

## Ensuring Services to Federally Protected Classes

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### 1: Federal Non-discrimination Mandates

In order to ensure non-discrimination in service provision, the federal government has designated federally protected classes, which include **sex, race, color, national origin, religion, disability, sex, sexual orientation, and gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code)**.<sup>1</sup> Considerations need to be made for people in each of these protected classes to comply with the law and to engage in best practice for ending domestic violence.

- An organization cannot provide *different services* because a person is in a protected class.
- An organization cannot *exclude a person from receiving services* on the basis of being part of a protected class.
- An organization cannot *deny the opportunity to participate* as a member of a planning or advisory body on the basis of being part of a protected class.

Serving people regardless of their inclusion in a protected class does not mean serving all people: it means serving all people who are eligible for services. Organizations' services are intended specifically for victims/survivors of domestic violence, teen dating violence and stalking, and their dependents. Therefore, an eligible participant/client is one who has been determined via screening to be a survivor of one of these abuse categories, independent of whether the individual is included in a federally protected class. While it may be unachievable to serve people of protected classes through separate accommodations, such as having two separate shelters or safe houses to accommodate males separately from females, the federal law gives us guidelines for how to respond to the expectation to provide *the same or equivalent* services. For example, if it is not feasible to house male and female survivors in one shelter (same services) it is appropriate to provide male survivors with hotel stays and non-residential advocacy (equivalent services).

Although named in recognition of the disproportionate number of women affected by men's violence toward women, the Violence Against Women Act (VAWA) is inclusive of all protected classes, including men and transgender males victimized by intimate partner violence. Domestic violence can be defined as a pattern of coercive actions intended to alter the behavior of an intimate partner so as to gain control over the partner and decisions in the relationship. While women are most frequently the victims of abuse, abuse transcends all demographic categories. The imperative to serve all protected classes is recognized and honored by additional federal funders such as Family Violence Prevention and Services Act (FVPSA), Federal Housing Administration (FHA), Housing and Urban Development (HUD), and any federal funding stream via the Department of Health and Human Services (DHHS) or the Department of Justice (DOJ).

These requirements regarding protected classes may not apply to organizations which operate exclusively through private (non-governmental) funding. Organizations operating exclusively under private funding would need to check with their particular donors for restrictions specific to that funding source. If the funds come from any federal source, these protected class laws will pertain, even if the funds are passed through a state or other entity as the grantor.<sup>2</sup> These rules also apply to employees and company policy for employees, and to board and volunteers and policy and protocol for board and volunteers.

## 2: Steps to Assess Compliance and General Best Practice<sup>3</sup>

- a. **Review your mission and policies.** Possible discriminatory policy example: shelter will not provide services to male children over the age of 13 when the mother qualifies otherwise for shelter. This will need to be changed as it discriminates against someone based on their age and based on their sex (gender).
- b. **Review your training program, especially for volunteers, to include board members.** Manuals, presentation, or any written information about your services should be vetted against discriminatory statements. Possible discriminatory practice: not having a prescribed method for advocates to access an interpreter for a language other than what the staff speaks. This will need to be addressed in policy, training, and practice, and may even warrant consideration in the budget.
- c. **Review screening procedures.** As you review your policies, training, practices, and everyday service providing routines, you will, hopefully, be questioning many aspects of routine work for how they may not be optimal for serving protected classes. You will find areas that warrant further investigation, dialoguing, and adjustment. Possible discriminatory practice: refusing services to shelter a male because he is a male. Organizations need a fair screening process, and to provide “the same or equivalent” services.
- d. **Analyze each part of the review through the lens of each of the protected classes as you review each step.** For example: How does our organization serve those of a different *race*? Are there considerations I should take into account for people of other races in my community? How does our organization serve those of a different *color*? Of a different *nation of origin*? Of a different *religion*? Of a *different ability*? Of a different *sex, sexual orientation or gender identity*?

What is appropriate for one protected class may not fit so well for another. For example, an accommodation for a speaker of a language other than English, use of a language interpreter would be irrelevant to working with men, elderly, or transgendered survivors. To best serve each individual and to prepare the advocate for the best possible interaction, specific policy and protocol needs to be instituted. This will go a long way toward the goal of respecting the civil rights of all people while also addressing the safety needs of survivors and their dependents. Policy, protocol, and training should be set up as soon as possible so staff is aware of how to address each of these protected classes prior to a situation where accommodation is required.

To request a collection of example policies around special populations you can contact CCADV advocacy and resources team director, Pat Tessmer at 303-962-0938 or at [ptessmer@ccadv.org](mailto:ptessmer@ccadv.org).

## 3: Resource for further education

Federal Office for Civil Rights  
202-616-2797  
[www.ojp.esdoj.gov/ocr](http://www.ojp.esdoj.gov/ocr)

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<sup>1</sup> Nondiscrimination Provision in the Violence Against Women Reauthorization Act of 2013.

<sup>2</sup> "Questions & Answers: Domestic Violence Shelters And Civil Rights Statutes." [www.nlchp.org](http://www.nlchp.org). National Law Center on Homelessness and Poverty, July 2009.

<sup>3</sup> Gallagher, Connie. State of Oregon, Department of Justice. *Memorandum*. Salem, OR, June 2004.