United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

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CIVIL RIGHTS DIRECTIVE 2009-01

To: Bureau and Office Heads

From: Sharon D. Eller
Director, Office of Civil Rights

Subject: Policy for Implementing a Public Civil Rights Program

Purpose. The purpose of this Civil Rights Directive is to establish and convey policy, provide guidance and direction, and to ensure effectiveness and consistency to Department of the Interior (Department) Bureaus and employees in implementing federal public civil rights laws and regulations to ensure compliance with, and enforcement of the prohibition against discrimination in programs, services, and activities (a) receiving federal financial assistance; or (b) conducted by, or on behalf of, the Department and its respective Bureaus.

Policy. It is the policy of the Department to ensure commitment to the principles of equality of opportunity and nondiscrimination in federally assisted and federally conducted programs, services, and activities. In instances where non-compliance exists and/or a violation is found, the Heads of bureaus and offices are authorized to address the non-compliance and/or the provision of appropriate relief to complainants.

Scope. This policy covers all bureaus and offices, recipients and sub-recipients. No persons or class of individuals on the ground of race, color, sex, national origin, age or disability shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any federally conducted or assisted program or activity.

Authorities. The Department, Office of Civil Rights is responsible for the development and enforcement of public civil rights policies and program under the following legal authorities:

A. Civil Rights Act of 1964, Title VI (Pub. L. 88-352; 78 Stat. 241; 42 U.S.C. 2000d 2000d-4) prohibits discrimination based on race, color, or national origin in programs, activities, or services receiving federal financial assistance.

B. Architectural Barriers Act of 1968 (Pub. L. 90-480; 42 U.S.C. 4151 et seq.) ensures that certain buildings financed with federal funds are so designed and constructed to be accessible to the physically disabled by establishing accessibility standards under Section 2.

C. Rehabilitation Act of 1973 (Pub. L. 93-112; 87 Stat. 394; 29 U.S.C. 794) as amended by the Rehabilitation Act Amendments of 1974 (Pub. L. 93-516; 88 Stat. 1617) and the Rehabilitation, Comprehensive Service, and Developmental Disabilities Act of 1978 (Pub. L. 95-

602; 92 Stat. 2955; 29 U.S.C. 700 et seq.) prohibits discrimination based on disability in federally assisted and conducted programs, services, and activities.

D. Rehabilitation Act of 1973 (29 U.S.C. 794d) as amended by the Workforce Investment Act of 1998 (Pub. L. 105-220; 112 Stat. 936) Section 508 requires Federal departments and agencies that develop, procure, maintain, or use electronic and information technology to ensure that federal employees and members of the public with disabilities have access to and use of information and data, comparable to that of the employees and members of the public without disabilities.

E. Education Amendments of 1972, Title IX (Pub. L. 92-318; 86 Stat. 235; 373) as amended by Pub. L. 93-568, 88 Stat. 1855 (except sections 904 and 906 of those Amendments) which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution.

F. Age Discrimination Act of 1975, as amended, (Pub. L. 94-135, Title III; 42 U.S.C. 6101 *et seq.*) prohibits discrimination based on age in programs, services, and activities receiving federal financial assistance.

G. Civil Rights Restoration Act of 1987 (Pub. L. 100-259; 102 Stat. 28) as amended by Civil Rights Restoration Act of 1991 (Pub. L. 102-166; 205 DM 17) to overturn the Supreme Court's 1984 decision in *Grove City College v. Bell*, and to restore the effectiveness and vitality of the four major federal civil rights laws that prohibit discrimination in programs, services, and activities receiving federal financial assistance. For civil rights coverage purposes, the law broadly defines the terms "program" or "activity."

H. Telecommunications Accessibility Enhancement Act of 1988 (Pub. L. 100-542; 102 Stat. 2721) expands our national telecommunications system for the benefit of the hearing-impaired and speech-impaired populations, and provides for GSA coordinated relay services.

I. Americans with Disabilities Act of 1990 (Pub. L. 101-336) with Department of Justice (DOJ) regulations at 28 CFR 35, including the Americans with Disabilities Act, Title II, prohibits discrimination on the basis of disability in State or local government programs, services, and activities whether or not they receive federal financial assistance.

J. Executive Order (EO) 12250, Leadership and Coordination of Civil Rights Laws are the DOJ implementation order for coordinating Title VI activities for federal agencies and recipients of federal financial assistance.

K. EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations identifies, as discrimination, program actions taken, which adversely affect the health and environment of minority populations (eco-systems, human health, pollution and noise, historic/religious environmental effects). The EO provides coverage for federally conducted programs, services, and activities and notes that the same duties are relevant to federal financial assistance programs, services, and activities covered under Title VI of the Civil Rights Act of 1964.

L. EO 13160, Nondiscrimination on the Basis of Race, Color, National Origin, Disability, Religion, Age, Sexual Orientation and Status as a Parent in Federally Conducted

Education and Training Programs ensures equal opportunity in government educational programs, services and activities.

M. EO 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP) improves access to federally conducted and federally assisted programs under Title VI and activities for individuals who, as a result of national origin, are limited in their English proficiency.

N. 28 Code of Federal Regulations (CFR) Part 42, Subpart F designates DOJ as lead agency in providing guidance on non-discrimination in federally assisted programs to other Departments.

O. 41 CFR Parts 102-76.60, .65, .70, .75, .80, .85, .90, .95 are GSA-ABA Accessibility Standards in which GSA adopts Appendices C and D to 36 CFR Part 1191 (ABA Chapters 1 and 2, and Chapters 3 through 10) as the Architectural Barriers Act Accessibility Standard (ABAAS).

P. 43 CFR 17 provides the Public Civil Rights Department regulatory requirements for Title VI, Age Discrimination, Section 504 Federally Conducted and Federally assisted programs.

Q. Department of the Interior Departmental Manual at 205 DM 17 provides for the General Delegation to the Director, Office for Equal Opportunity (currently, the Office of Civil Rights) for operational civil rights functions. In addition, 112 DM 19 provides that the Office of Civil Rights is the focal point for all civil rights, equal opportunity program, and diversity functions in the Department of the Interior.

Definitions.

A. Accessibility means to provide programs, services, and activities in a readily accessible and useable manner in compliance with all related regulatory requirements including appropriate design standards.

B. Assurance is a statement that the program, service, or activity will be provided in compliance with all requirements imposed by or pursuant to Title VI. Every program of Federal financial assistance shall require the submission of such an assurance. The Grants Management Office (GMO) ensures the Recipient self-certifies their compliance by signing the required assurance agreement (SF-424B) prior to an award.

C. Applicant is a person, a group of people, or an agency who seeks some form of eligibility or assistance.

D. Beneficiary is an (1) individual(s) and/or entity, (2) State and/or political subdivision of any State, (3) public or private agency, institution, or organization that directly or indirectly receive benefits through a program or activity receiving federal financial assistance. A Federal financial assistance program may have many beneficiaries. Beneficiaries do not enter into any formal contract or agreement with the federal government where civil rights compliance is a condition of receiving federal financial assistance.

E. Bureau is a subdivision of the United States Department of the Interior (i.e., Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, National Park Service,

Office of Surface Mining, Minerals Management Service, United States Fish and Wildlife Service, United States Geological Survey). Also includes Office of Insular Affairs.

F. Complaints are a signed document with allegation(s) of discrimination which has been filed within 180 days, barring extenuating circumstances; provides complainant contact information; identifies the respondent; and provides the allegations of violations including when they occurred.

G. Compliance Reviews are systematic planned investigations conducted to assess and evaluate the civil rights and equal opportunity policies, procedures and practices of Department Bureaus and recipients and sub-Recipients of federal financial assistance.

H. Individual with a Disability is one who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

I. Facility is all or any portion of a building, structure, site improvement, constructed element, and pedestrian route or vehicular way located on a site as defined by DOJ 42.102(e).

J. Federal Financial Assistance means (1) grants and loans of federal funds; (2) grants and donations of Federal property and interests in property; (3) the detail of federal employees; (4) the sale or lease or permission to use federal property; (5) cooperative matching funds and reimbursable agreements; and 6) research information delivery with population impact. It is important to note that federal financial assistance includes more than the direct provision of money. However, federal financial assistance may be provided in non-monetary form and may be any of the following, when authorized or extended under a law administered by the federal agency that awards such assistance:

(1) A grant or loan of federal financial assistance, including funds made available for:

(a) The acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and

(b) Scholarships, loans, grants, wages, or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.

(2) A grant of federal real or personal property or any interest therein, including surplus property, and the proceeds of the sale or transfer of such property, if the federal share of the fair market value of the property is not, upon such sale or transfer, properly accounted for to the Federal Government.

(3) Provision of the services of federal personnel.

(4) Sale or lease of federal property or any interest therein at nominal consideration or at consideration reduced for the purpose of assisting the recipient or in recognition of public interest to be served thereby, or permission to use federal property or any interest therein without consideration.

