communication into proper signs or to observe someone else signing and change their signed or finger-spelled communication into spoken words is not a qualified sign language interpreter.

Limited-English Proficient (LEP). Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Limited Scope Review. One issue or one jurisdiction review of the policies, practices and procedures of a provider.

Local Auxiliary Aids and Services Plan. A supplement to the Department’s statewide policies and procedures to ensure effective communication for deaf or hard of hearing Customers or Companions that is limited to a specific geographic area within the state.

Major Life Activities. Those functions, such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, which are hampered by one or more permanent conditions.

Management Review. A review of policies and procedures conducted in response to a request by administrative officials.

Medical Concerns. The Department may not use an electronic device or equipment constituting an appropriate auxiliary aid or service when or where its use may interfere with medical or monitoring equipment or may otherwise constitute a threat to any Customer’s medical condition. The Department shall provide alternative means to ensure effective communication with the Customer and document the same in the Customer’s medical chart or case file.

Mental Impairment. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and learning disabilities.

Mitigating Measures. Determination of whether impairment substantially limits a major life activity must be made without regard to the ameliorative (improve) effects of mitigating measures (except for ordinary eyeglasses and contact lenses). Examples include, but are not limited to, any medication, medical supplies, equipment, prosthetics, hearing aids and cochlear implants, use of assistive technology, and learned behavioral or adaptive neurological modifications.

Mobility Impairment. For the purpose of this procedure, this term is used to describe a condition that substantially limits a person’s upper or lower body mobility. It includes those persons who have limited use of arms, shoulders; persons who are in wheelchairs or on crutches; people of short
stature; those who cannot perform certain hand movements or have difficulty controlling movement; and people with breathing difficulties or stamina limitations. It also includes person with visual impairments.

**Non Aid Essential Communication Situation.** Situation where the Department is permitted flexibility in its choice of an appropriate auxiliary/accessibility aid or service for deaf or hard of hearing clients or companions.

**Person with a Disability.** Any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded by a recipient of federal financial assistance as having such impairment.

**Physical Impairment.** Any physiological disorder, condition, cosmetic disfigurement, or anatomical loss affecting the neurological, musculoskeletal, respiratory, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, sensory, skin, or endocrine systems.

**Program Accessibility.** An American with Disabilities Act (ADA) standard, which means a public entity’s programs, services, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. The concept of program accessibility is intended to make the contents of the program, service or activity equally available and accessible to persons with disabilities without excessive renovations of facilities.

**Protected Class (Affected).** Any group or member of that group protected by the non-discrimination laws or the affirmative action obligations of federally-funded contractors. The federal non-discrimination laws protect individuals from discrimination because of age, color, disability, national origin, race, religion and sex.

**Public Entity.** Any state or local government, Department, agency, special purpose district, or other instrumentality of a state or local government covered by Title II of Americans with Disabilities Act.

**Qualified Individual With an Impairment.** A person with a disability who fulfills the skills, experience, education, and other job-related requirements of a position, and who can perform the essential functions of that position with or without reasonable accommodations.

**Race/Ethnic Categories.** Federally designated race and ethnic categories include: Black, not of Hispanic origin, White, not of Hispanic origin, Hispanic, American Indian/Alaskan Native, Asian, Native Hawaiian or Other Pacific Islander, and two or more races.

**Reasonable Accommodation.** Modification or adjustment that enables a qualified individual with a disability to enjoy equal employment opportunity or equal access to services.

**Record of Impairment.** The history of a person who has been classified correctly or incorrectly as having a mental or physical impairment that substantially limits one or more major life activity.

**Regarded as Having an Impairment.** Having a physical or mental impairment that does not substantially limit major life activities, but such impairment is treated by a recipient as constituting such a limitation; having a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment; or having none of these impairments, but being treated as having such an impairment.

**Retaliation.** Any unlawful, prohibited action taken against an individual because they filed a complaint of discrimination, opposed a discriminatory practice, or participated in securing a right protected by civil rights laws. Any person alleging retaliation may file a complaint with the DCF Office of Civil Rights, Department of Justice, United States Department of Health and Human
Services, United States Department of Agriculture, or the United States Equal Employment Opportunity Commission as appropriate.

Section 504 of the Rehabilitation Act of 1973. Federal law prohibiting discrimination on the basis of disability in federally assisted programs and activities.

Section 508 of the Rehabilitation Act of 1973. Title V, Section 508 of the Rehabilitation Act requires Federal Departments and Agencies that develop, procure, maintain, or use electronic and information technology to ensure that employees and members of the public with disabilities have access to and use of information and data, comparable to that of the employees and members of the public without disabilities.

Sensory Impairment. A general term used to describe diminished vision or hearing. For the purpose of this document, it also includes impairment of speech.

Service Animal. Any guide dog, hearing dog, or miniature horse trained to perform tasks or assist a person with a disability.

Single-Point-of-Contact. Operations Program Administrator (OPA) or other individual designated to coordinate the provision of auxiliary aids and services to deaf or hard of hearing Customers or Companions according to their obligations under Section 504 and/or the ADA.

Subcontractor. Any individual, organization, or agency providing service to clients on behalf of a primary contracted services provider. May also be referred to as a “Subrecipient.”

Substantial Limitation. Defined as:

- Inability to perform a major life activity that an average person can perform;

- A significant restriction on the condition, manner, or length of time under which an activity can be performed as compared with the ability of an average person; or,

- Specifically in regard to working, a significant restriction on a person’s ability to perform in a job class or a broad range of jobs, compared with the ability of an average person having comparable skills, training, or ability.

The Food Stamp Act of 1977, as amended. 7 C.F.R., Parts 271 through 283 provide for improved levels of nutritional among low-income families. The Food Stamp Act prohibits discrimination on the basis of race, religious creed, national origin, or political beliefs.

Title IX of the Education Amendments of 1972, as amended. Federal law requiring non-discrimination on the basis of sex in federally assisted education programs and activities.

Title VI of the 1964 Civil Rights Act, as amended. Prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance.

Translator. Individuals able to interpret the meaning of a text in one language (the "source text") and the production, in another language (the "target language"), of an equivalent text (the "target text," or "translation") that communicates the same message.

TTY (Teletypewriter) or TDD (Telecommunications Device for Deaf Persons). Devices that are used with a telephone to communicate with persons who are deaf or hard of hearing or who have speech impairments by typing and reading communications.
**United States Department of Health and Human Services (HHS) – Office for Civil Rights.** The federal agency responsible for Departmental compliance with federal regulations including, but not limited to, Title VI of the Civil Rights Act of 1964, as amended, Title IX, Section 504, the Age Discrimination Act of 1978, and the Omnibus Budget Reconciliation Action of 1981, as amended.


**United States Department of Agriculture (USDA).** The federal agency responsible for, but not limited to, improving nutrition and health by providing food assistance and nutrition education through the food assistance program (FNS).

**Video Relay Services (VRS).** Video Relay Services are used to help a person using a videophone to communicate with people who use a regular phone. The deaf person, using a computer and webcam of a videophone, connects to a live interpreter through the Internet. To facilitate communication, the interpreter relays conversation by vocalizing what the person who is deaf or hard of hearing signs and then signs what the caller on the other end speaks. There is no fee to use a videophone or a video relay service.

**Video Remote Interpreting (VRI).** A fee-based service provided by a variety of interpreter referral agencies throughout the country and is being used in law enforcement and other settings when effective.

**Visual Impairment.** A generic term used to describe any loss of vision.