

# **SECTION 1200**

# **CIVIL RIGHTS PROGRAM**



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**SECTION 1200: CIVIL RIGHTS PROGRAM**

**1201. Purpose of Section**

The purpose of this section is to address the requirements of the Area Agency on Aging and its funded service providers under the Older Americans Act in complying with the Illinois Department on Aging's Civil Rights Program.

**1202. Methods of Administration for the Civil Rights Program**

**ILLINOIS DEPARTMENT ON AGING AREA AGENCIES ON AGING AND SERVICE PROVIDER METHODS OF ADMINISTRATION FOR THE CIVIL RIGHTS PROGRAM**

These are the Methods of Administration for the Civil Rights Program which are established to coordinate compliance between the Illinois Department on Aging, Area Agencies on Aging and providers of service(s) under the Area Plans receiving funds under Title III of the Older Americans Act, as amended, and the U.S. Department of Health and Human Services in accordance with all state and federal laws and regulations applicable to the Civil Rights Program.

These federal laws and regulations include Title VI of the U.S. Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et. seq.); Title VII of the U.S. Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et. seq.); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 790 et. seq.); the Age Discrimination Act, as amended (42 U.S.C. 6101 et. seq.); and the Age Discrimination in Employment Act, as amended (29 U.S.C. 621 et. seq.), and their applicable rules and regulations pursuant thereto; and the U.S. Constitution. In addition, all state laws relating to civil rights and their applicable rules and regulations pursuant thereto, as well as the Illinois Department on Aging's policies and procedures, will apply to the Civil Rights Program.

The basis of the Civil Rights Program is the adoption of a Non-Discrimination Policy developed by the Illinois Department on Aging and subsequently adopted by each Area Agency on Aging and their applicable providers of service(s) under the Area Plans.

Compliance with the Civil Rights Program indicates compliance with federal and state civil rights laws for entities receiving federal funds from the U.S. Department of Health and Human Services. Non-compliance with the Civil Rights Program may indicate non-compliance with federal or state civil rights laws which could ultimately result in a disallowance or discontinuance of such federal funds. Civil Rights non-compliance, by an Area Agency on Aging, impacts on the Area Agency

and the Illinois Department on Aging. Civil Rights non-compliance by a provider of service(s) under the Area Plans impacts on the provider of service(s), the Area Agency, and the Illinois Department on Aging.

The Methods of Administration for the Civil Rights Program are as follows:

**I. TRAINING REQUIREMENTS**

- A. The Illinois Department on Aging will inform and instruct its own staff regarding their obligation(s) under the Civil Rights Program by:
  - 1) Organizing training sessions;
  - 2) Making copies of all pertinent documents related to the program available to appropriate staff for compliance purposes;
  - 3) Explaining the intent and meaning of such documents; and
  - 4) Instructing the appropriate staff as to their obligation in carrying out the Civil Rights Program.

- B. The Illinois Department on Aging will inform and instruct all Area Agencies on Aging receiving funds from the Illinois Department on Aging of their obligation to comply with the Civil Rights Program. Compliance with the Civil Rights Program will be a condition of their initial or continued financial participation in Title III programs under the authority of the Illinois Department on Aging.

Training will be accomplished by:

- 1) Organizing training sessions;
- 2) Making clear, through copies of written materials and personal explanations, to the Area Agencies on Aging, the requirements of the Civil Rights Program; and
- 3) Instructing the Area Agencies on Aging as to their obligation in carrying out the Civil Rights Program.

- C. The Area Agency on Aging will inform and instruct all providers of service(s) under the Area Plan receiving funds from the Area Agency on Aging of their obligations to comply with the Civil Rights Program. Compliance with the Civil Rights Program will be a condition of their initial or continued financial participation in a Title III program/programs under the authority of the Illinois Department on Aging and the Area Agency on Aging. Training will be accomplished, at a minimum, by:

- 1) Organizing training sessions;
- 2) Making clear, through copies of written materials and personal explanations, to the providers of service(s) under the Area Plan, the requirements of the Civil Rights Program; and

- 3) Instructing the providers of service(s) under the Area Plan as to their obligations in carrying out the Civil Rights Program.

