

# KY Office of Homeland Security

## Civil Rights/Civil Liberties

### IMPLEMENTATION PLAN

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin (including limited English proficiency).
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability.
- Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs or activities.
- Age Discrimination Act of 1975, which prohibits discrimination based on age.



Office of Homeland Security  
Josiah Keats, Executive Director  
200 Mero Street  
Frankfort, Kentucky 40601  
(502) 564-2081  
<https://homelandsecurity.ky.gov>

September 1, 2022

TEAM   
KENTUCKY

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## GLOSSARY OF COMMON TERMS

"Sub-Recipient" means the recipient of HSGP funding passed through the KY Office of Homeland Security (KOHS).

"Implementation plan" means the Civil Rights/Civil Liberties implementation plan developed and maintained by KOHS to ensure compliance with applicable provisions of laws and policies prohibiting discrimination including:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin (including limited English proficiency).
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability.
- Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs or activities.
- Age Discrimination Act of 1975, which prohibits discrimination based on age.
- U.S. Department of Homeland Security regulation 6 C.F.R. Part 19, which prohibits discrimination based on religion in social service programs.

"Compliance Officer" means KOHS employee designated to coordinate all Civil Rights/Civil Liberties activities of KOHS.

### SCOPE OF CIVIL RIGHTS/CIVIL LIBERTIES APPLICABILITY TO KOHS PROGRAMS AND ACTIVITIES

KOHS affords all sub-recipients the opportunity to benefit from programs it administers.

**Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d)** provides that 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.

**Section 504 of the Rehabilitation Act of 1973** is a federal law that protects individuals from discrimination based on disability. Individuals with disabilities including, but not limited to, HIV/AIDS, blindness or low vision, cancer, deafness, diabetes, heart disease, intellectual disabilities and mental illness may not be excluded from or denied the opportunity to receive benefits and services from federal programs.

**Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681)** is a federal law that prohibits discrimination on the basis of sex in educational programs and activities that receive federal financial assistance.

**The Age Discrimination Act of 1975** prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. The Act, which applies to all ages, permits the use of certain age distinctions and factors other than age that meet the Act's requirements.

**U.S. Department of Homeland Security regulation 6 C.F.R. Part 19**, which prohibits discrimination based on religion in social service programs.

**STATEMENT OF ASSURANCES** -To ensure compliance with applicable provisions of laws and policies prohibiting discrimination KOHS references all civil rights/civil liberties non-discrimination clauses in its formal terms and conditions. Each sub-recipient receiving federal funds administered by KOHS must agree in writing to comply with all civil rights/civil liberties non-discrimination clauses in its formal terms and conditions.

**RESPONSIBLE OFFICIAL:** Josiah Keats, Executive Director, has overall responsibility for implementation, compliance and reporting with respect to civil rights/civil liberties policy of KOHS. Inquiries related to these activities should be directed to:

Josiah Keats  
Executive Director  
Office of Homeland Security  
200 Mero Street Frankfort,  
Kentucky 40601  
(502) 564-2081  
Josiah.Keats@ky.gov

## 1. COMPLAINT PROCEDURES

### A. How a complaint shall be filed:

Complaints in relation to alleged discrimination may be filed using the forms attached in the Appendix. If an individual refuses to submit a written complaint, the compliance officer shall record the information orally from the individual either in-person or over the phone and shall provide a copy to the individual with a request that the information be confirmed by the complainant.

Complaints must be filed within one hundred eighty (180) days of the activity which prompts the filing of the complaint.

### B. Where to file a complaint:

Complaints in relation to alleged civil rights or liberties discrimination should be reported to the KOHS Civil Rights/ Civil Liberties Discrimination Compliance Officer or Contacting the DHS Office for Civil Rights and Civil Liberties (CRCL)

### C. Retaliation:

It is impermissible for a recipient or other person to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, or because the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Department of Homeland Security regulation implementing Title VI (6 C.F.R. § 21.11(e)). Any individual alleging such harassment or intimidation may file a separate complaint with DHS.

