

U.S. Department of the Treasury  
**Office of Civil Rights  
and Equal Employment Opportunity**



**CIVIL  
★ ★ ★ RIGHTS ★ ★ ★  
TOOLKIT**



*Information for Department of  
the Treasury Recipients of Financial Assistance*

May 2022



U.S. DEPARTMENT OF THE TREASURY

**Office of Civil Rights and  
Equal Employment Opportunity (OCRE)**

**CIVIL RIGHTS TOOLKIT**

Information for Department of  
the Treasury Recipients of Financial Assistance





“Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.”

– **President John F. Kennedy**

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## How to Contact OCRE

**Write to:** U.S. Department of the Treasury, Director, Office of Civil Rights and Equal Employment Opportunity, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220

**Phone:** (202) 622-1160 | **Fax:** (202) 622-0367 | **Email:** [OCRE.comments@treasury.gov](mailto:OCRE.comments@treasury.gov)

Deaf and hard of hearing callers can dial 711 to call the OCRE phone number using the Federal Communications Commission (FCC) Telecommunications Relay Service program.

## Introduction

This toolkit has been designed for recipients of federal financial assistance from the Department of the Treasury (Department or Treasury) to assist them in operating a program or activity that meets federal nondiscrimination requirements, and decreases the potential for a discrimination complaint and a subsequent investigation by the Department.

An entity receiving any type or amount of federal financial assistance from Treasury (recipient) is required to abide by:

- Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7;
- Title IX of the Education Amendments Act of 1972 (Title IX), 20 U.S.C. §§1681-1688;
- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. §794;
- Age Discrimination Act of 1975, 42 U.S.C. §610 et seq.; and the
- Fair Housing Act (FHA), Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §§ 3601 et seq.

This toolkit is not an attempt to provide legal advice, but a guide to provide an overview of the most common civil rights compliance matters. A recipient should be prepared to handle these considerations. Although this toolkit attempts to provide guidance about several applicable requirements, additional requirements may apply.<sup>1</sup>

## Office of Civil Rights and Equal Employment Opportunity

The Department of the Treasury Office of Civil Rights and Equal Employment Opportunity (OCRE) develops policy and guidance to carry out the Department's equal opportunity and civil rights responsibilities, including the management of the Department's civil rights program. OCRE external civil rights staff is available to assist the Department's recipients in addressing their civil rights responsibilities.

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<sup>1</sup> There are other civil rights statutes that may apply to a particular recipient. For example, the states have to comply with Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12101, et seq. This list includes the statutes the Department of the Treasury has a responsibility to enforce for its recipients of financial assistance.



## General Requirements

The primary federal statutes recipients and covered entities must comply with are:

- Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d –2000d7 – prohibits discrimination based on race, color, and national origin
- Age Discrimination Act of 1975, 42 U.S.C. §6101-6107 et seq. – prohibits discrimination based on age
- Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§1681- 1688 – prohibits discrimination based on sex in educational programs
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 – prohibits discrimination based on disability
- Fair Housing Act, Title VIII of the Civil Rights Act of 1968. 42 U.S.C. §§ 3601 et seq. – prohibits discrimination based on race, color, national origin, religion, sex, familial status (having one or more children under 18) and disability.

### Requirements Overview

**Title VI** states that no person in the United States shall, on the ground of **race, color, or national origin** (including limited English proficiency), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The **Age Discrimination Act** states that no person in the United States shall, on the basis of **age**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

**Title IX** states that no person in the United States shall, on the basis of **sex**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

**Section 504** states that no otherwise qualified individual with a **disability** in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The **Fair Housing Act** prohibits discrimination because of **race, color, national origin, religion, sex, familial status** (having one or more children under 18), and **disability**. It is illegal to discriminate in the sale or rental of housing, including against individuals seeking a mortgage or housing assistance, or to discriminate in other housing-related services or activities.



