



SUBJECT: External Civil Rights Responsibilities and Complaint Process

1. **PURPOSE**. This issuance establishes the Department of the Treasury's (the Department or Treasury) policy and procedures concerning its obligations to ensure nondiscrimination in Treasury conducted and financial assistance programs and activities. It also explains the external civil rights discrimination complaint process.
2. **SCOPE**. This issuance applies to all bureaus, offices, and organizations in the Department, including the Offices of Inspector General. The provisions of this issuance shall not be construed to interfere with or impede the authorities or independence of the Offices of Inspector General.
3. **POLICY**. It is the policy of the Department of the Treasury to comply with the nondiscrimination requirements applicable to federal financial assistance and federally conducted programs. To do so more effectively, we establish the following civil rights complaint process.
4. **DEFINITIONS**. The following terms are defined to provide clarification for the purpose of this Issuance.
 - a. **Federal Financial Assistance** is a term used to describe monetary or nonmonetary assistance to a recipient to support a public purpose. It includes, but is not limited to, grants and loans of federal funds; grants or donations of federal property; details of federal personnel; or any agreement, arrangement, or other contract that has as one of its purposes the provision of assistance. For instance, Treasury and its bureaus provide federal financial assistance by issuing grants; donating surplus computer equipment to schools and police departments; providing community development funds to institutions serving distressed communities and low-income individuals; and by providing grants to organizations to fund low-income taxpayer clinics.
 - b. A **federally conducted program or activity** is, in simple terms, anything a federal agency does. There are two major categories of federally conducted programs or activities covered by this issuance: those involving general public contact as part of ongoing Treasury operations and those directly administered by the Department for program beneficiaries and participants. Activities in the first part include communication with the public (e.g., website, telephone contacts, or office walk-ins) and the public's use of the Department's facilities (e.g., cafeterias, libraries). Activities in the second category include programs that impose a burden on the public or provide federal services or benefits (e.g., Office of Foreign Asset Control license applications, public tours, visitor information centers, tax collection).

5. **RESPONSIBILITIES.**

- a. The Office of Civil Rights and Equal Employment Opportunity (OCRE) is responsible for processing complaints from individuals alleging discrimination in Treasury conducted or assisted programs or activities. Additional instructions on the processing of complaints filed pursuant to Section 508 can be found in OCRE-03, Section 508 Administrative Complaint Processing Procedures.
- b. Bureaus heads are responsible for reviewing their programs to determine which programs may fall under the definitions set out in section 4, ensuring that recipients submit signed assurances of compliance, and post appropriate notices on websites, bulletins, and publications, including notices that explain to individuals how to file a civil rights complaint.

6. **PROCESS.**

- a. Right to File. Any person, or authorized representative of a person, who believes that he or she has been subjected to unlawful discrimination in a Department of the Treasury program or activity may file a complaint. Any person who believes that any specific class of persons has been subjected to discrimination and who is a member of that class or the authorized representative of a member of that class may file a complaint. Complaints should be filed with OCRE by mail to 1500 Pennsylvania Avenue, NW, Washington, DC 20220, by email at crcomplaints@treasury.gov, or by facsimile to (202) 622-0317.
- b. Timeliness. Complaints must be filed within 180 days of the alleged act of discrimination. The Director of OCRE may extend this time period for good cause.
- c. Notification to OCRE. If a civil rights complaint is received directly by a bureau, the complaint must be immediately referred to OCRE for tracking and intake review.
- d. Complaint Investigations. Once a complaint has been accepted as timely and under the jurisdiction of the Department, it will be referred to the bureau for an investigation, and a submission to OCRE of a report of investigation and agency position statement on the complaint. The bureau's response will customarily include interviews of the complainant, the recipient's staff, agency staff, and other witnesses, a review of the recipient's pertinent records, a review of agency records, potentially a review of building facilities, and consideration of the evidence gathered, and defenses asserted. The Director of OCRE will establish the time frame allotted for the complaint investigation on a case-by-case basis, based on the allegations in the complaint.
- e. Findings of Fact and Conclusions of Law. After a review of the report of investigation and agency position statement submitted by the bureau, the Director of OCRE will issue the decision on the merits of the complainant's allegations. The Director of OCRE shall notify the complainant of the results of the investigation in

a decision letter containing findings of fact, and conclusions of law; a description of the remedy for each violation found, if any; and a notice of the right to appeal if applicable.

- f. Cooperation Required. Agency employees are required to cooperate in the investigation and attempted resolution of complaints. Employees who are required to participate in any investigation shall do so as part of their official duties and during the course of regular duty hours.
- g. Settlement Agreements. If a complaint is resolved informally, the terms of the agreement shall be reduced to writing and made part of the complaint file, with a copy of the agreement provided to the complainant. The written agreement shall describe the subject matter of the complaint and any action/s to which the parties have agreed. Settlement agreements must be approved by the Department's Office of General Counsel or appropriate bureau counsel.
- h. Appeals. Appeals must be filed by the complainant within 60 days of the receipt of the letter of finding(s). OCRE may extend this time for good cause. The Chief Diversity, Equity, Inclusion, and Accessibility Officer or designee will make final decisions on timely appeals.

7. **AUTHORITY**.

- a. This Issuance is being issued pursuant to Treasury Directive 12-41, "Delegation of Authority Concerning Equal Employment Opportunity (EEO) Programs."

8. **REFERENCES**.

- a. Statutes: Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 794-794e; Section 508 of the Rehabilitation Act, 29 U.S.C. §794d; Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d-2000d-7; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; and Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688.
- b. Treasury regulations: 31 C.F.R. Part 17, 31 C.F.R. Part 22, 31 C.F.R. Part 23, and 31 C.F.R. Part 28.
- c. Executive Order 13160, "Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs," prohibits discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs.
- d. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," requires agencies to improve the enforcement and

implementation of the existing obligation under Title VI to provide language access services to limited English proficient individuals, in order to allow them meaningful access to the financial assistance programs. The Executive Order also requires federal agencies to meet the same standards as federal financial assistance recipients in providing meaningful access to limited English proficient individuals to federally conducted programs.

- e. Treasury Order 102-02, “Delegation of Authority Concerning Equal Opportunity Programs.”

This Issuance supplements policies and requirements contained in the references cited above; it is not self-contained and must be read in conjunction with the cited references.

- 9. **OFFICE OF PRIMARY INTEREST.** Assistant Secretary for Management and Office of Civil Rights and Equal Employment Opportunity
- 10. **POLICY REVIEW.** The provisions of this issuance are subject to modifications by changes in pertinent statutes. The applicable provision or provisions shall be amended or superseded effective on the dates specified in any statutory or regulatory change, and OCRE shall issue interim guidance addressing the change as soon as practicable. This issuance will be reviewed after five years.

Snider Page
Director, Office of Civil Rights and Equal
Employment Opportunity