



# North Carolina Balance of State Continuum of Care

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## Anti-Discrimination Policies and Procedures

### [2021 Edits:](#)

[NC Balance of State CoC staff have made minor copy edits to the policy, updating and clarifying minor non-substantive language and punctuation. Comments on the side of the document detail any changes made.](#)

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### Overview

The North Carolina Balance of State Continuum of Care (NC BoS CoC) is committed to providing housing and services in an environment in which all individuals are treated with respect and dignity and have equal treatment and opportunity. The NC BoS CoC's Anti-Discrimination Policies and Procedures ensure all people experiencing homelessness in the CoC have equal access to the housing and services necessary to end homelessness.

The NC BoS CoC's Anti-Discrimination Policies and Procedures apply to staff, volunteers, and contractors at all partner agencies, including agencies that receive CoC and ESG funding and the North Carolina Coalition to End Homelessness. We strongly encourage all NC BoS CoC partners, regardless of funding source, to adopt these Anti-Discrimination policies.

The NC BoS CoC's Anti-Discrimination Policies and Procedures adhere to the Department of Housing Urban and Development (HUD) Equal Access Rule. The NC BoS CoC and all providers in the CoC are committed to complying with all non-discrimination and privacy laws.

These policies and procedures aim to ensure safety, dignity, and well-being of all individuals and families served by the NC BoS CoC. This document has four sections and two appendices:

- Section 1. Equal Access Policy and Procedures
- Section 2. Family Separation Policy
- Section 3. Faith-Based Inclusion Policy
- Section 4. Grievance and Anti-Retaliation Policy and Procedures
- Appendix I: References
- Appendix II: Agency Anti-Discrimination Policy Checklist

## Equal Access

### Anti-Discrimination Policy:

CoC- and ESG-funded providers shall not discriminate on the basis of any protected characteristic, including: race, ethnicity, color, national origin, language, ancestry, religion, sex, familial status, age, gender identity, LGBTQ+ (lesbian, gay, bisexual, transgender, queer/questioning, etc) status, marital

status, domestic or sexual violence victim status, or sensory, mental, or physical disability. Definitions of the protected characteristics can be found in Appendix I.

This means that [the](#) NC BoS CoC and partner agencies and their staffs, volunteers, and contractors will not:

- Deny any person facilities, services, financial aid, or other benefits.
- Provide services that are different, or are provided in a different form, from that provided to others under the program or activity, [unless doing so provides an accommodation based on one of the protected characteristics listed above to preserves the safety, dignity, and well-being of the individual or family being served.](#)
- Subject any person to segregated or separate treatment in any facility or in any matter or process related to receipt of any service or benefit under the program or activity.
- Restrict in any way access to, or the enjoyment of any advantage or privilege enjoyed by others in connection with, facilities, services, financial aid, or other benefits under the program or activity.
- Treat any person differently from others in determining whether the person satisfies any admission, enrollment, eligibility, membership, or other requirement or condition, which individuals must meet to be provided shelter, services, or other benefits provided under the program or activity.
- Deny meaningful access to persons with limited English proficiency, to include translated documents, notice of participant’s rights, grievance forms, and other materials vital for program access or fail to work with language services or a interpreters to assist persons who speak an alternate primary language other than the staff persons and need assistance communicating.

**Commented [KM1]:** Added clarifying language to note times when providing unique or tailored services would be appropriate.

NC BoS CoC partner agencies shall make [shelter and](#) housing available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status. Agencies will ensure equal access to programs for all individuals and their families; provide housing, services, and/or accommodations in accordance with a clients’ gender identity; and determine eligibility without regard to actual or perceived sexual orientation, gender identity, or marital status.

**Commented [KM2]:** Added “Shelter”

All agencies must manage a responsible and sound operation in accordance with federal and local nondiscrimination and equal opportunity provisions, as codified in the [Fair Housing Act](#), Section 504 of the [Rehabilitation Act](#), Title VI of the Civil Rights Act , Titles II & III of the [Americans with Disabilities Act](#), [HUD’s Equal Access to Housing Rule](#) and [Gender Identity Final Rule](#), 24 CFR 5.100, 5.105(a)(2) and 5.106(b). This includes establishing an Agency Anti-Discrimination Policy and grievance procedures and sharing all policy and procedures with clients, staff, volunteers, and contractors.