**II. ASSURANCE OF COMPLIANCE**

**A. Illinois Department on Aging**

The Illinois Department on Aging will assure that the Illinois Department on Aging, all the Area Agencies on Aging and all the providers of service(s) under the Area Plans will comply with their obligations under the Civil Rights Program, and will provide the opportunity to all persons to participate as members of a policy-making, planning or advisory body in a non-discriminatory manner.

This will be accomplished by determining that the Area Agencies on Aging and the providers of service(s) under the Area Plans have adopted and executed the Illinois Department on Aging's Civil Rights Program, and have executed Assurance of Compliance Forms, HHS-441 and HHS-641, as prescribed by the U.S. Department of Health and Human Services. These forms must be executed and applicable to the program under which the activity is conducted or services furnished. In some cases, it may be necessary for the Illinois Department on Aging to take appropriate steps to satisfy that some Area Agencies on Aging and providers of service(s) under the Area Plans have agreed to and are abiding by the provisions of the Civil Rights Program.

**B. Area Agencies on Aging**

The Area Agency on Aging will assure that the Area Agency on Aging and all providers of service(s) under the Area Plan will comply with their obligations under the Civil Rights Program, and will provide the opportunity to all persons to participate as members of a policy-making, planning or advisory body in a non-discriminatory manner.

This will be accomplished by determining that the Area Agency on Aging and all providers of service(s) under the Area Plan have adopted and executed the Civil Rights Program, and have executed Assurance of Compliance Forms, HHS-441 and HHS-641, as prescribed by the U.S. Department of Health and Human Services. These forms must be executed and applicable to the program under which the activity is conducted or services furnished. In some cases, it may be necessary for the Area Agency on Aging to take appropriate steps to satisfy that some providers of service(s) under the Area Plan have agreed to and are abiding by the provisions of the Civil Rights Program.

**C. Providers of Service(s) Under the Area Plans**

The providers of service(s) under the Area Plan will assure that they will comply with their obligations under the Civil Rights Program, and will provide the opportunity to all persons to participate as members of a policy-making, planning or advisory body in a non-discriminatory manner.

This will be accomplished by determining that the providers of service(s) under the Area Plan have adopted and executed the Civil Rights Program, and have executed Assurance of Compliance Forms, HHS-441 and HHS-641, as prescribed by the U.S. Department of Health and Human Services. These forms must be executed and applicable to the program under which services are furnished.

### **III. REVIEWS**

#### **A. Compliance Reviews**

##### **1) Area Agencies on Aging**

The Illinois Department on Aging shall conduct reviews, at a minimum, of at least once during a consecutive two-year period, of Area Agencies on Aging to determine their compliance with the Illinois Department on Aging's Civil Rights Program to assure that no individual is being discriminated against because of race, color, national origin, religion, sex, ancestry, marital status, physical or mental handicap, unfavorable military discharge or age.

If non-compliance is indicated after the reviews are conducted, the Illinois Department on Aging, through the Division of Older American Services, will determine what remedial/corrective action will be taken.

##### **2) Providers of Service(s) Under the Area Plans**

The Area Agency on Aging will conduct reviews, at a minimum of at least once during a consecutive two-year period, of the providers of service(s) under the Area Plan to determine compliance with the Civil Rights Program to assure that no individual is being discriminated against because of race, color, national origin, religion, sex, ancestry, marital status, physical or mental handicap, unfavorable military discharge or age.

The Area Agency on Aging will maintain a copy of the results of their reviews. If non-compliance is found after the reviews are conducted, the Area Agency on Aging will determine what remedial/correction action will be taken.

The Illinois Department on Aging, through the Division of Administrative



Compliance, will develop and provide the monitoring instrument for the Area Agency on Aging to use in conducting these reviews, and will provide technical assistance where needed.

**B. Special Reviews**

**1) Area Agencies on Aging**

The Illinois Department on Aging, through the Division of Administrative Compliance, will conduct Special Reviews, if necessary, of cases where discriminatory practices are alleged or suspected at the Area Agency on Aging level to assure compliance with the Civil Rights Program. If discrimination is found, the Illinois Department on Aging, through the Division of Older American Services, will take remedial/corrective action.