## **Treasury Civil Rights Regulations**

- Title VI - Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance from the Department of the Treasury, [31 CFR Part 22](#)
- Title IX - Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, [31 CFR Part 28](#)
- Age Discrimination Act - Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance from the Department of the Treasury, [31 CFR Part 23](#)

## **Federal Financial Assistance**

Treasury civil rights regulations define the term federal financial assistance to include more than money. It includes the provision of valuable services, detail of federal personnel, donation of federal property and interest in property, sale and lease of, and permission to use federal property at little or no cost, and any other federal agreement, arrangement or other contract, which has as one of its purposes the provision of assistance. Once the federal financial assistance is provided, nondiscrimination requirements apply to all of the operations of the entity to which the assistance is extended.

## **Assurances of Compliance**

Treasury requires all applications for federal financial assistance to include an assurance agreement. Treasury recipients will be asked to provide an assurance of nondiscrimination as part of their application package. The application package will contain the assurance agreement applicable to the program.

## **Reports, Data and Records**

The Department of the Treasury conducts pre-award and post-award compliance reviews of its recipients to assess compliance with Title VI and Section 504.

The Department's recipients are required to collect demographic data showing the extent to which members of minority groups are beneficiaries of the recipient's programs (31 CFR § 22.6). Recipients are also required to provide the Department access to its books, records, accounts, etc., to ascertain compliance with Title VI.

The Department recommends that recipients collect the following:

- Data on present/proposed membership by race, color, and national origin on any planning or advisory body that is an integral part of the recipient's programs or activities.
- Data regarding covered employment and use of bilingual employees serving beneficiaries unable to speak or understand English.
- Sufficient data on existing or proposed facilities to determine whether the location has or will have the effect of unnecessarily denying access to any person based on prohibited discrimination.

## **Ensuring Subrecipient Compliance**

All recipients of federal financial assistance have a responsibility to monitor their subrecipients to ensure the subrecipients comply with the federal civil rights laws that are applicable to recipients of federal financial assistance. Using an Assurance Agreement with the subrecipients will ensure they are informed about the requirements and will provide a method of ensuring compliance.

It is useful to request subrecipients provide a narrative description of the written policies or procedures to comply with the civil rights requirements and for addressing complaints alleging discrimination from employees and clients, customers, or program participants.

Desirable compliance elements include the following:

- Designating a coordinator who is responsible for overseeing the complaint process;
- Notifying employees and subrecipients of prohibited discrimination responsibilities in the programs and activities and procedures for handling discrimination complaints;
- Establishing written procedures for receiving discrimination complaints from employees and clients, customers, or program participants (as applicable);
- Investigating each complaint internally and referring each complaint to the appropriate agency for investigation and resolution, such as the U.S. Equal Employment Opportunity Commission for employment discrimination complaints, or the Office for Civil Rights and Diversity (OCRE) for program discrimination complaints. If the complaint is referred to the OCRE for investigation, OCRE will work with the recipient and subrecipient to resolve the complaint;
- Notifying the complainant that he/she may also file a complaint with the OCRE by submitting a written complaint to the following address: U.S. Department of the Treasury, Office of Civil Rights and Equal Employment Opportunity, 1500 Pennsylvania Ave. N.W., Washington, DC 20220.
- Training staff periodically on their responsibility to refer discrimination complaints, or potential discrimination issues for processing as soon as the alleged discrimination comes to their attention;
- Ensuring that subrecipients have procedures in place for responding to discrimination complaints that employees, and clients, customers, and program participants file directly with the subrecipient; and
- Using Civil Rights Compliance Checklists and providing a copy of them to the subrecipients. Recipients may want to use checklists during audits or onsite monitoring.

## **Nondiscrimination Notice Requirements**

The Department's regulations require recipients to notify the program beneficiaries of the nondiscrimination protections available to them. 31 CFR § 22.6. Recipients must include information about nondiscrimination requirements, complaint procedures, and the rights of beneficiaries in handbooks, manuals, pamphlets and other material which are ordinarily distributed to the public to describe the program and the requirements for participation by recipients and beneficiaries. The nondiscrimination statement shall be in all public information materials distributed by the recipient. In addition, a written notice shall be posted at the recipient's facility or websites.