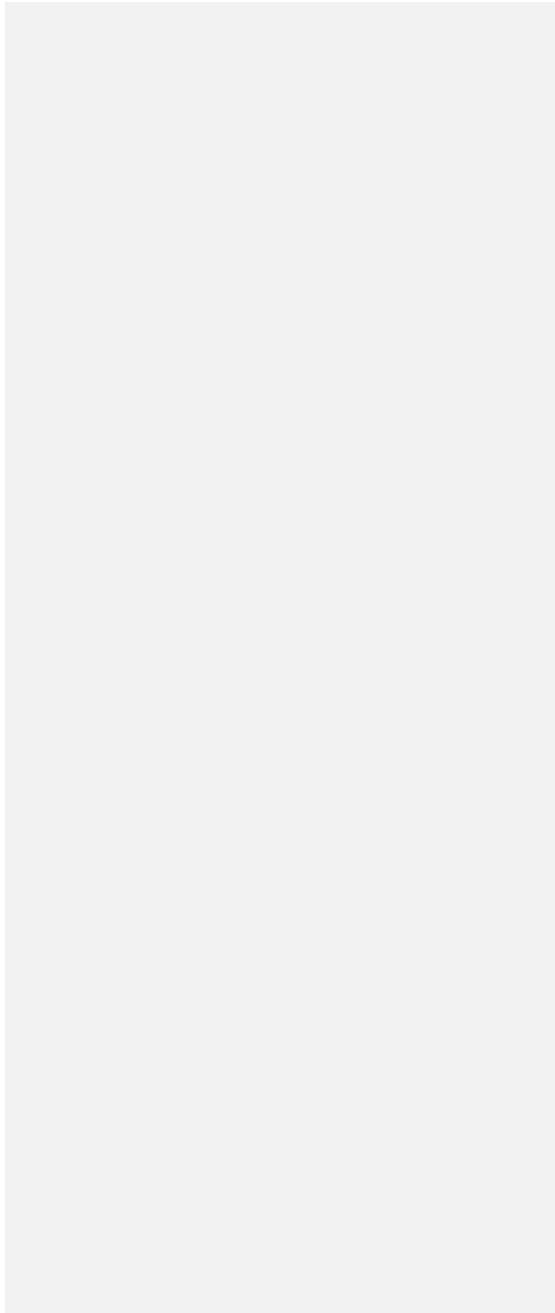
## Anti-Discrimination Procedures

	<b>NC BoS CoC</b>	<b>Agencies</b>	<b>Staff, Volunteers, and Contractors</b>
<b>Anti-Discrimination</b>	Maintain policies and procedures prohibiting discrimination based on race, color, national origin, religion, sex, familial status, age, gender, LGBTQ+ status	Affirm commitment to serving all eligible clients by adhering to these Anti-Discrimination policies and procedures and incorporating language into their agency policies.	Provide access to facilities, services, financial aid, or other benefits provided under the program or activity for all current and potential individuals and families. Provide services to everyone and treat them with dignity and respect.
<b>Training &amp; Education</b>	Provide annual and as needed training to NC BoS CoC agencies and agency staff, volunteers, and contractors regarding the NC BoS CoC's Anti-Discrimination policies and procedures, the Equal Access Rule, and related policies and procedures. Partner with the Housing Finance Agency and Legal Aid to promote additional fair housing trainings.	<p>Ensure staff, volunteers, and contractors are trained on CoC and agency Anti-Discrimination Policies and Procedures.</p> <p>Ensure staff, volunteers, and contractors understand that a client may not present the way they identify. Staff should be provided continuing education annually on Anti-Discrimination policies and procedures, with follow up from their supervisor, to ensure they follow CoC and agency policies.</p>	<p>Participate fully in all trainings and adhere fully to CoC and agency Anti-Discrimination Policies and Procedures.</p> <p>Request assistance from Agency leadership when the need arises to understand how to apply Anti-Discrimination policies and procedures.</p>
<b>Language</b>	Use appropriate, inclusive language in communications, publications, trainings, personnel handbooks, and other policy documents that affirms the NC BoS CoC's commitment to serving all eligible clients in adherence with the HUD Equal Access Rule.	Use appropriate, inclusive language with all communication, including taking reasonable steps to ensure meaningful access to programs and activities by Limited English Proficient (LEP) people.	<p>Use appropriate language in all communication with people experiencing homelessness served by agency programs.</p> <p>Ensure meaningful access to persons with Limited English Proficiency, to include translated documents, notice of participants rights, grievance</p>