The Illinois Department on Aging Director, or his/her designee, upon sufficient evidence of information, will be solely responsible for authorizing any Special Review conducted by the Illinois Department on Aging.

**2) Providers of Services Under the Area Plans**

- a) The Area Agency on Aging will conduct Special Reviews, if necessary, upon its own initiative, where discriminatory practices are alleged or suspected at the providers of service(s) under the Area Plan level to assure compliance with the Civil Rights Program. If discrimination is found, the Area Agency on Aging will take remedial/corrective action, and will advise the Division of Older American Services of the Illinois Department on Aging accordingly.
- b) The Area Agency on Aging may conduct Special Reviews at the request of the Illinois Department on Aging where discriminatory practices are alleged or suspected at the providers of service(s) under the Area Plan level to assure compliance with the Civil Rights Program. If necessary, the Illinois Department on Aging may request further review of the provider(s) by the Area Agency on Aging, or the Illinois Department on Aging may determine that it is necessary to conduct an independent review of its own.

If discrimination is found, the Division of Older American Services of the Illinois Department on Aging and the Area Agency on Aging will determine necessary remedial/correction action.

The Illinois Department on Aging Director, or his/her designee, upon sufficient evidence or information, will be solely responsible for authorizing any Special Review conducted by the Illinois Department on Aging.

**IV. COMPLAINTS**

**A. Illinois Department on Aging**

The Illinois Department on Aging will inform all the Area Agencies on Aging and all the providers of service(s) under the Area Plans, applicants, and the general public that services, financial aid, and other benefits under federal and state-funded programs are provided on a non-discriminatory basis, as required by the federal civil rights laws and similar state laws, and of their right to file a complaint with the Illinois Department on Aging if they believe that discrimination has occurred on the grounds of race, color, national origin, religion, sex, ancestry, physical and mental handicap, unfavorable military discharge or age. This will be accomplished by:

- 1) Posting the complaint notice at all facilities for all clients, applicants, and the general public; and
- 2) Incorporating appropriate explanatory statements in public information materials which will be made available to interested persons, and particularly to those individuals and groups which may be sources of referral and applications.

**B. Area Agency on Aging**

The Area Agency on Aging will inform providers of service(s) under the Area Plan, clients, applicants and the general public that services, financial aid, and other benefits under federal and state-funded programs are provided on a non-discriminatory basis, as required by the federal civil rights laws and similar state laws, and of their right to file a complaint with the Illinois Department on Aging if they believe that discrimination has occurred on the grounds of race, color, national origin, religion, sex, ancestry, marital status, physical or mental handicap, unfavorable military discharge or age. This will be accomplished by:

- 1) Posting the complaint notice at all facilities for all clients, applicants and the general public; and
- 2) Incorporating appropriate explanatory statements in public information materials which will be made available to interested persons, and particularly to those individuals and groups which may be sources of

referral and applications.

**C. Providers of Service(s) Under the Area Plan**

The providers of service(s) under the Area Plan will inform clients, applicants, and the general public that services under federal and state funded programs are provided on a non-discriminatory basis, as required by the federal civil rights laws and similar state laws, and of their right to file a complaint with the Illinois Department on Aging if they believe that discrimination has occurred on the grounds of race, color, national origin, religion, sex, ancestry, marital status, physical or mental handicap, unfavorable military discharge or age. This will be accomplished by:

- 1) Posting the complaint notice at all facilities for all clients, applicants and the general public; and
- 2) Incorporating appropriate explanatory statements in public information materials which will be made available to interested persons, and particularly to those individuals and groups which may be sources of referral and applications.

