



# RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

**DIRECTOR:**  
*Wayne P. Sabat Jr.*

**POLICY NUMBER:**  
2.22-1 DOC

**EFFECTIVE DATE:**  
01/10/2024

**SUBJECT:**  
PROCEDURES FOR MONITORING COMPLIANCE OF SUBCONTRACTORS WITH USDOJ CIVIL RIGHTS REGULATIONS

**LAST REVIEWED:**  
11/2023

**SECTION:**  
FISCAL MANAGEMENT

**SUPERSEDES:**  
2.22

**AUTHORITY:** Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director

**REFERENCES:** The most recent version of RIDOC policies 1.13 DOC, [Limited English Proficiency \(LEP\) Individuals](#); 2.13 DOC, [Requisitioning and Purchasing of Commodities and Services](#); The Omnibus Crime Control and Safe Streets Act of 1968, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, or sex, in OJP and COPS funded programs or activities. (42 U.S.C. § 3789d and 28 C.F.R. § 42.201 et seq.); Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in OJP and COPS funded programs or activities. (42 U.S.C. § 2000 and 28 C.F.R. § 42.101 et seq.); Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability in OJP and COPS funded programs or activities. (29 U.S.C. § 794 and 28 C.F.R. § 42.501 et seq.); Section 1407 of the Victims of Crime Act (VOCA), which prohibits discrimination on the basis of race, color, national origin, religion, sex, or disability in VOCA funded programs or activities. 34 U.S.C. § 20110); Section 12291 of the Violence Against Women Act which prohibits discrimination on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability.(34 U.S.C § 12291 et seq (42 U.S.C. § 10604); Title II of the Americans with Disabilities Act of 1990, as it relates to discrimination on the basis of disability in OJP or COPS funded programs or activities. (42 U.S.C. § 12132 and 28 C.F.R. Pt. 35); Title IX of the Education Amendments of 1972, as it relates to discrimination on the basis of sex in OJP and COPS funded training or educational programs. (20 U.S.C. § 1681 and 34 C.F.R. Pt. 106); The Age Discrimination Act of 1975 as it relates to services discrimination on the basis of age in OJP or COPS funded programs or activities. (42 U.S.C. § 6102 and 28 C.F.R. § 42.700 et seq.); DOJ regulation on the Equal Treatment for Faith-based Organizations (28 C.F.R. pt.38)

**INMATE/PUBLIC ACCESS:** YES

**AVAILABLE IN SPANISH:** YES

I. **PURPOSE:**

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

II. **POLICY:**

- A. Any recipient of federal funds, regardless of the type of entity or the amount of money awarded, must provide Certified Assurances that they will not discriminate against any person on the grounds of race, color, religion, sex, national origin, age or disability, in any program or activity funded in whole or in part by federal financial assistance. Furthermore, any award administered by the Office on Violence Against Women (OVW) prohibits discrimination on the basis of actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity in programs or activities, both in employment and in the delivery of services or benefits in any program or activity funded, in whole or in part, with OVW. The recipient must certify in these Assurances that it will comply with all applicable non-discrimination laws and regulations.
- B. Recipients of federal funds who are not native speakers/readers of English may request translation/interpretation assistance as outlined in the most recent version of RIDOC policy 1.13 DOC, [Limited English Proficiency \(LEP\) Individuals](#). There is a designated LEP Monitor in every RIDOC building who will assist LEP individuals.
- C. The USDOJ specifically requires that direct recipient organizations must not only comply with such regulations but also take steps to ensure subgrantees also comply. RIDOC will take reasonable steps to encourage and monitor compliance by the subgrantees.

III. **DEFINITIONS:**

**Subgrantee** - an organization or individual to whom RIDOC provides USDOJ funds in order to provide services or goods to offenders under RIDOC jurisdiction. Under this definition, a firm providing goods or services to benefit RIDOC itself, regardless of the source of funds, is considered a contractor but not a subgrantee. Examples of contractors who are not subgrantees include an architectural firm developing plans for a new facility

and a firm providing computers for use by RIDOC employees in a grant-funded program. Generally, a state agency with which RIDOC subcontracts to provide services or goods to offenders utilizing USDOJ funds is considered a subgrantee.