	<b>NC BoS CoC</b>	<b>Agencies</b>	<b>Staff, Volunteers, and Contractors</b>
			<p>forms, and other materials vital for program access.</p> <p>Work with language services or interpreters to assist persons who speak an alternate primary language other than the staff person and need assistance communicating.</p>
<b>Privacy Rights</b>	Support all clients to understand their privacy rights and the implication of releasing information.	<p>Provide clear and transparent information about privacy rights at intake.</p> <p>Read CoC privacy rights to each client.</p> <p>Read the HMIS privacy notice for HMIS-participating agencies.</p> <p>Train staff, volunteers, and contractors on the CoC's and agency's confidentiality and privacy policies and practices on an annual basis.</p>	<p>Honor the request of an individual for a private space to complete intake and data collection.</p> <p>Adhere to any CoC and/or agency confidentiality and privacy policies.</p> <p>Client information should never be shared with people outside agency staff without permission and should be shared with agency staff on a 'need to know' basis.</p>
<b>Equal Access and Grievances</b>	<p>Develop and maintain a grievance procedure that can be accessed by clients, staff, volunteers, contractors, and partner agencies.</p> <p>Grievance procedure should be posted to agency website or printed copies should be made available in a public space.</p>	<p>Mediate and resolve conflicts between clients in a way that respects clients and treats them fairly and equally.</p> <p>Take immediate action to resolve inappropriate behavior, treatment, harassment, or equal access issues by any person (staff, volunteers,</p>	<p>Inform clients at intake of the Equal Access grievance process.</p> <p>Support clients to proceed through the grievance process.</p> <p>Communicate with administrators if any issues arise.</p>



	NC BoS CoC	Agencies	Staff, Volunteers, and Contractors
		<p>contractors, or clients) with appropriate consequences.</p> <p>Provide all clients with a copy of the grievance policy at intake, and the policy will be shared with all clients with a grievance.</p>	



## Transgender and Gender Nonconforming Policy

The NC BoS CoC prohibits all forms of harassment and discrimination of or by clients, employees, visitors, and volunteers, including harassment and discrimination based on actual or perceived gender identity and expression, or based on an individual's association.

The NC BoS CoC will continue to develop partnerships with organizations that can provide expertise around providing services to transgender and gender nonconforming individuals in a manner consistent with federal, state, and local laws.

Agencies, staff, volunteers, and contractors shall affirm commitment to providing equal access for all transgender and gender nonconforming individuals in a manner consistent with the equal access rule and provide services to transgender and gender nonconforming individuals in a manner consistent with the equal access rule.

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## Transgender and Gender Nonconforming Procedures

To maintain equal access, agencies and staff should:

- Ensure all staff, volunteers, and contractors maintain the confidentiality of a client's legal name and ~~gender at birth~~ sex assigned at birth, and understand the potential impact that disclosure can have on a client's progress to self-sufficiency.
- Ensure that construction or property rehabilitation includes and promotes privacy and safety in sleeping areas, bathrooms, and showers.
- Offer individual stalls in congregate bathrooms, urinals/toilets, and shower heads to support client safety whenever possible.
- Offer individual gender-neutral bathrooms and gender-neutral shower rooms, where feasible.
- Not consider a client or potential client ineligible because their appearance or behavior does not conform to gender stereotypes and will serve all individuals eligible for the program.
- Not ask questions or seek information concerning a person's anatomy ~~or~~ and only seek the most necessary elements of information regarding a person's medical history ~~beyond elements necessary~~ for the purpose of providing services.
- Have a preference to move the client with a bias (e.g. move the individual who has concerns towards the person who may identify as another religion that is different from theirs), if a client needs to be moved for harassment and safety concerns.
- Honor the request of an individual for a private space to complete intake and data collection.
- Honor the request of an individual for accommodations based on their personal safety and privacy concerns, whenever feasible. An "accommodation" will not be given as a "requirement." This might include a private sleeping area or access to a single-use bathroom if possible.
- Not require an individual's gender identity or name to match the gender or name listed on an ID or other documents.
- Focus on improving the process of changing gender markers on identification and benefit applications or will ensure subject matter expertise among staff.
- Assist clients without identification documents to understand the resources available to obtain said documents.

Commented [KM3]: Added language clarifying when it would be appropriate to ask about medical history vs. a person's anatomy

Commented [KM4]: Added clarifying language noting a possible need for private areas for transgender clients as an accommodation based on safety and privacy

Commented [KM5]: Added language to expand protections for use of client's chosen name for the purpose of providing services.