### **KOHS Compliance Officer:**

Mike Sunseri  
Deputy Executive Director  
Office of Homeland Security  
200 Mero Street Frankfort,  
Kentucky 40601  
(502) 564-2081  
Mike.Sunseri@ky.gov

### **DHS Office of Civil Rights and Civil Liberties (CRCL)**

- **E-mail:** [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov) (fastest method to submit your complaint)
- **Fax:** 202-401-4708
- **U.S. Mail:**  
U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop #0190  
Washington, D.C. 20528
- Website for additional information: <https://www.dhs.gov/file-civil-rights-complaint>

C. KOHS time frame within which the complaint shall be processed by the agency; and  
Upon receipt of a written complaint, the compliance officer shall review the complaint and shall file, within seven (7) days, a concise statement with the Responsible Official regarding the nature of the complaint and the steps to be taken to investigate or resolve the complaint

D. Withdrawal of a complaint;

A complainant may withdraw a complaint at any time before final action by filing with the compliance officer a written statement of his or her desire to withdraw the complaint.

## 2. INVESTIGATIONS, REPORT OF FINDINGS, HEARINGS AND APPEALS.

A. Investigations

Upon receipt of the complaint by an individual or at the time the compliance officer becomes independently aware of actions which may constitute a civil rights violation, the compliance officer shall take necessary action within thirty (30) days to investigate and recommend specific actions to resolve the complaint. A report shall be filed by the compliance officer with the Responsible Official within that period.

B. Report of Findings

The complainant shall be notified in writing of the results of the investigation and any actions taken.

KOHS shall attempt to maintain the confidentiality of the complaint and the name of the complainant.

The complainant shall be notified in writing, within 30 days of the resolution of a complaint, by the Responsible Official or the Civil Rights/Civil Liberties compliance officer of the resolution of a complaint. A statement of corrective action shall include specific statements of actions to be taken or prohibited actions and shall include a timetable for implementation.

C. Hearings and Appeals

A complainant may file a written appeal from the Responsible Official's resolution of the complaint within 30 days of the receipt of the written notice of resolution. The complainant shall be notified of the final resolution of the complaint within 60 days of receipt of the appeal by the Responsible Official.

D. A complainant filing a written appeal may request an in-person hearing before the Responsible Official. Such request shall be set forth in writing and shall be submitted contemporaneously with the written appeal. The complainant shall be notified of the date, time and place of the hearing within 15 days of KOHS's receipt of the request.

### **3. Discrimination complaint and reasonable accommodations for LEP, Deaf/Hard of Hearing, and disabled.**

The Kentucky Office of Homeland Security falls under the Governor's Office . The Governor's Office provides support to state agencies in the Executive Branch of Government concerning interactions with customers identified as being limited English proficiency, deaf and hard of hearing, or other disabilities to ensure services are delivered.

The Governor's Office shall be required to:

1. Identify each LEP and deaf or hard of hearing customer and record the primary language of such customer. Record the customer's primary language by notation for other employees' information in future contact with the customer.
2. Use approved interpreters and ensure that interpreters are provided at no cost to the customers.
3. Ensure that no unreasonable delay in services occurs during this process.
4. Provide translated copies of essential program forms and documents to LEP clients. Help customers with limited English proficiency understand and complete forms.
5. Ensure that staff are trained on cultural competency, effective communication, and the use of interpreters/translators.

Even those customers who may speak and appear to understand some English may not necessarily have the skills to understand their rights and responsibilities, letters, and other forms of communication provided to them as recipients of the Governor's Office services. Staff must identify customers who need language assistance and identify the customer's primary language.

7. The services of an interpreter or translator shall be utilized if staff is unable to communicate with the customer well enough to provide quality services, even if the customer states that he or she does not need an interpreter.
8. If a Spanish-speaking interpreter or document translator is needed, there is currently three  
(3) Spanish-speaking persons on staff who are available to provide assistance.
9. If a language is other than Spanish, staff will access the Language Line at 1-800-874- 9426.
10. Federal grants applicants and sub-recipients of federal grants will be notified of the reasonable accommodations at the time of application and at the time of any grant award; as well as members of the general public who visit the KOHS website ([homelandsecurity.ky.gov](http://homelandsecurity.ky.gov)) or request information via phone or email.