IV. **PROCEDURES:**

A. Determination of Civil Rights Requirements

1. All RIDOC subgrantees funded by USDOJ funds are required to certify compliance with civil rights regulations.
2. The table below will indicate when a subgrantee must prepare an Equal Employment Opportunity Plan (EEO Plan); if it is not a non-profit, medical or educational institution or Indian Tribe:

Assistance Listing Numbers (ALN)	Grant/Program	EEO Plan Required?
16.554	National Criminal History Improvement Program	Y
16.556	State Domestic Violence and Sexual Assault Coalitions (OVW)	Y
16.575	Crime Victim Assistance	N
16.579	Byrne Formula Grant Program	Y
16.586	Violent Offender Incarceration and Truth In Sentencing Incentive Grants	N
16.590	Grants to Encourage Arrest Policies & Enforcement of Protection Orders	Y
16.593	Residential Substance Abuse Treatment for State Prisoners	Y
16.606	Criminal Alien Assistance Program	N
16.607	Bullet Proof Partnership Program	Y
16.735	Protecting Inmates & Safeguarding Communities Discretionary Grant Program	N
16.827	Justice Reinvestment Initiative (JRI)	N

**NOTE:** Code number from the Assistance Listing Number (ALN), formerly known as the Catalogue of Federal Domestic Assistance (CFDA).

B. Solicitations for Subgrantees

1. The assigned RIDOC grant manager must include a civil rights compliance block in the body of the solicitation specifications. The Office of Financial Resources can electronically provide the standard language which is reflected below.

***Civil Rights Compliance:***

*The successful bidder will be required to certify to the Rhode Island Department of Corrections that it is in compliance with applicable civil rights laws and regulations. These laws and regulations relate to issues concerning Equal Employment Opportunity, Limited English Proficiency, and other anti-discrimination laws. The successful bidder may also be required to prepare an Equal Employment Opportunity Plan. A certification of assurances form will be provided to you upon notification of tentative award. Further information regarding these assurances may be obtained upon request from the RIDOC's Office of Financial Resources (phone 401-462-2555 or email [FinRes@doc.ri.gov](mailto:FinRes@doc.ri.gov)) or by visiting the U.S. Dept. of Justice Civil Rights website:*

*[Civil Rights | Overview | Office of Justice Programs \(ojp.gov\)](#)*

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

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

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

C. Certification of Compliance

1. The assigned RIDOC grant manager is responsible for ensuring that the awardee completes a Certification of Compliance with Civil Rights Regulations form. Ordinarily, processing of certification is accomplished at the same time as the completion of the letter of agreement.
2. The RIDOC grant manager completes the following sections of the information block on the form:
  - a. Grant number;
  - b. Grant project title;
  - c. Duration;
  - d. Award dollars.
3. The RIDOC grant manager forwards to RIDOC's Financial Resources Assistant Administrator, Financial Management an *original* copy of the Certification of Compliance with Civil Rights Regulations form, along with the signed letter of agreement, if one is required.
4. The Office of Financial Resources forwards the Certification of Compliance with Civil Rights Regulations form to USDOJ-OCR (Office of Civil Rights) and the letter of agreement to the Division of Purchases.

D. Contract Renewals

1. When renewing a contract under the same USDOJ grant (i.e., when re-solicitation is not required), the assigned RIDOC grant manager notifies the subgrantee of the civil rights compliance requirements and presents the subgrantee with the Certification of Compliance with Civil Rights Regulations form.
2. The completed Certification of Compliance with Civil Rights Regulations form is forwarded, along with the requisition to renew ([MS-35](#)) to the Financial Resources Assistant Administrator, Financial Management, for processing.

E. EEOP Submissions

1. In cases where the awardee has checked certification C1 or C2 indicating that an EEOP must be submitted, evidence of submission of an EEOP to the USDOJ is forwarded to the respective RIDOC grant manager. The grant manager in turn forwards a copy of this evidence to the Financial Resources Assistant Administrator, Financial Management for central logging.
2. The Office of Financial Resources maintains a tickler file and notifies the grant manager if the EEOP has not been submitted in a timely fashion.
  - a. The grant manager then contacts the awardee.
  - b. The grant manager notifies the awardee that all payments will be suspended until such time as the requirement has been met.

F. Training on Federal Civil Rights Requirements

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