(5) Any other contract, agreement, or arrangement that has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty. Institution of graduate higher education means an institution that:

(a) Offers academic study beyond the bachelor of arts or bachelor of science degree, whether or not leading to a certificate of any higher degree in the liberal arts and sciences;

(b) Awards any degree in a professional field beyond the first professional degree (regardless of whether the first professional degree in such field is awarded by an institution of undergraduate higher education or professional education); or

(c) Awards no degree and offers no further academic study, but operates ordinarily for the purpose of facilitating research by persons who have received the highest graduate degree in any field of study. Institution of professional education means an institution (except any institution of undergraduate higher education) that offers a program of academic study that leads to a first professional degree in a field for which there is a national specialized accrediting agency recognized by the Secretary of Education.

(d) Institution of undergraduate higher education means:

(i) An institution offering at least two but less than four years of college-level study beyond the high school level, leading to a diploma or an associate degree, or wholly or principally creditable toward a baccalaureate degree; or

(ii) An institution offering academic study leading to a baccalaureate degree; or

(iii) An agency or body that certifies credentials or offers degrees, but that may or may not offer academic study. Institution of vocational education means a school or institution (except an institution of professional or graduate or undergraduate higher education) that has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers full-time study.

(6) Any entity that utilizes research information to develop projects that impact communities. This includes information in situations of hazards, environmental quality and earth biological science impact.

K. Federally Conducted refers to programs and services directly provided by or for the Bureau (Department) or through partnerships on behalf of the Bureau (Department) for the benefit, education, and aid to the public.

L. Grants are an award of assistance from a federal agency to a recipient to carry out a public purpose of support authorized by a law of the United States. A Grantee is the recipient to which the grant is being awarded.

M. Public Notice is a requirement of recipients, to whom bureaus and offices of the Department extend Federal financial assistance, to notify and maintain public communication of funds received and impact to the delivery of the programs as defined by the federal assistance agreement, and to notify the public of the Departments non-discrimination policy and the

procedures for filing related complaints. This includes effective communication with individuals with disabilities, as well as the application of EO 13166 to provide equal access to programs and information to populations that are limited English proficient (LEP).

N. Programs, Services, and Activities are actions provided directly or indirectly for the use of employees, the public, or other beneficiaries; or any part of an operation which is extended Federal financial assistance directly or through another recipient.

O. Recipient is any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom federal financial assistance is extended directly or through another recipient and that operates a program, service or activity that receives such assistance, including any subunit, successor, assignee, or transferee thereof. A subrecipient is any of the entities that a recipient extends or passes on federal financial assistance to and has all of the duties and responsibilities of a recipient.

Responsibilities.

A. Department. The Director, Office of Civil Rights, (OCR Director) acts as the responsible Departmental Official in matters relating to the Public Civil Rights (PCR) Program, and assists the Secretary of the Interior (Secretary) in carrying out the responsibilities of the Department. Specifically, the OCR Director has the responsibility to:

(1) Develop, disseminate, monitor, and update current Departmental policies, directives, procedures, rules, and regulations on the implementation of the PCR Program, and assist the Bureaus in the establishment of their respective PCR Program.

(2) Advise the Secretary concerning significant developments in the implementation of the Department's PCR Program.

(3) Provide leadership, guidance, training, and technical assistance to the Bureaus in carrying out their PCR Program.

(4) Review, evaluate, and monitor Bureau's activities and programs relating to PCR, and effectuate changes to assure consistency and program effectiveness, to include maintaining a current list of federally Assisted and federally Conducted programs by Bureau.

(5) Monitor the compliance of the Bureaus in regards to compliance reviews and complaint investigations and recommend appropriate actions where deficiencies exist.

(6) Provide coordination and liaison with other Departments, Bureaus, offices, public and private organizations outside the Department, and with the DOJ to achieve PCR Program objectives.

(7) Ensure that all complaints of discrimination alleging non-compliance under the PCR Program, this policy/directive, and the regulations of the Department implementing the PCR Program, are processed, investigated, and resolved in a fair and timely manner.

(8) Take appropriate, fair, and timely action with regard to all findings of non-compliance, by initiating or participating in all attempts at informal resolutions, hearings, and

reports to the Secretary for submission to Congress ordering the suspension or termination of Federal financial assistance.

(9) Request necessary reports and other information from the Bureaus about their respective PCR Program.

(10) Disseminate information and provide technical assistance to and ongoing interaction with the public concerning the Department's PCR Program, including in appropriate situations, the provisions of material in languages other than English, alternative formats, and auxiliary aids and services for individuals with disabilities.