#### **4. TRAINING**

The Civil Rights/Civil Liberties implementation plan will be disseminated to all KOHS employees along with complaint procedures. Sub-recipients of grants will be notified of the Civil Rights/Civil Liberties implementation Plan and complaint procedures at the time of any grant award.

#### **5. GOALS AND EVALUATION PROCEDURES**

KOHS endeavors to reevaluate its civil rights/civil liberties policy on an annual basis. The plan shall, each year, set forth KOHS's current goals and the process for evaluating and revising those goals and the agency's progress towards those goals.

#### **6. PUBLIC NOTIFICATION AND OUTREACH**

Three groups of people will receive notification of the KOHS Civil Rights/Civil Liberties Implementation Plan, complaint forms, and programs and services: 1) KOHS employees who will receive copies of the implementation plan and the complaint procedures; 2) federal grants applicants and sub-recipients of federal grants who will be notified of civil rights and liberties requirements at the time of application and at the time of any grant award; and 3) members of the general public who visit the KOHS website ([homelandsecurity.ky.gov](http://homelandsecurity.ky.gov)) or request information via phone or email.

#### **7. RECORDKEEPING AND REPORTING**

- A. The compliance officer will maintain a log of all complaints filed with KOHS.
- B. Grant personnel will certify annually that all sub-recipients have been notified of the plan and complaint procedures.
- C. The compliance officer will maintain copies of standardized complaint forms and will ensure that they are available to the public for use. Forms will be available on the KOHS website. The compliance officer shall maintain data sheets, including, the complaint log and performance reports, and copies of all complaint forms filed. The compliance officer shall maintain such records for five years following the final resolution of a complaint.
- D. Changes in the implementation plan will be provided to employees and sub-recipients as changes are made.



## **8. COMPLIANCE**

A. KOHS Grants Staff shall make every effort to regulate, monitor, review, and report on the federal programs to assure compliance.

As part of the process of monitoring contractual obligations under grant agreements, the KOHS Grants Staff endeavors to monitor and review each entity's civil rights/civil liberties plan and their efforts to adhere to that plan. This will be accomplished through independent reviews and on-site inspections.

B. Upon a finding by the KOHS Grants Staff of noncompliance, KOHS shall take the following actions with regard to:

### **1. Processing**

The grants staff shall immediately notify the compliance officer and he/she shall immediately notify the Responsible Official in writing of the violations held to constitute noncompliance with civil rights/civil liberties and of the necessary steps to correct these violations.

### **2. Reporting**

The compliance officer shall notify the sub-recipient found to be in noncompliance in writing within 30 days of the compliance officer's report of noncompliance and of the violations and corrective measures necessary to remedy the violations.

### **3. Resolution**

The KOHS Grants Staff shall attempt to secure voluntary compliance. In the event that efforts to secure voluntary compliance are not secured within a reasonable period of time, the compliance officer will notify the Responsible Official, in writing, of the recommended corrective action.

### **4. Enforcement of corrective actions**

The Responsible Official shall implement corrective actions within thirty (30) days of receipt and acceptance of the notification of recommended corrective action.

Grant sub-recipients who refuse to voluntarily comply with corrective actions may face termination or suspension of the grant.

## 5. Monitoring of programs

KOHS Grants Staff shall undertake to periodically monitor all programs funded through federal assistance for those sub-recipients who have been found to be in non-compliance. For a period of three years following a finding of non-compliance, those sub-recipients shall be required to submit an annual report detailing the steps taken by the sub-recipient to ensure compliance with all required civil rights/civil liberties addressed in this document.