**D. Complaint Procedures**

All complaints concerning discrimination because of race, color, national origin, religion, sex, ancestry, marital status, physical or mental handicap, unfavorable military discharge or age shall be filed in writing, utilizing the appropriate Civil Rights complaint form, to the Civil Rights Coordinator, Office of the Director of the Illinois Department on Aging, for processing and investigating. The complaint shall indicate when and where such discrimination took place, and provide a description of any pertinent facts and circumstances surrounding the alleged act of discrimination, especially the correct name and address of the person who is believed to have committed the act of discrimination. The day, month, year, and most recent date the discrimination took place shall also be provided. The complaint shall include the legal name and address of the person who is the subject of discrimination, and shall be signed by the person making the complaint. All complaints shall be addressed to the Civil Rights Coordinator, Office of the Director of the Illinois Department on Aging, and must be filed within 180 days of the date the most recent discrimination took place.

Complaint forms will be available at the Illinois Department on Aging, Area Agency on Aging and providers of service(s) under the Area Plan.

If a complaint is filed against a provider of service(s) under an Area Plan, the Department's Civil Rights Coordinator will process and investigate the complaint,

and provide a copy of the complaint to the appropriate Area Agency on Aging upon receipt of the complaint.

The Department's Civil Rights Coordinator will conduct a thorough investigation through established supervisory channels of other methods of administration. After the complaint has been investigated, the investigation will be reviewed by the Department's General Counsel to determine if further investigation and/or information is required, and will forward such review, inclusive of any additional investigations, to the Director of the Department, who will determine whether or not an act of discrimination has occurred.

If the Director of the Department determines that the complaint is substantiated, then appropriate action will be taken to correct the alleged violation and prevent recurrence of such discrimination. The Illinois Department on Aging will advise of the remedial/corrective action to be taken if the substantiated complaint is against an Area Agency on Aging. However, if the complaint has been substantiated against a provider of service(s) under the Area Plan, the Illinois Department on Aging will request assistance from the appropriate Area Agency on Aging regarding any remedial/corrective action to be taken.

The complainant shall be advised in writing as to the findings of the investigation regarding the complaint, and the decision of the Department's Director. If the complainant is not satisfied with the results of the investigation or the decision, the complainant will be advised of the right to appeal to the Federal Office of Civil Rights. The Illinois Department on Aging, through the State's Civil Rights Coordinator, will maintain adequate records to show action taken, if any, as a result of each complaint. Copies of complaint decisions regarding a provider of service(s) under the Area Plan will be forwarded to the appropriate Area Agency on Aging.

## **V. DATA COLLECTION**

The Illinois Department on Aging will comply with the U.S. Department of Health and Human Services Rules and Regulations under Title VI of the U.S. Civil Rights Act regarding maintenance of data collection (45 CFR 80.6 (b)). The following information shall be maintained by the Illinois Department on Aging, which will collect it from Area Agencies on Aging who in turn will collect it from the providers of service(s) under the Area Plans.

### **A. Title III-B**

- 1) The total number of persons participating by service in each planning and service area (PSA);
- 2) The total number of persons participating (all services combined) by race in

each PSA;

- 3) The total number of minority persons participating by service in each PSA;
- 4) The total number of persons in poverty participating by service in each PSA;
- 5) The total number of minority persons in poverty (all services combined) in each PSA.

**B. Title III-C1 Home Delivered Meals**

- 1) The total number of persons participating by race in each planning and service area (PSA);
- 2) The total number of persons in poverty participating in each PSA;
- 3) The total number of minority persons in poverty participating in each PSA.

**C. Title III-C2 Congregate Meals**

- 1) The total number of persons participating by race in each planning and service area (PSA);
- 2) The total number of persons in poverty participating in each PSA;
- 3) The total number of minority persons in poverty participating in each PSA.

This data will be analyzed by the Illinois Department on Aging to determine if there is evidence of underutilization of minorities in each planning and service area (Area Agency on Aging) by service. If the data indicates underutilization of program services to minorities, the Illinois Department on Aging, through the Division of Older American Services, may take remedial/corrective action or conduct a Special Review, through the Division of Administrative Compliance, to assure compliance with Title VI of the U.S. Civil Rights Act and its applicable rules and regulations.

