



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

April 26, 2016

VIA E-MAIL AND CERTIFIED MAIL

Luann Dettman
Executive Director
Idaho Council on Domestic Violence and
Victim Assistance
P.O. Box 83720
Boise, Idaho 83720-0036

Re: Compliance Review of Idaho Council on Domestic Violence and Victim
Assistance (13-OCR-0309)

Dear Ms. Dettman:

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of federal financial assistance from the Office of Community Oriented Policing Services, the Office on Violence Against Women (OVW), the OJP, and OJP components comply with federal civil rights laws. As you know, recipients of federal financial assistance have an obligation not to discriminate against protected classes of people either in employment or in the delivery of services.

In carrying out the OCR's civil rights enforcement responsibilities, the OCR is conducting a broad compliance review of all state administering agencies (SAA). The focus of this review is to determine both compliance with applicable federal civil rights laws and SAA monitoring procedures for ensuring the compliance of subrecipients with these laws. As part of that review, the OCR is evaluating the Idaho Council on Domestic Violence and Victim Assistance (ICDVVA or Council). Of particular interest to the OCR is the ICDVVA's compliance with the federal regulation that the DOJ issued in January of 2004, Equal Treatment for Faith-Based Organizations (Equal Treatment Regulation or Regulation), 28 C.F.R. pt. 38. The regulation advises SAAs not to discriminate either in favor of or against faith-based organizations. The regulation also instructs funded faith-based organizations not to discriminate in the delivery of services or benefits based on religion or to use federal funds for inherently religious activities.

On March 10, 2016, the OCR interviewed management and program staff; we also provided a training program for ICDVVA representatives about the OCR and the federal civil rights laws that the OCR enforces, how the OCR enforces civil rights laws, a recipient's obligations to provide services to limited English proficient (LEP) individuals, civil rights laws that affect faith-based organizations, and effective ways to monitor subrecipient compliance with applicable

civil rights obligations. The OCR would like to thank you and your personnel for assisting the DOJ during its review.

In regard to the limited scope of this Compliance Review, the OCR concludes that the ICDVVA is not fully in compliance with the requirements of the federal civil rights laws that the OCR enforces. Specifically, we have reservations about the adequacy of the Council's (1) guidance to subrecipients about their legal obligations regarding applicable federal civil rights laws, (2) monitoring of subgrantee compliance with their civil rights duties, (3) civil rights training for subrecipients, (4) complaint procedures for responding to certain discrimination allegations, and (5) efforts to make subawards to nonprofit organizations that may not be tax exempt under section 501(c)(3) of the Internal Revenue Code. The following Compliance Review Report includes recommendations for improving the ICDVVA's methods for monitoring the civil rights compliance of subrecipients and ensuring compliance with its federal civil rights obligations.

Compliance Review Report: Overview and Recommendations

I. Overview

This Compliance Review Report first examines the ICDVVA's procedures for monitoring whether subrecipients are meeting their obligations to comply with the federal civil rights laws that are a condition for receiving federal financial assistance. The Report then focuses on the Council's implementation of the DOJ's Equal Treatment Regulation.

A. General Monitoring Procedures to Ensure Subrecipient Compliance with Applicable Federal Civil Rights Laws

Recipients of federal financial assistance from the OJP are responsible for certifying that contractors and subrecipients under DOJ grant programs comply with applicable federal civil rights laws. In reviewing the ICDVVA's general efforts to ensure subrecipients' compliance with their civil rights obligations, the OCR evaluates how the Council uses the following four tools: (1) standard assurances, (2) onsite visits, (3) training programs and technical assistance, and (4) procedures for receiving, investigating, and resolving complaints alleging employment and services discrimination.

1. Standard Assurances and Related Award Documents

In this subsection, the OCR examines the standard assurances and related award documents that the ICDVVA uses in connection with its administration of the Victim Assistance Formula Grant Program, which is authorized by the Victims of Crime Act of 1984 (VOCA). As a condition of receiving VOCA funds from the ICDVVA, an organization must sign an assurances document, which it submits with its grant application. The assurances document requires an applicant to comply with the following civil rights provisions:

13. It will comply, and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe

Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, and Departments of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.