## Sample Nondiscrimination Statement

“In accordance with federal law and U.S. Department of the Treasury policy, this institution is prohibited from discriminating based on race, color, national origin, sex, age, or disability. Submit a complaint of discrimination, by mail to U.S. Department of the Treasury, Office of Civil Rights and Equal Employment Opportunity, 1500 Pennsylvania Ave. N.W., Washington, D.C. 20220, (202) 622-1160 (phone), (202) 622-0367 (fax), or email [crcomplaints@treasury.gov](mailto:crcomplaints@treasury.gov) (email).”

### **Notice to Limited English Proficient (LEP) Persons**

Recipients shall take reasonable steps to ensure that individuals with limited English proficiency have meaningful access to program information and services.

### **Notice to Employees**

One of the best ways to ensure a recipient organization is compliant with civil rights requirements is to ensure that frontline employees who come in contact with the public know how to implement the organization’s equal opportunity and nondiscrimination policy. Ideally, the organization’s regular training program will include information about its nondiscrimination policy. In addition, the organization can provide job aids, advisory memos, or letters to its employees to help them know how to address situations they may encounter when assisting customers with disabilities or who are limited English proficient.

## Community Outreach

Outreach to the service area population can ensure the successful implementation of a recipient’s program, as well as ensuring the program is offering equal opportunity. Effective outreach efforts will ensure that eligible populations in the service area know about the program and can apply to participate.

When a recipient collects program participation data based on demographic characteristics, the recipient will have an advantage when planning how to use its outreach resources. An advantage of monitoring the participation of different demographic groups in a recipient’s program is that the organization will be able to determine what groups in the area are not participating in proportion to the population data. Having participation rate data will allow a recipient to direct outreach resources to the under participating populations ensuring they have knowledge about the program.

Some best outreach practices include:

- Consciously planning the outreach efforts using data.
- Partnering with other like-minded organizations serving the area or the populations the recipient wants to reach.

- Using media followed by the minority population in the service area.
- Using spokespersons from the communities the recipient wants to reach.
- Participating in or sponsoring community events.
- Undertaking outreach efforts to ensure that LEP individuals are aware of the availability of language assistance services free of charge (e.g., post signs in the regularly encountered languages in waiting areas and initial points of entry, translate application and instructional forms, include statements about free language assistance services in publications for public distribution).

Partnering with like-minded organizations can provide new avenues of communication, can increase the credibility of a recipient's message by having a unified community voice, and can provide savings by avoiding duplicative efforts. For an effective partnership, a recipient can determine what populations their organization will reach through the partnership, and then select possible partners that will reach the target audience. Brainstorming about other potential partners in the service area and talking to the program beneficiaries can help a recipient to identify potential partners. When contacting the potential partners, a recipient should be prepared to present the benefits of the partnership for both organizations. Formalizing the partnership to cover the logistical details and setting common goals can also ensure the success of the initiative.

Media Outreach can take many forms, from providing draft articles, suggesting a story to a reporter to formal press releases. A recipient may have a newsworthy story to share, such as the launch of a new program or initiative, a new outreach effort or a new community partnership. Other ideas for newsworthy items include identifying persons who the media can interview, including persons who can provide testimonials with a human-interest angle. When planning for media outreach, do not disregard small media outlets, such as local cable access TV stations, community newspapers, and local parenting magazines, underserved minority media, and social media platforms.

## Enforcement of Civil Rights Laws

Under the applicable federal civil rights statutes, any individual in the United States who believes he or she was discriminated against because of his or her race, color or national origin, age, sex, or disability, can file an administrative complaint or file a civil action in an appropriate court of law seeking redress. An individual may also file a complaint if they believe they were discriminated against in relation to housing because of their familial status or religion. Filing an administrative complaint is generally not required before filing a civil action in a court.