**1203. Civil Rights Non-Discrimination Policy**

- A. All providers of service(s) receiving funding from the Area Agency on Aging must adopt the following Illinois Department on Aging Non-Discrimination Policy by inserting their entity's name on the policy statement form as provided by the Area Agency on Aging:

**OLDER AMERICANS ACT PROGRAMS  
NON-DISCRIMINATION POLICY**

It is the policy of the \_\_\_\_\_ to provide services to all persons 60+ and employment services to all persons 55+ as mandated by the Older Americans Act, as amended, and the Illinois Act on Aging, and their applicable rules and regulations pursuant thereto without regard to race, color, national origin, religion, sex, ancestry, marital status, physical or mental handicap, unfavorable military discharge or age. The

\_\_\_\_\_ does not discriminate in admission to programs or activities or treatment of employment in programs or activities in compliance with the Illinois Human Rights Act, Title VI of the U.S. Civil Rights Act, as amended; Title VII of the U.S. Civil Rights Act, as amended; Section 504 of the Rehabilitation Act, as amended; the Age Discrimination Act, as amended; the Age Discrimination in Employment Act, as amended, their applicable rules and regulations pursuant thereto; the Constitution of the United States; and the Illinois Constitution.

Subject to the Older Americans Act, as amended, and the requirements of the merit employment system, preference shall be given to individuals age 60 or older for any staff positions in the State and Area Agencies (excluding subgrantees and contractors) for which such individuals qualify.

All Area Agencies on Aging and all other providers of services receiving funds under the State or Area Plans are required to comply with and provide notice of this policy.

The person designated to coordinate compliance with the Civil Rights Program is \_\_\_\_\_ who can be reached at \_\_\_\_\_.

Approved and agreed to on behalf of the \_\_\_\_\_

\_\_\_\_\_,  
Signature of Authorized Representative

\_\_\_\_\_,  
Date

- B. The service provider's Non-Discrimination Policy must be authorized for implementation by the governing board authority of the service provider. This may be accomplished by the governing board authority or his/her designee signing the Non-Discrimination Policy. If there is a designee, documentation of the signature authority must be in writing, and available for review.
- C. The service provider's Non-Discrimination Policy must be signed, dated, and available for review, through the submission of the policy statement which bears the original signature of the governing board authority or his/her designee, with the grant/contract application submitted to the Area Agency on Aging.

**1204. Non-Discrimination Publication Statement**

- A. All providers of service(s) must adopt the following Illinois Department on Aging's Non-Discrimination Publication Statement by inserting their entity's name on the Non-Discrimination Publication Statement form as provided by the Area Agency on Aging:

**NON-DISCRIMINATION PUBLICATION STATEMENT**

**WORDING FOR ALL BROCHURES DISSEMINATED BY**

\_\_\_\_\_

does not discriminate in admission to programs or treatment of employment in programs or activities in compliance with the Illinois Human Rights Act; the U.S. Civil Rights Act; Section 504 of the Rehabilitation Act; the Age Discrimination Act; the Age Discrimination in Employment Act; and the U.S. and Illinois Constitutions. If you feel you have been discriminated against, you have a right to file a complaint. For information contact \_\_\_\_\_ at \_\_\_\_\_.

- B. In order to provide notice to the public about the non-discrimination policy, and thus the service provider's participation in the Illinois Department on Aging's Civil Rights Program, the entity's Non-Discrimination Publication Statement must be incorporated into each of the following:
  - 1. All the entity's grant awards;
  - 2. All the entity's contract awards;
  - 3. All pamphlets/informational materials regarding the service provider, as developed by the service provider;
  - 4. All newsletters; and
  - 5. All employee handbooks.

**1205. Execution of Required Department of Health and Human Service Forms**

- A. All service providers must execute the following Department of Health and Human Services forms as provided by the Area Agency on Aging for these purposes:
  - 1. Form HHS-441, "Assurance of Compliance with the Department of Health and Human Services Regulations under Title VI of the Civil Rights Act of 1964"; and
  - 2. Form HHS-641, "Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, as amended."
- B. Both the HHS form 441 and the HHS form 641 must be signed and appropriately dated by the governing board authority of the service provider or his/her designee. If there is a designee, documentation of the designee's signature authority must be in writing, and available for review. To be appropriately dated, each of the two (2) HHS forms must be dated with the same date of the service provider's grant and/or contract application as submitted to the Area Agency on Aging.
- C. All service providers must include a properly executed HHS form 441 and

HHS form 641 with all grant and contract applications submitted to the Area Agency on Aging.