14. 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, religion, national origin, sex, or disability against a recipient of funds, the recipient, will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.
15. It will provide an Equal Employment Opportunity Program if required to maintain one – the application is for \$500,000 or more.¹

Before an applicant receives VOCA funds, the ICDVVA also requires it to agree to several special conditions, including the following:

2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.

* * * * *

13. **Demographic data**
The recipient agrees that information on race, sex, national origin, age, and disability of recipients of assistance will be collected and maintained, where such information is voluntarily furnished by those receiving assistance.
14. **Discrimination Findings**
The recipient assures that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability against a recipient of victim assistance formula funds under this award, the recipient will forward a copy of the findings to the Office for Civil Rights of OJP.²

¹ DCVVA, 2016 Grant Application, Request for Proposal (RFP) Attach. G [hereinafter 2016 Grant Application].

² ICDVVA, VOCA Special Conditions.

In addition to agreeing to the above provisions, an applicant must certify that it has policies that prohibit discrimination against a program participant based on his or her membership in any protected class and that it has procedures for receiving complaints alleging prohibited discrimination.³ Further, an applicant must acknowledge that it has a policy to provide meaningful access to its services and benefits for LEP persons,⁴ and that it enforces that policy.⁵

Once the ICDVVA decides which applicants will receive subawards, as a condition of receiving those funds, each applicant must sign a subgrant agreement that includes the following provision: “The Subgrantee hereby agrees to provide all services funded through or affected by this subgrant without discrimination on the basis of race, color, national origin, sex, age, religion or physical/mental impairment, and to comply with all relevant state and federal laws regarding anti-discrimination.”⁶

2. Onsite Visits

The ICDVVA primarily uses site visits to monitor the civil rights compliance of thirty-two VOCA-funded subrecipients. The Council relies on two employees to conduct site visits. In conducting this monitoring, the ICDVVA uses a site visit checklist to evaluate whether the subrecipient complies with several of its civil rights requirements, including those related to having a nondiscrimination policy, having related complaint procedures, and ensuring that it provides services to limited English proficient and deaf persons. The Council also determines whether the subrecipient collects data on the victims it serves, classified by race, national origin, sex, age, and disability. Before meeting with subrecipient representatives, the Council asks the subrecipient to send various documents to it for review, such as the organization’s language-access policy, so that it can prepare for the site visit. If the ICDVVA identifies deficiencies during the monitoring process, it documents them and prepares a corrective action plan for the subrecipient to implement.

The Council conducts site visits on a three-year schedule, although the award period for VOCA-funded subawards is one year. A representative from the ICDVVA explained to the OCR that the Council lacks the resources to conduct annual site visits, although it has considered conducting onsite monitoring of each subrecipient every two years. Given Idaho’s size, the ICDVVA developed its schedule so that it visits subrecipients that are in close geographic proximity to one another. The ICDVVA prioritizes site visits to those subrecipients that are receiving funding from the Council for the first time. The Council may also visit a subrecipient, even if the Council had not scheduled a visit of that organization for that year, if the Council receives a complaint about it. The Council aims to complete site visits by June 30 of each year.

³ 2016 Grant Application, *supra* note 1, Attach. J; *see also* ICDVVA, Limited English Proficiency (LEP) and LGBTQ Meaningful Access and Non-Discrimination Policy Certification [hereinafter Non-Discrimination Policy Certification].

⁴ 2016 Grant Application, *supra* note 1, Attach. J; *see also* Non-Discrimination Policy Certification, *supra* note 3.

⁵ 2016 Grant Application, *supra* note 1, Attach. J; *see also* Non-Discrimination Policy Certification, *supra* note 3. The ICDVVA also developed service standards for subrecipients that discuss several of these civil rights obligations. *See* ICDVVA, Service Standards for ICDVVA Funded Programs (ed. 2014-1).

⁶ Idaho Dep’t of Health and Welfare, Standard Subgrant ¶ 9 (July 1, 2015 – June 30, 2016).

3. Training and Technical Assistance

Each year, the ICDVVA provides training to VOCA-funded subrecipients on their obligations to provide language assistance to LEP persons. It also provides training on how to make services accessible to persons with disabilities. In response to subrecipient questions about applicable civil rights requirements, ICDVVA staff provide technical assistance to subrecipients by telephone, by e-mail, and in person, and often direct them to other resources for further guidance.