In the administrative process, the Department will investigate the allegations and issue a final decision on the merits of the complaint. If discrimination is found, the Department will order adequate relief to address the noncompliance.



## **Complaint and Investigation Process**

The Department of the Treasury is required to review and investigate any complaint alleging a violation of Title VI, Section 504, Title IX, and the Age Discrimination Act. To conduct the investigation, the Department will:

- receive and review the complaint,
- determine jurisdiction and identify the issues,
- determine approaches to complaint resolution,
- prepare a report of investigation,
- issue letters of findings and resolution,
- prepare and issue settlement agreements; and
- monitor the resolution of issues in a settlement agreement.

When a recipient receives a complaint alleging discrimination because of race, color, national origin, age, sex, disability, the recipient should forward that complaint to OCRE. We highly recommend that the recipient immediately investigate the complaint and attempt early resolution. A prompt investigation and response may resolve the issue to the satisfaction of the complainant and avoid a formal investigation by OCRE.

Once OCRE receives a complaint, it will determine jurisdiction based on the status of funding or assistance, timeliness of the complaint, and whether the allegations are covered by a law providing the Department enforcement authority. If the Department has jurisdiction, the investigation process will begin, and the recipient and the complainant will be notified. If the complainant withdraws the complaint or is not interested in participating in the investigation, the Department will examine the allegations and decide on whether the complaint should be closed.

During the investigation, OCRE will review past civil rights compliance reviews, and the status of assurances. OCRE will also look at participation data. The investigation may include information requests, interviews and/or site visits. Investigations vary depending on the allegations and the complexity of the issue. OCRE may also attempt to informally resolve the complaint.

After the investigation is complete, OCRE will write an investigative report and the parties will be notified of the result. If necessary, steps will be taken to remedy any determination of discrimination and/or noncompliance.

For complaints alleging discrimination in a housing program, the Department of the Treasury will coordinate its response and investigation with the U.S. Department of Justice and the U.S. Department of Housing and Urban Development.

## **Compliance Reviews**

The Department of the Treasury conducts compliance reviews of its recipients. The pre- and post-award compliance reviews verify compliance with the civil rights regulatory requirements. If a compliance concern is discovered, the Department will work with the recipient to correct the noncompliance. If voluntary compliance cannot be achieved, the Department can defer action on an application for assistance, issue a cautionary letter, deny funding, or refer the matter to the Department of Justice for other action as authorized by law, i.e., a lawsuit.

Examples of information the Department will review during a compliance review, include the following:<sup>2</sup>

- Composition of non-elected boards, councils or committees that are an integral part of planning or implementing the program or activities.
- Are public announcements published and announced in general and minority newspapers and broadcast media? Do such announcements state that discrimination in the program or activity is prohibited?
- Does the recipient conduct outreach by making direct contact with minority community organizations and/or leaders in service areas and seek their participation in the decision-making process?
- Does the recipient publish notices in other languages when a significant number/proportion of the affected community needs information in a non-English language to be effectively informed of or to participate in the program or activity? Does the recipient take any other reasonable steps, including furnishing an interpreter?
- Data on existing or proposed facilities to determine whether the location has or will have the effect of unnecessarily denying access to any person based on prohibited discrimination.

## **Limited English Proficiency (LEP) - National Origin Discrimination**

The language spoken by an individual is considered a characteristic of their national origin. Under Title VI, recipients must address the language needs of LEP persons to ensure their meaningful participation in a program or activity.

### **Treasury Title VI LEP Guidance**

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[The Department of the Treasury Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons](#) (LEP Guidance) was issued on February 4, 2005.<sup>3</sup> The LEP Guidance provides a structure through which these various aspects of a program or activity can be consistently evaluated. The LEP Guidance incorporates “reasonableness” as its guiding principle. When investigating allegations of noncompliance, the Department will review the totality of circumstances to determine whether LEP persons have meaningful access to participate effectively in the assisted program or activity.