**Appendix 1**

**COMMONWEALTH OF KENTUCKY  
OFFICE OF HOMELAND SECURITY  
200 MERO STREET  
FRANKFORT, KENTUCKY 40601  
PHONE: (502) 564-2081**

**Complaint Under Title VI  
The Civil Rights Act of 1964**

To the Civil Rights Coordinator:

I, \_\_\_\_\_, hereby file an official complaint against  
Name of Complainant  
\_\_\_\_\_ located at  
Name of Persons or Agency  
\_\_\_\_\_  
\_\_\_\_\_

Date of Alleged Discrimination: \_\_\_\_\_

Complainant's Address: \_\_\_\_\_  
\_\_\_\_\_

Complainant's Telephone Number(s): \_\_\_\_\_

Basis of Complaint (use back of sheet if necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**COMMONWEALTH OF KENTUCKY  
OFFICE OF HOMELAND SECURITY  
200 MERO STREET FRANKFORT,  
KENTUCKY 40601 PHONE: (502)  
564-2081**

**Report of Investigation**

I, \_\_\_\_\_, representing the Office of Homeland Security, have investigated the complaint filed on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ alleging that discrimination occurred which was in violation of the provisions of Title VI of the Federal Civil Rights Act.

The results of the investigation were as follows:

- \_\_\_\_\_ A. The agency or person was found to be in violation of Title VI.
- \_\_\_\_\_ B. The agency or person was not found to be in violation of Title VI.
- \_\_\_\_\_ C. The complainant withdrew the complaint.

A copy of the investigative report is attached.

Withdrawal of Complaint (if applicable) \_\_\_\_\_

If the agency or person was found to be in violation of Title VI, a brief description of the remedial action taken to assure future compliance follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**COMMONWEALTH OF KENTUCKY  
OFFICE OF HOMELAND SECURITY  
200 MERO STREET  
FRANKFORT, KENTUCKY 40601  
PHONE: (502) 564-2081**

**Complaint Under Section 504 of the Rehabilitation Act of 1973**

To Civil Rights Coordinator:

I, \_\_\_\_\_, hereby file an official complaint against

Name of Complainant

located at

\_\_\_\_\_  
Name of Persons or Agency

Date of Alleged Discrimination: \_\_\_\_\_

Complainant's Address: \_\_\_\_\_

Complainant's Telephone Number(s): \_\_\_\_\_

Basis of Complaint (use back of sheet if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**COMMONWEALTH OF KENTUCKY  
OFFICE OF HOMELAND SECURITY  
200 MERO STREET FRANKFORT,  
KENTUCKY 40601 PHONE: (502)  
564-2081**

**Report of Investigation**

I, \_\_\_\_\_, representing the Office of Homeland Security, have investigated the complaint filed on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_  
\_\_\_\_\_ alleging that discrimination occurred which was in violation of the provisions of Section 504 of the Rehabilitation act of 1973.

The results of the investigation were as follows:

- \_\_\_\_\_ A. The agency or person was found to be in violation of Section 504.
- \_\_\_\_\_ B. The agency or person was not found to be in violation of Section 504.
- \_\_\_\_\_ C. The complainant withdrew the complaint.

A copy of the investigative report is attached.

Withdrawal of Complaint (if applicable) \_\_\_\_\_

If the agency or person was found to be in violation of Section 504, a brief description of the remedial action taken to assure future compliance follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**COMMONWEALTH OF KENTUCKY  
OFFICE OF HOMELAND SECURITY  
200 MERO STREET  
FRANKFORT, KENTUCKY 40601  
PHONE: (502) 564-2081**

**Complaint Under Title IX of Education Amendments Act of 1972**

To Civil Rights Coordinator:

I, \_\_\_\_\_, hereby file an official complaint against

Name of Complainant

located at

\_\_\_\_\_ located at  
Name of Persons or Agency

Date of Alleged Discrimination: \_\_\_\_\_

Complainant's Address: \_\_\_\_\_

Complainant's Telephone Number(s): \_\_\_\_\_

Basis of Complaint (use back of sheet if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMMONWEALTH OF KENTUCKY  
OFFICE OF HOMELAND SECURITY  
200 MERO STREET FRANKFORT,  
KENTUCKY 40601 PHONE: (502)  
564-2081**

**Report of Investigation**

I, \_\_\_\_\_, representing the Office of Homeland Security, have investigated the complaint filed on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ alleging that discrimination occurred which was in violation of the provisions of Title IX of Education Amendments Act of 1972

The results of the investigation were as follows:

- \_\_\_\_\_ A. The agency or person was found to be in violation of Title IX.
- \_\_\_\_\_ B. The agency or person was not found to be in violation of Title IX.
- \_\_\_\_\_ C. The complainant withdrew the complaint.