4. Complaint Procedures

In reviewing complaint procedures, the OCR evaluates those processes that are in place for individuals to pursue complaints of employment and services discrimination against the ICDVVA, as well as complaints of employment and services discrimination against its DOJ-funded subrecipients. The ICDVVA is part of the Idaho Department of Health and Welfare (DHW),⁷ and as a result the DHW's policies govern the Council. The DHW issued policies on prohibited discrimination in its employment and services practices, which include the following important elements:

- they designate a coordinator who is responsible for overseeing the complaint process;⁸
- they notify DHW employees of prohibited employment and services discrimination, based on the DHW's receipt of financial assistance from the U.S. Department of Agriculture (DOA) and the U.S. Department of Health and Human Services (HHS); the procedures for filing discrimination complaints; and the policy and procedures for handling discrimination complaints;⁹
- they notify DHW clients and applicants of prohibited services discrimination and the procedures for filing discrimination complaints, based on the DHW's receipt of financial assistance from the DOA and the HHS;¹⁰
- they establish written procedures for receiving discrimination complaints from DHW employees and beneficiaries;¹¹ and

⁷ Idaho Admin. Code r. 16.05.04.01.03 (2015).

⁸ DHW, Sexual Harassment, Illegal Discrimination and Respectful Workplace § 20A [hereinafter Employment Discrimination Policy] (designating the Civil Rights Manager as the coordinator for employment discrimination complaints); DHW, Nondiscrimination in the Delivery of Programs/Services § 9C [hereinafter Services Discrimination Policy] (same as to services discrimination complaints).

⁹ Employment Discrimination Policy, *supra* note 8, §§ 20A–20H; Services Discrimination Policy, *supra* note 8, §§ 9A–9D.

¹⁰ DHW, Procedure for Civil Rights Complaints from Clients (Mar. 11, 2015) (an earlier version of this procedure is located at <http://healthandwelfare.idaho.gov/Portals/0/Unknown/Civil%20Rights%20Policy%20for%20Complaints.pdf>); DHW, Clients Civil Rights Complaint Form (Mar. 2016), <http://healthandwelfare.idaho.gov/Portals/0/AboutUs/ClientCivilRightsComplaint2016FINALENG.pdf>; DHW, Nondiscrimination Policy – Programs/Services.

¹¹ Employment Discrimination Policy, *supra* note 8, § 20C; DHW, Sexual Harassment and Other Illegal Discrimination Complaint and Investigation (Jan. 2011) [hereinafter Employment Discrimination Complaint

- they explain how the DHW investigates each complaint internally.¹²

The ICDVVA has a policy for handling complaints it receives about a subrecipient,¹³ although the policy does not explain how it applies to discrimination complaints involving a subrecipient's employment or services practices.

B. Monitoring Compliance with Faith-Based Regulation

The purpose of the Equal Treatment Regulation is to ensure that “[r]eligious organizations are eligible, on the same basis as any other organization, to participate in any [Justice] Department program for which they are otherwise eligible.”¹⁴ The Regulation prohibits the DOJ and DOJ-funded recipients from discriminating either for or against an organization on the basis of the organization's religious character or affiliation.¹⁵ In evaluating the ICDVVA's equitable treatment of faith-based organizations, the Compliance Review Report focuses on two issues: (1) the review process for making awards to applicant faith-based organizations; and (2) procedures for ensuring that funded faith-based organizations comply with applicable federal civil rights laws.

1. The Process for Making Awards to Applicant Faith-Based Organizations

a. Selecting DOJ-Funded Subrecipients

Each year, the ICDVVA issues a request for proposals (RFP) that seeks applications for VOCA funds.¹⁶ The Council publishes notices about this RFP in seven newspapers, which cover different service areas in Idaho.¹⁷ The ICDVVA also posts the RFP on its website and sends the RFP to former subrecipients, current subrecipients, and persons and organizations who expressed an interest in applying for VOCA funds.¹⁸ The Council's distribution list includes two faith-based organizations that had received VOCA funds in the past. Entities have at least sixty days after the ICDVVA issues the RFP to apply for funds.¹⁹

If the applicant seeking DOJ funding is a nonprofit organization, the ICDVVA allows it to demonstrate nonprofit status by the following means: (1) proof that the Internal Revenue Service recognizes the organization as being tax exempt under section 501(c)(3) of the Internal Revenue

Process]; Services Discrimination Policy, *supra* note 8, § 9D; Procedure for Civil Rights Complaints from Clients, *supra* note 10.