<sup>2</sup> 28 C.F.R. § 42.406, 31 C.F.R. § 22.6.

<sup>3</sup> Federal Register, Vol. 70, No. 23, page 6067.

## **Written Language Assistance Plan**

Recipients should consider developing a Language Assistance Plan (LAP) to address the identified needs of the LEP populations they serve. An effective LAP will include policies/procedures for assessing the LEP language needs, provision of a range of written translation and oral interpretation services to ensure meaningful communications with LEP individuals, periodic staff training, and monitoring of the program. All employees likely to have contact with LEP persons should also be periodically trained on the LEP policy, how to access language services, how to work effectively with in-person and telephone interpreters, and cultural and community relations sensitivity.

Regular monitoring of the implementation of an organization's language plan can ensure meaningful access to programs or activities by LEP individuals. Monitoring may include assessing: current LEP demographics; current LEP communication needs; resource support of recipient's plan; success at meeting the needs of persons with LEP; knowledge level of staff; current viability of translation sources being used; and number of complaints, etc.

## **Accessibility for Persons with Disabilities**

People with disabilities must have an equal opportunity to benefit from Treasury funded programs and services. This means that:

- Recipients must offer reasonable modifications as necessary to ensure that people with disabilities may fully and equally participate in and benefit from recipients' programs and services.
- Treasury funded programs should be readily accessible to persons with disabilities.
- Recipients must ensure that communication with people with disabilities is as effective as communication with people without disabilities. This includes providing auxiliary aids and services when necessary.

### **Reasonable Modifications for Individuals with Disabilities**

Section 504 requires recipients to make reasonable modifications to policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.

Recipients do not need to make modifications that would fundamentally alter the nature of services, programs, or activities. In addition, recipients do not need to make modifications that would impose an undue administrative or financial burden on the operations of recipients' programs or activities.

Recipients should notify persons with a disability that reasonable modifications are available and how to request a modification. Recipients should have procedures to receive and respond to requests for a modification. Ideally, the program is readily accessible to individuals with disabilities. However, persons with disabilities have different needs even when they have the same disability. Review every request for a modification individually. Establish a line of communication with the individual requesting the modification.

When providing a modification, recipients should take into consideration the request presented by the individual. However, recipients are not required to provide a modification that is not reasonable, and recipients can provide a different modification so long as it would not result in discrimination against the person with a disability.

Programs that provide special benefits to people with disabilities are permitted, but people with disabilities cannot be compelled to participate in those programs. Even if separate programs are provided for persons with disabilities, the regular program may still be required to provide reasonable modifications.

### **Program Access**

A recipient may not exclude individuals with disabilities from their services, programs, or activities because the recipient's buildings are inaccessible. A recipient must operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

### **New Construction and Alterations**

New facilities must be designed and constructed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities, to the maximum extent feasible, must be designed and constructed to be readily accessible to and usable by persons with disabilities.

If the recipient's buildings or facilities are built, altered, or leased with federal funds, those facilities should comply with the Architectural Barriers Act of 1968 (ABA), 42 U.S.C. §§ 4151 et seq. A recipient can determine if its facility is accessible by assessing whether the building features meet the measurements, and design guidelines, as they appear in the Architectural Barriers Act Standards. The standards are developed for use by federal agencies and recipients of federal funds by the U.S. Access Board.

To find the **Architectural Barriers Act Standards**, visit the U.S. Access Board website at:

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<http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/aba-standards>

### **Existing Facilities**

A recipient is not required to make structural changes in existing facilities where other methods are effective in providing persons with disabilities access to its services, programs, or activities. For example, recipients may consider placing commonly used program materials in an area that is easily accessible to persons with disabilities upon entry to the existing facility so that recipients' services, programs, or activities are readily accessible to and usable by people with disabilities. In choosing among other methods, priority must be given to those that offer programs in the most integrated setting.