- D. Service providers must ensure that their sub-contractors also sign and properly execute the HHS forms 441 and 641 when such sub-contractors are a sub-recipient of Older Americans Act funds.

**1206. Minority Representatives on Policy-Making, Planning, and Advisory Boards**

- A. No service provider will deny any person, if they qualify, the opportunity to participate as a member of a policy-making, planning, or advisory body to Older Americans Act service programs.
- B. The service provider shall establish and implement written policies and procedures, as approved by the governing board of the service provider, that ensures that any person who is qualified, will not be denied the opportunity to participate as a member of a policy-making, planning, or advisory body to Older Americans Act service programs. At minimum, such policies and procedures must address each of the following areas:
  - 1. Recruitment of members for policy-making, planning, and advisory bodies; and
  - 2. Selection of members for policy-making, planning, and advisory bodies.

**1207. Civil Rights Complaint Process**

- I. All service providers must implement the Illinois Department on Aging's guidelines, forms, and procedures for filing Civil Rights complaints, pursuant to the Methods of Administration for the Civil Rights Program as noted in Section 1202 of this Manual, part IV. At minimum, the following process must be followed by the service provider:
  - A. The complaint notice, entitled "Discrimination is Illegal", must be utilized by the service provider as developed by the Area Agency on Aging, and as approved by the Illinois Department on Aging. One copy of the complaint notice form will be made available to the service provider by the Area Agency on Aging, for this purpose.
  - B. The service provider must insert, in the appropriate space(s) provided on the complaint notice, the following minimum information:
    - 1) The name and/or staff position title of the contact person within the service provider's organization that is designated by the service provider to advise organizations/entities, clients, applicants, and the



- public about the complaint policy and its applicable procedures.
- 2) The service provider organization's name, address, and telephone number.

- C. The complaint notice must be posted in a visible and accessible location in every administrative facility and in every facility from which Older Americans Act services emanate, and must be in a place where it can easily be read.
- D. An explanatory statement regarding one's right to file a complaint must also appear in all public information materials developed by the service provider. (This requirement will be met by the service provider's adoption and utilization of the Non-Discrimination Publication Statement as noted in Section 1204 of this manual.)

II. Procedures for Processing Civil Rights Program Complaints

- A. The Illinois Department on Aging has established a process for receiving and responding to Civil Rights Program complaints. All service providers must develop and implement written policies and procedures, as approved by the governing board of the service provider, which ensures adherence to the procedures for processing Civil Rights complaints as established by the Illinois Department on Aging. At minimum, such policies and procedures must address the following:
  - 1) The name and/or staff position title of the person designated within the service provider's organization who will assist a complainant in filing a complaint of discrimination.
  - 2) The provision of assistance to the complainant, when requested, in completing the Illinois Department on Aging's Civil Rights Complaint form in accordance with the instructions for this form as developed by the Illinois Department on Aging and provided to the service provider by the Area Agency on Aging.
  - 3) The service provider's provision to the complainant of a copy of the Illinois Department on Aging's "Procedures for Processing the Civil Rights Program Complaint forms" as noted below:

The Director's Office of the Illinois Department on Aging is responsible for receiving all completed Civil Rights Complaint forms. All forms will be forwarded to the Department's Civil Rights Coordinator for processing.