A copy of the investigative report is attached.

Withdrawal of Complaint (if applicable) \_\_\_\_\_

If the agency or person was found to be in violation of Title IX, a brief description of the remedial action taken to assure future compliance follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



**COMMONWEALTH OF KENTUCKY  
OFFICE OF HOMELAND SECURITY  
200 MERO STREET FRANKFORT,  
KENTUCKY 40601  
PHONE: (502) 564-2081**

**Complaint Under the Age Discrimination Act of 1975**

To Civil Rights Coordinator:

I, \_\_\_\_\_, hereby file an official complaint against

Name of Complainant

\_\_\_\_\_ located at

Name of Persons or Agency

Date of Alleged Discrimination: \_\_\_\_\_

Complainant's Address: \_\_\_\_\_

Complainant's Telephone Number(s): \_\_\_\_\_

Basis of Complaint (use back of sheet if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMMONWEALTH OF KENTUCKY  
OFFICE OF HOMELAND SECURITY  
200 MERO STREET FRANKFORT,  
KENTUCKY 40601 PHONE: (502)  
564-2081**

**Report of Investigation**

I, \_\_\_\_\_, representing the Office of Homeland Security, have investigated the complaint filed on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ alleging that discrimination occurred which was in violation of the provisions of the Age Discrimination Act of 1975.

The results of the investigation were as follows:

- \_\_\_\_\_ A. The agency or person was found to be in violation.
- \_\_\_\_\_ B. The agency or person was not found to be in violation.
- \_\_\_\_\_ C. The complainant withdrew the complaint.

A copy of the investigative report is attached.

Withdrawal of Complaint (if applicable) \_\_\_\_\_

If the agency or person was found to be in violation of the Age Discrimination Act, a brief description of the remedial action taken to assure future compliance follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**COMMONWEALTH OF KENTUCKY  
OFFICE OF HOMELAND SECURITY  
200 MERO STREET  
FRANKFORT, KENTUCKY 40601  
PHONE: (502) 564-2081**

**Complaint Under the US Dept. of Homeland Security Regulation CFR Part 19  
Prohibiting Discrimination based on Religion in Social Service Programs**

To Civil Rights Coordinator:

I, \_\_\_\_\_, hereby file an official complaint against

Name of Complainant

located at

\_\_\_\_\_ located at  
Name of Persons or Agency  
\_\_\_\_\_  
\_\_\_\_\_

Date of Alleged Discrimination: \_\_\_\_\_

Complainant's Address: \_\_\_\_\_  
\_\_\_\_\_

Complainant's Telephone Number(s): \_\_\_\_\_

Basis of Complaint (use back of sheet if necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMMONWEALTH OF KENTUCKY  
OFFICE OF HOMELAND SECURITY  
200 MERO STREET FRANKFORT,  
KENTUCKY 40601 PHONE: (502)  
564-2081**

**Report of Investigation**

I, \_\_\_\_\_, representing the Office of Homeland Security, have investigated the complaint filed on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_  
\_\_\_\_\_ alleging that discrimination occurred which was in violation of the provisions of the US DHS Regulation 6 CFR Part 19.

The results of the investigation were as follows:

- \_\_\_\_\_ A. The agency or person was found to be in violation of 6 CFR Part 19.
- \_\_\_\_\_ B. The agency or person was not found to be in violation 6 CFR Part 19.
- \_\_\_\_\_ C. The complainant withdrew the complaint.

A copy of the investigative report is attached.

Withdrawal of Complaint (if applicable) \_\_\_\_\_

If the agency or person was found to be in violation of the 6 CFR Part 19, a brief description of the remedial action taken to assure future compliance follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_