Recipients are not required to take any action that would result in a fundamental alteration in the nature of the service, program, or activity offered or in an undue financial or administrative burden. New construction and alterations to existing facilities must be made accessible and usable by persons with disabilities except where structurally impracticable.

If the recipient's building is not accessible, the recipient can still comply by developing a plan to offer services in another location that is accessible to persons with disabilities. However, if a recipient offers the program at an alternative site, the services, programs, and activities must be readily accessible and usable by people with disabilities. Recipients should strive to offer the program in the most integrated setting possible. Program providers must ensure that programs and services are provided in the least restrictive environment, unless separate or different measures are necessary to ensure equal opportunity for individuals with disabilities.

### **Effective Communication**

Recipients must ensure that communications with people with disabilities are equally effective as communications with people who do not have disabilities.

Recipients must provide people with disabilities with auxiliary aids and services if necessary, to ensure effective communication, but are not required to provide aids or services that would cause a fundamental alteration in the recipient's programs, services, or activities or that would result in undue financial or administrative burdens. However, recipients must still provide another aid or service to ensure that, to the maximum extent possible, the person with a disability receives the benefits or services provided by the recipient.

### **Self-evaluation**

In accordance with the DOJ coordinating regulations, the Treasury implementing regulations (will be published as 31 CFR part 40) will require all recipients of Treasury funds to conduct a self-evaluation to ensure their programs are accessible.

### **Interaction between the American with Disabilities Act (ADA)<sup>4</sup>, Section 504, and the Fair Housing Act**

It is very likely a recipient must comply with one or more statutes protecting the rights of persons with disabilities. Most organizations are covered by the ADA in addition to Section 504. If the recipient is a housing provider or lender, the Fair Housing Act's prohibitions on disability discrimination will apply. Among other things, these requirements make it unlawful to refuse to make reasonable accommodations that may be necessary for persons with disabilities to use and enjoy their dwellings in the same manner as persons without disabilities; refuse to allow reasonable accommodations to a dwelling for a person with physical disabilities; or fail to design and construct new multifamily housing in an accessible manner. A best practice for recipients to ensure their organization meets all applicable compliance requirements is to always consult with their legal advisors.

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<sup>4</sup> 42 U.S.C. §§ 12101, et seq.

For official technical assistance to understand an organization’s responsibilities under the American with Disabilities Act (ADA) online visit: <http://www.ada.gov>.

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The Department of Justice has also created sites offering compliance information for [businesses](#) and [state and local governments](#) and the ADA Business Connection to offer compliance information to businesses.

<http://www.ada.gov/business.htm>

## Housing Programs

In addition to Title VI and the other civil rights laws discussed above, when the program involves housing, the recipient also must comply with the requirements of the Fair Housing Act, Title VIII of the Civil Rights Act of 1968. The Fair Housing Act prohibits discrimination because of race, color, national origin, religion, sex, familial status (have one or more children under 18), and disability. It is illegal to discriminate in the sale or rental of housing, including discriminating against individuals seeking a mortgage or housing assistance, or to discriminate in other housing-related services or activities.

The Fair Housing Act covers most housing. In very limited circumstances, the Act may exempt owner-occupied buildings with no more than four units, single-family houses sold or rented by the owner without the use of an agent, and housing operated by religious organizations and private clubs that limit occupancy to members.

As the federal agency providing financial assistance, the Department of the Treasury has a responsibility to conduct oversight and enforcement for compliance with the Fair Housing Act. The Department shares jurisdiction with the U.S. Department of Housing and Urban Development and the U.S. Department of Justice.

### **Applicable Statute and Regulations**

[Fair Housing and Related Law | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

## **Additional Information and Technical Assistance**

For additional information and technical assistance, please contact us at:

### **U.S. Department of Treasury**

#### **Office of Civil Rights and Equal Employment Opportunity**

1500 Pennsylvania Avenue, N.W.

Washington, DC 20220

Phone: (202) 622-1160

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