¹² Employment Discrimination Policy, *supra* note 8, § 20G; Employment Discrimination Complaint Process, *supra* note 11; Procedure for Civil Rights Complaints from Clients, *supra* note 10.

¹³ ICDVVA, Grievance Policy.

¹⁴ 28 C.F.R. § 38.2(a) (2015).

¹⁵ *Id.*

¹⁶ See Idaho Admin. Code r. 16.05.04.18.01(a) (2015).

¹⁷ See *id.*

¹⁸ See *id.*

¹⁹ See *id.*

Code; (2) a statement from a state taxing body or state attorney general certifying that the organization is a nonprofit organization; (3) a copy of a certificate of incorporation establishing nonprofit status; or (4) any of the above, if it applies to a state or national parent organization, with a statement by the state or national parent organization that the applicant is a local nonprofit affiliate.²⁰ While the ICDVVA allows an organization to establish its nonprofit status in several ways, the Council's grant application also asks if the applicant is a nonprofit organization that has obtained tax exempt status from the Internal Revenue Service.²¹

Once the ICDVVA receives grant applications, Council staff members determine whether the applications meet the basic eligibility requirements for receiving VOCA funds and whether they would have the capacity to administer a subgrant.²² The Council consists of seven members, whom the Governor appoints, who represent regions across Idaho.²³ These Council members evaluate, rank, and select the applications using eight criteria that are published in the Idaho Administrative Code.²⁴ These evaluative factors consider, among other things, the services the applicant proposes to provide, the demonstrated need for those services, the applicant's ability to cooperate with other victim assistance programs, and the applicant's existing funding sources.

b. Faith-Based Organizations as Subrecipients

In Fiscal Years 2011 – 2015, no faith-based organizations applied for VOCA funds.

2. Procedures for Ensuring that Faith-Based Organizations Comply with Applicable Civil Rights Laws

The Equal Treatment Regulation circumscribes how faith-based subrecipients may use federal financial assistance. Specifically, such subgrantees may not engage in inherently religious activities with federal funds; nor can they discriminate against potential or actual program beneficiaries on the basis of religion or religious belief.²⁵ Even though the ICDVVA does not subaward DOJ funds to any faith-based subrecipient at this point, its site visit checklist seeks to confirm that an organization does not require beneficiaries to participate in inherently religious activities and that it has an appropriate nondiscrimination policy.

²⁰ See Grant Agreement Between Office for Victims of Crime (OVC) and ICDVVA, Award No. 2015-VA-GX-0030 (Oct. 1, 2014 – Sept. 30, 2018), Special Condition No. 30.

²¹ 2016 Grant Application, *supra* note 1, at 14.

²² See Idaho Admin. Code r. 16.05.04.20.01(a)–(b).

²³ See Idaho Code § 39-5204 (2016).

²⁴ Idaho Admin. Code r. 16.05.04.20.03(a)–(h).

²⁵ 28 C.F.R. § 38.2(b)(1), (d) (2015).

II. Recommendations

To strengthen its civil rights monitoring efforts, the ICDVVA should implement the following five recommendations: (1) modify the civil rights assurances in its grant application, (2) refine its civil rights monitoring protocols, (3) broaden its training to VOCA-funded subrecipients regarding their obligations to comply with applicable federal civil rights laws, (4) develop comprehensive protocols for addressing discrimination complaints, and (5) refine its grant application to more closely track the Equal Treatment Regulation, as to establishing an applicant's nonprofit status.²⁶

A. Modify Civil Rights Assurances in Grant Application

We appreciate the ICDVVA's efforts to notify VOCA-funded subrecipients of their civil rights obligations. To strengthen this notice, the Council should make two changes to its assurances document, which we identify in the next subsections.

