



## Civil Rights & Diversity Issuance System



CRD – 006

Date: SEP – 5 2017

Office: Office of Civil Rights and Diversity

Subject: External Civil Rights Responsibilities and Complaint Process

1. **PURPOSE.** This OCRD issuance establishes the Department's policy and procedures concerning its obligations to ensure nondiscrimination in Treasury conducted and assisted 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. Its provisions shall not be construed to interfere with or impede the authorities or independence of the Treasury Inspector General, the Treasury Inspector General for Tax Administration, or the Special Inspector General for TARP.
3. **POLICY.** It is the policy of the Department of the Treasury to comply with the nondiscrimination requirements applicable to Federal Financial Assistance programs and federally conducted programs and activities, as defined below. To do so more effectively, we have established 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., OFAC license applications, public tours, visitor information centers, tax collection).

5. **RESPONSIBILITIES.**

- a. The Office of Civil Rights and Diversity (OCRD) 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 CRD-005, Section 508 Administrative Complaint Processing Procedures, issued on August 11, 2017.
- 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 posting appropriate notice on websites, bulletins, and publications, including notices that explain to individuals how to file a 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 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 OCRD by mail to 1500 Pennsylvania Avenue, NW, Washington, DC 20220, 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 OCRD may extend this time period for good cause.
- c. Notification to OCRD. If a complaint is received directly by a bureau, the complaint must be immediately referred to OCRD 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 OCRD 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 OCRD 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 the OCRD will issue the decision on the merits of the complainant's allegations. The Director of OCRD 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 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 findings. OCRD may extend this time for good cause. The Assistant Secretary for Management, or his or her designee, will make final decisions on timely appeals.

7. **AUTHORITY.**

- a. This Issuance is being issued pursuant to Treasury Directive 12-41.

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, and 31 C.F.R. Part 28.

- c. Executive Order 13160 – 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 – 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 assisted 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.** Office of the Assistant Secretary for Management, Office of Civil Rights and Diversity.



Mariam G. Harvey  
Director

Office of Civil Rights and Diversity