Procedures

1. Upon receipt of the Civil Rights Complaint form, the Department's Civil Rights Coordinator will assure that the form has been completed appropriately, signed and dated by the complainant. A copy of a complaint against a provider of service(s) under the Area Plans will be provided to the appropriate Area Agency on Aging by the Department's Civil Rights Coordinator at this time.
2. A form letter acknowledging the receipt of the complaint will be sent to the complainant one (1) business day after it is received. If additional information is needed from the complainant, the Department's Civil Rights Coordinator will indicate what is needed in the letter. The information requested should be returned to the Department's Civil Rights Coordinator within ten (10) business days as indicated in the form letter. Failure of the Complainant to respond may result in withdrawal of the complaint.
3. The Department's Civil Rights Coordinator will send out the respondent request form letter one (1) business day after the signed and dated complaint is received. A copy of the complaint will accompany the notification letter to the respondent. This notification will inform the respondent of a potential violation of the complainant's civil rights. Information will be requested of the respondent relating to the complainant's allegations. The respondent will be given ten (10) business days to respond.
4. Upon receipt of the information from the respondent, the Department's Civil Rights Coordinator will review the complaint. Should additional information be needed from the complainant or respondent, the Department's Civil Rights Coordinator will request what is needed by letter and allow ten (10) business days for the complainant or respondent to return the material.
5. If the respondent does not respond within ten (10) business days, the file on the Civil Rights Complaint will be sent to the Department's General Counsel for review. At that time, the Department's General Counsel will send a second notice to the respondent allowing an additional ten (10) business days to submit the necessary information.
6. Upon receipt of the information requested from the respondent, the Department's Civil Rights Coordinator will have five (5) business

days to review the complaint and determine if a violation occurred.

7. If no information is received from the respondent, the Department's Civil Rights Coordinator will make a determination as to whether or not a violation has occurred on the basis of the information that has already been provided.
8. The Department's Civil Rights Coordinator will provide the Department's General Counsel with a summary of findings five (5) business days upon receipt of the necessary information prior to a decision being made about the complaint.
9. After the Department's General Counsel has received the summary of findings from the Department's Civil Rights Coordinator, it will be reviewed with the complaint to determine whether a violation has occurred. If the Department's General Counsel determines that additional information is necessary in order to render a decision, another ten (10) business days will be allowed to gather the information.
10. If additional information is not needed, the Department's General Counsel will submit a recommendation to the Department's Director for a final decision as to whether or not the complaint constitutes a civil rights violation.
11. Once a decision has been made by the Department's Director, a notice of finding letter will be sent to the respondent, complainant and appropriate Area Agency on Aging within five (5) business days.
12. The complainant or respondent may appeal to the U.S. Department of Health and Human Services Office for Civil Rights within thirty (30) business days of the receipt of the notice of finding if not satisfied with the decision of the Department.
13. If a violation has occurred, the Department's Civil Rights Coordinator will work with the Department's General Counsel in resolving the complaint. If a violation is found at the providers of service(s) under the Area Plan level, the Department's Civil Rights Coordinator will consult the appropriate Area Agency on Aging.
14. If a violation is found, the respondent will have ten (10) business days to submit a written plan to correct the discrimination.

15. The complainant will be informed by letter fifteen (15) business days after the respondent has submitted the written plan for correcting the discrimination.
16. After the written plan to correct the discrimination is received, the Department's Civil Rights Coordinator will submit a letter of recommendation to the Department's General Counsel. The Department's General Counsel will review the recommendation of the Department's Civil Rights Coordinator and make a recommendation to the Department's Director for either approval or disapproval. If the plan is not approved, it will be returned to the respondent with comments and suggestions, if necessary. If the plan is for a provider of service(s) under an Area Plan, the Department's Civil Rights Coordinator will consult the appropriate Area Agency as to their comments regarding the plan.
17. The respondent will be allowed an additional ten (10) business days to make the necessary adjustments to the plan and return it to the Department.
18. Upon receipt of the adjusted written plan, the Department's Civil Rights Coordinator will review the respondent's adjusted written plan for correcting the discrimination and submit a letter of recommendation to the Department's General Counsel.
19. The Department's General Counsel will review the Department's Civil Rights Coordinator's letter of recommendation on the adjusted written plan and make a recommendation to the Department's Director for either approval or disapproval.
20. In cases of a serious violation, the Department's General Counsel will be involved at all stages and inform the necessary state agencies, Department staff and governmental administrators.
21. Failure by the complainant to respond to requests of information by the Department at all stages of investigation may result in withdrawal of the complaint.