1. Replace Assurances Paragraph No. 13 with the following language or substantially similar language:

Recipient will comply (and will require any subgrantees or contractors to comply) with any applicable federal nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act) (42 U.S.C. § 3789d(c)(1)); the Victims of Crime Act (42 U.S.C. § 10604(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); 28 C.F.R. pt. 31 (U.S. Department of Justice Regulations – OJJDP Grant Programs); 28 C.F.R. pt. 42 (U.S. Department of Justice Regulations – Nondiscrimination; Equal Employment Opportunity; Policies and Procedures); Exec. Order No. 13279 (equal protection of the laws for faith-based and community organizations); Exec. Order No. 13559 (fundamental principles and policymaking criteria for partnerships with faith-based and other neighborhood organizations); and 28 C.F.R. pt. 38 (U.S. Department of Justice Regulation – Equal Treatment for Faith-Based Organizations).

²⁶ Most of these recommendations directly relate to the Methods of Administration that the ICDVVA must implement as a condition of administering Fiscal Year 2014 funds as an SAA under the VOCA Victim Assistance program. See Grant Agreement Between Office for Victims of Crime (OVC) and ICDVVA, Award No. 2015-VA-GX-0030 (Oct. 1, 2014 – Sept. 30, 2018), Special Condition No. 27; *Other Requirements for OJP Applications*, OJP, http://www.ojp.usdoj.gov/funding/other_requirements.htm (last visited Feb. 29, 2016).

2. Replace Assurances Paragraph No. 15 with the following language or substantially similar language:

Recipient will provide an Equal Employment Opportunity Plan (EEOP) to the OCR and the ICDVVA, if it is a state government, a local government, or a for-profit entity that has 50 or more employees and receives a single award for \$500,000 or more that is subject to the administrative provisions of the Safe Streets Act;²⁷ otherwise, it will provide a certification to the OCR and the ICDVVA that it has a current EEOP on file, if it has 50 or more employees and receives a single award for \$25,000 or more, but less than \$500,000, that is subject to the administrative provisions of the Safe Streets Act. For state governments, local governments, and for-profit entities receiving less than \$25,000, or for state governments, local governments, and for-profit entities with fewer than 50 employees, regardless of the amount of the award, no EEOP is required. Information about civil rights obligations of grantees can be found at <http://www.ojp.usdoj.gov/ocr/>.

The ICDVVA may also wish to add a sentence to its assurances document or grant agreement stating that, consistent with federal civil rights laws, the subrecipient shall not retaliate against persons for taking action or participating in action to secure rights protected by these laws.

B. Refine Civil Rights Monitoring Protocol

The ICDVVA's site visit checklist evaluates a subrecipient's compliance with many of its civil rights requirements. To strengthen this monitoring tool, the Council should refine several of the checklist's current questions and add questions that cover more of the civil rights requirements that apply to its DOJ-funded subrecipients (e.g., whether the subrecipient has posted nondiscrimination notices as required by section 504 of the Rehabilitation Act; and whether the subrecipient has a designated coordinator as required by section 504 of the Rehabilitation Act and Title IX of the Education Amendments of 1972). To assist the ICDVVA in refining its monitoring materials, the OCR prepared a sample Federal Civil Rights Compliance Checklist, which is enclosed for the Council's review. The OCR also recommends that the ICDVVA conduct onsite monitoring of each subrecipient every two years, rather than every three years, so that the Council can proactively identify and resolve any deficiencies regarding a subrecipient's compliance with applicable civil rights requirements.

C. Broaden Training to VOCA-Funded Subrecipients Regarding Their Obligations to Comply with Applicable Federal Civil Rights Laws

The OCR applauds the ICDVVA for its efforts to apprise subrecipients of their language access obligations. The Council should broaden its civil rights training program by providing information to its VOCA-funded subgrantees on some of their additional obligations under

²⁷ Although programs funded under the VOCA are not subject to the administrative provisions of the Safe Streets Act, the OVC requires all recipients of VOCA funding to comply with the Safe Streets Act regulations that apply to the development of an Equal Employment Opportunity Plan.

applicable federal civil rights laws. The Council should provide this training at least once each year, and can provide the training in person, during a teleconference, or through other means. The OCR has developed training modules that explain a recipient's various civil rights obligations, and which are available at <http://www.ojp.usdoj.gov/about/ocr/assistance.htm>. The ICDVVA may wish to incorporate these videos into its own subgrantee training program.

