

DHHS Directive Number III-4

Title: Civil Rights Compliance
Effective Date: January 12, 2009
Revision History: January 1, 2007; January 1, 2002; November 3, 2008
Authority: Title IX of the Education Amendments of 1972
Voluntary Compliance Agreement of 1992 and 2003
Americans with Disabilities Act of 1990
Section 504 of the Rehabilitation Act of 1973
Title VI and VII of the Civil Rights Act of 1964
Voluntary Compliance Agreement of 1992 between North
Carolina Department of Health and Human Services and the U.S.
Department of Health and Human Services, Region IV.

Purpose

The Americans with Disabilities Act of 1990 (ADA) was enacted to ensure that individuals with disabilities are not discriminated against in areas such as, but not exclusively, employment, public accommodations, institutionalization, communication and access to public services. Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination under any program or activity receiving federal financial assistance, by assuring those programs and activities are accessible to disabled individuals. In addition, Title VI of the Civil Rights Act of 1964 (Title VI) states that no person on the ground of race, color or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by the department which receives federal financial assistance.

One of the purposes of this directive is to prohibit discrimination against individuals with disabilities and to provide enforceable standards addressing discrimination against those individuals. This directive defines certain responsibilities of the department for securing reasonable accommodations for its employees with disabilities and those individuals with disabilities who use the department's services and facilities.

An additional purpose is to prohibit discrimination which is based upon race, color or national origin in programs or activities receiving federal financial assistance which is administered by the department.

Policy

1. The department shall appoint a full-time compliance attorney located in the Office of General Counsel to ensure the implementation of this directive.
2. Each division/institution shall designate an individual to serve as a coordinator for issues involving the ADA and Section 504. The compliance attorney shall be responsible for working with the department's ADA coordinators on accommodation and consumer issues.
3. Creation of a Title VI Advisory Committee to advise the Secretary and composed of representatives from selected divisions and offices within the department and from selected advocacy and non-profit organizations representing "limited English proficient" individuals. This committee will be staffed by the Office of the Secretary/Office of General Counsel.
4. Each division shall designate an individual to serve as a Title VI coordinator and that individual shall participate in the department's Title VI work group.

APPROVED

Lanier M. Cansler, Secretary
Department of Health and Human Services