- Make available intake materials that allow individuals to indicate their legal name and the name they prefer to be called. All staff and volunteers should use the preferred name if it is different from a legal name, and legal name should be kept private and confidential.
- HMIS participating agencies should enter the client’s preferred name.
- Give clients with prescribed hormones and other medications as part of their gender-affirming healthcare regime full access to those medications.
- Use the client’s preferred gender and pronoun and support the client’s gender identity.
- Correct any misinformation or inaccurate conclusions that transgender clients threaten the health or safety of other clients solely based on their non-conforming gender identity/expression during risk-based conversations.
- Keep client’s transgender status confidential, unless the client gives permission to share this information.
- Tell only essential staff, identified by administrators, regarding a client’s transgender status to ensure equal access and safety.
- Ensure staff treat client gender identity and sex assigned at birth as confidential medical information unable to disclose without specific, time-limited client consent. Similarly, client legal name shall be treated as confidential information.

**Commented [KM6]:** Added language to reinforce the use of a “preferred” name as primary for providing service and “legal name” as confidential and only used when necessary

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**Commented [KM7]:** Removed “Gender Identity” here to clarify that a client’s sex assigned at birth should be kept confidential but that staff and volunteers should use the client’s gender identity as they present it.

## Family Separation Policy

In compliance with CoC Program Interim Rule 24 CFR 578.93(e), involuntary separation is prohibited in projects funded through CoC and ESG dollars. CoC- and ESG-funded projects may not deny admission to any household on the basis of:

- Age and gender of a child under 18, or
- Gender or marital status of a parent or parents.

The NC BoS CoC will work with providers to ensure placement efforts are coordinated to avoid involuntary family separation. Any person who believes that they or a family member has experienced involuntary family separation may report the issue to CoC staff at [bos@ncceh.org](mailto:bos@ncceh.org). The CoC will investigate the claim and take remedial action when appropriate.

## Faith-Based Activities Policy

CoC agencies and staff, volunteers, or contractors shall not, in providing program assistance, discriminate against a program participant or prospective participant on the basis of religion or religious belief. In providing services supported in whole or part with federal financial assistance and in outreach activities related to such services, programs shall not discriminate against current or prospective program beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

## Grievance and Anti-Retaliation Policy

Anyone participating in the CoC has the right to file a grievance if they have a complaint about the provision of housing and services.

The NC BoS CoC affirms that people who wish to file a grievance have the right to do so without retaliation from the party accused or any associated representative. Retaliation includes, but is not



limited to; harassment, intimidation, violence, program dismissal, refusing to provide services, use of profane or derogatory language to or in reference to the complainant, or breach of contract.

### Grievance Procedures:

At intake, orientation or employment, all clients, staff, volunteers, and contractors should be provided the program's Anti-Discrimination Policy and should be informed of the program's grievance process.

1. Anyone can submit a complaint form initially to program administration.
2. Program administration will address the grievance with the provider and the client, staff, volunteer, or contractor. If the grievance is against a program administrator, the agency should have an objective representative body, such as a Board Executive Committee, hear and make decisions about the grievance.
3. If a participant is not satisfied with the outcome or if a participant fears retaliation at the program level, a complaint can be filed with NCCEH staff at [bos@ncceh.org](mailto:bos@ncceh.org).





## Appendix I.

### Resources

- Get a notice of rights at: <https://www.hudexchange.info/resources/documents/Notice-on-Equal-Access-Rights.pdf>
- HUD Equal Access Final Rule: <https://www.hudexchange.info/news/hud-publishes-final-rule-equal-access-in-accordance-with-an-individuals-gender-identity/>

## Appendix II.

### Checklist for Agency Anti-Discrimination Policies

This checklist can be used by Agencies to develop Anti-Discrimination Policies that align with the NC BoS CoC's Anti-Discrimination Policies.

YES	NO	Checklist Questions:	Notes
		Does your agency have an Anti-Discrimination policy?	
		Is there a stated plan to train new staff and clearly communicate this policy during the onboarding process? Is annual training provided for staff, volunteers, and contractors?	
		Does the intake process include a copy of the agency's Anti-Discrimination policies to clients or people presenting for services.	
		Does the Policy Refer to Department of Housing Urban and Development (HUD) Equal Access Rule, anti-discrimination and privacy laws, and all other federal, state, and local non-discrimination and privacy law?	
		Is there a clear statement about non-discrimination because of race, ethnicity, color, national origin, language, ancestry, religion, sex, familial status, age, gender identity, LGBTQ+ status, marital status, domestic or sexual violence victim status, or sensory, mental, or physical disability?	
		Is there an equal access policy?	
		If there is an equal access policy: Does it include specific procedures for working with transgender and gender nonconforming persons?	
		Is there a family separation policy?	
		Is there a faith-based activities policy?	
		Are procedures spelled out that demonstrate how the clients, agency, staff, volunteers, and contractors will carry out the agency's anti-discrimination policies?	
		Are there grievance and anti-retaliation policies and procedures? If so, are they shared with each person presenting for services?	