**1208. Employment Practice**

All service providers must have written and implemented personnel policies and procedures, as approved by the governing board of the service provider, which address non-discrimination. At minimum, such policies and procedures must

include the following:

- A. That the Civil Rights Program complaint system is known by service provider staff and volunteers;
- B. The recruitment methods of the service provider as conducted for job vacancies within the service provider organization;
- C. The methods utilized by the service provider to attract minority applicants and handicapped applicants for job positions with the service provider organization as job positions become available; and
- D. Designation of employee(s) to facilitate (provide assistance for services, programs and/or resources) the handicapped, and the requirement that such designation must be included in the applicable written job description of the employee(s).

**1209. Program/Physical Accessibility**

All service providers must have and must implement written handicapped accessibility policies and procedures, as approved by the governing board of the service provider. At minimum, such policies and procedures must include the following:

- A. That the service provider will implement the Department on Aging's "Program Accessibility Self-Evaluation" process at the service provider level. (The form(s) to verify this implementation must be submitted by all service providers with their applications for funding to the Area Agency on Aging, when any physical alterations have occurred to any facility from which Older Americans Act direct and administrative service(s) emanate, or upon moving into another facility);
- B. A list of at least five (5) references which have been compiled to provide any referral and/or coordinate any needed provisions for services provided, but not accessible at the service provider entity; and
- C. That the facility(ies) from which the service provider's Older Americans Act direct and administrative service(s) emanate comply with the physical requirements to be accessible to the handicapped.

**1210. Data Collection/Record keeping**

All service providers must maintain adequate and proper records relating to the Civil Rights Program. Compliance with this provision will be the statistics

submitted on the service provider's Quarterly Program Performance Report to the Area Agency on Aging.

**1211. Non-Discrimination Information Regarding the Civil Rights Program**

All service providers must have available and disseminate non-discrimination information regarding the Civil Rights Program, by utilizing the Illinois Department on Aging's pamphlet developed for this purpose. The pamphlet must be:

- A. Available in areas accessible to the public; and
- B. Disseminated with all applications for service(s) and employment.

**1212. Remedial/Corrective and Voluntary Action**

All service providers must establish and implement written policies and procedures, as approved by the governing board of the service provider, which provide the criteria the service provider will utilize to overcome any past discriminatory practices on a voluntary basis. At minimum, these policies and procedures must include the following:

- A. Any remedial/corrective action; and
- B. Voluntary action by the service provider to overcome the effects of conditions that resulted in:
  - 1. Limited participation in any Older Americans Act program or activity; and
  - 2. Discrimination in any employment practice.

In the event of a confirmed past discriminatory practice(s), the policies and procedures need to include voluntary action to correct the specific discriminatory practice(s).

In the event of no confirmed past discriminatory practice(s), the policies and procedures need to address a voluntary action plan should a discriminatory practice be confirmed.

**1213. Civil Rights Program Training**

The East Central Illinois Area Agency on Aging shall provide training on an annual basis to providers of services under the Area Plan regarding Civil Rights Program requirements. Such training shall include the following:

1. Civil Rights Program Guidelines (Methods of Administration);
2. Handicap Accessibility Requirement; and,
3. Civil Rights Complaint Process and Procedures.

Current providers of services under the Area Plan shall receive updated training to include new Civil Rights Program requirements and/or presentations from Civil Rights advocacy groups. New providers of services under the Area Plan shall receive detailed training about all Civil Rights Program requirements.

The Civil Rights Program training will occur during Service Provider Orientation Workshops and/or when needed due to compliance findings outlined in Civil Rights Administrative Compliance Review Reports.

**NON-DISCRIMINATION PUBLICATION STATEMENT  
FOR BROCHURES DISSEMINATED BY  
PROVIDERS OF SERVICE(S) UNDER STATE OR AREA PLANS**

**\_\_\_\_\_ does not discriminate in admission to programs or treatment of employment in programs or activities in compliance with the Illinois Human Rights Act; the U.S. Civil Rights Act; Section 504 of the Rehabilitation Act; the Age Discrimination Act; the Age Discrimination in Employment Act; and the U.S. and Illinois Constitutions. If you feel you have been discriminated against, you have a right to file a complaint. For information, contact \_\_\_\_\_ at \_\_\_\_\_.**