D. Develop Comprehensive Protocols for Addressing Discrimination Complaints

As previously noted, the DHW has complaint policies and procedures that include important safeguards for employment and services discrimination complaints involving its own practices. To strengthen its complaint system, the DHW should revise its policy documents entitled Nondiscrimination in the Delivery of Programs/Services and Nondiscrimination Policy – Programs/Services to ensure that they reference the DHW's nondiscrimination obligations as a recipient of financial assistance from the DOJ. The DHW should also add language to its policy document entitled Nondiscrimination Policy – Programs/Services to notify a complainant that he or she may file a discrimination complaint with the OCR. Further, the DHS should revise its Clients Civil Rights Complaint Form to include the DOJ as a source of financial assistance and to identify the VOCA Victim Assistance Formula Grant Program as a covered program. Finally, the DHW should post the current version of its Procedure for Civil Rights Complaints from Clients on its website in an effort to notify its clients and applicants of its policy and procedures for handling services discrimination complaints.

The ICDVVA also has an obligation as a recipient of financial assistance from the DOJ to have a policy that addresses how it responds to employment and services discrimination complaints it receives from subgrantee employees and beneficiaries. To that end, the Council should add the following components to its Grievance Policy:

- designate a coordinator who is responsible for overseeing the complaint process;
- explain how the Council notifies subrecipients of prohibited discrimination and of the Council's policy and procedures for handling discrimination complaints;
- describe the procedures for receiving discrimination complaints from subgrantee employees and beneficiaries;
- explain that the ICDVVA investigates each complaint internally or refers it to the appropriate agency, such as the EEOC or the OCR, for investigation and resolution;
- explain how the Council trains appropriate program staff members on their responsibility to refer discrimination complaints or potential discrimination issues involving subrecipients to the Council's designated complaint coordinator for processing as soon as the alleged discrimination comes to their attention;
- explain how the ICDVVA notifies the complainant that he or she may also file a

complaint with the OCR;

- ensure that subrecipients have procedures in place for responding to discrimination complaints that employees and beneficiaries file directly with the subrecipient; and
- explain how the ICDVVA ensures that subrecipients notify appropriate subrecipient employees and beneficiaries of prohibited discrimination in funded programs and activities and the procedures for filing a complaint of discrimination.

To assist the ICDVVA in strengthening its complaint protocols, the OCR encloses discrimination complaint procedures that several other SAAs adopted. While the Council's adoption of these procedures would satisfy this recommendation, the OCR also recognizes that there may be other, equally effective procedures that accomplish the same objectives.

- E. Refine Grant Application to More Closely Track the Equal Treatment Regulation, as to Establishing an Applicant's Nonprofit Status

The OCR commends the ICDVVA for recognizing that the VOCA does not require nonprofit organizations to obtain federal tax exempt status in order to receive funds under this statute. Recognizing that a nonprofit applicant need not be exempt under the Internal Revenue Code to receive VOCA funds, in its grant application question on an applicant's nonprofit status, the Council should remove the reference to section 501(c)(3) of the Internal Revenue Code.

III. Conclusion

We find that the ICDVVA should implement the OCR's recommendations to ensure that it is meeting its obligations under the federal civil rights laws that the OCR enforces. On request, the OCR is available to provide technical assistance to the Council in addressing the concerns raised in this Report. **Immediately upon receipt of this letter, please contact Attorney Advisor Christopher Zubowicz to develop a timeline and goals for implementing the OCR's recommendations.**

Luann Dettman, Executive Director
Idaho Council on Domestic Violence and Victim Assistance
April 26, 2016
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Thank you for your cooperation and assistance during the Compliance Review process. If you have any questions, please contact Mr. Zubowicz at christopher.zubowicz@usdoj.gov or 202.305.9012.

Sincerely,

/s/ Michael L. Alston

Michael L. Alston
Director

Enclosures

cc: Richard Armstrong, Director
Idaho Department of Health and Welfare
VIA E-MAIL