(11) Provide technical assistance to recipients receiving Federal financial assistance from offices within the Department, specifically the Office of Insular Affairs.

(12) Prepare periodic reports requested by internal and external entities. Coordinate with lead programmatic agencies such as the Department of Justice, the Access Board, the Civil Rights Commission, and the Department of Education [112 DM 19.4A (1)].

(13) Maintain consistent and effective records.

B. Bureau.

(1) Each Bureau with respect to the various PCR authorities (see Authorities Section for specific statues, executive orders and regulations) it administers, has the responsibility to ensure that the objectives of the PCR Program, the regulations of the Department, and the regulations of the DOJ at 28 CFR Part 42 Subpart F are achieved.

(2) The Bureau's office with PCR Program responsibility shall:

(a) Provide and maintain sufficient staff and resources to implement a PCR Program as outlined in this policy.

(b) Develop, disseminate, monitor, and update current Bureau policies, directives, procedures, rules, regulations on the implementation of the PCR Program.

(c) Provide training to PCR staff and technical assistance to other Bureau staff in order to effectively implement the PCR Program.

(d) Maintain and provide a current list of Federally Assisted and Federally Conducted programs to the Department.

(e) Proactively disseminate information to and seek interaction with the public concerning the Bureau's PCR Program, including in appropriate situations, the provisions of material in languages other than English, alternative formats, and auxiliary aids and services for individuals with disabilities.

(f) Provide guidance, training, and technical assistance to recipients and sub-recipients receiving federal financial assistance from the Bureau.

(g) Conduct pre-award and post-award PCR reviews of recipients to ensure that signed assurances of non-discrimination are provided along with other information to evaluate compliance and consistency with the Bureau's Public Civil Rights Program.

(h) Conduct complaint investigations alleging discrimination filed against federally conducted entities and recipients.

(i) Ensure that all federal agency staff determinations regarding PCR complaint and compliance reviews shall be made by, or be subject to the review of, the agency's Civil Rights Office (per DOJ 28 CFR Part 42.407).

(j) Provide PCR Program data as requested by the Department.

(k) Submit reports as required by the Department.

(l) Maintain consistent and effective records.

Public Notification.

A. The Departmental Office of Civil Rights (OCR) and the Bureaus will make available, and where appropriate, distribute its civil rights regulations, guidelines, and other related civil rights policy information for use by Federal employees, applicants for Federal financial assistance, recipients, potential and actual program beneficiaries, and other interested persons.

B. The Department OCR and the Bureaus shall inform program beneficiaries of their rights to program participation and policy of nondiscrimination and procedures for filing complaints.

C. The Department OCR shall provide guidance to the Bureaus and Offices to facilitate their efforts and that of their recipients to take reasonable steps to:

(1) ensure that LEP populations (as described in EO 13166) have meaningful access to the programs, services, and information that those federally conducted and assisted entities provide; and

(2) ensure effective communication to individuals with disabilities of the availability of programs and services.

D. Refer to the relevant existing civil rights directive(s) for additional requirements.

Complaint Procedures. It is the policy of the Department to resolve all complaints of alleged discrimination promptly and appropriately whenever possible. Complaints brought under the authorities listed above will be processed under the appropriate Department and Bureau procedures. Other information about the existence of compliance violations or discrimination in covered programs or activities may be addressed through the complaint resolution process to achieve voluntary compliance. See the relevant existing civil rights directive(s) for additional requirements.

A. Department Complaint Processing Responsibilities. The OCR shall be responsible for the following:

(1) Policy Development. Develop civil rights policies, regulations, guidelines, and procedures.

(2) Coordination. Coordinate with Departmental and other Federal agencies (i.e., Department of Justice, Department of Health and Humans Services) on various PCR activities.

(3) Complaint Processing. Investigate complaints filed against the Department.

(4) Monitoring. Provide oversight for civil rights complaints filed with any bureau or office.

(5) Complaint Referrals. Refer a complaint to an appropriate Bureau for appropriate action or otherwise notify the complainant of the agency's lack of jurisdiction.

(6) Legal Actions. Effectuate the enforcement of all legal actions against a recipient including, but not limited to, fund termination proceedings in instances where voluntary compliance efforts have failed.

(7) Reporting. Report to other Federal agencies regarding the scope and nature of the Department's civil rights compliance and enforcement policies, (i.e., Department of Justice, Department of Health and Humans Services).

B. Bureau Responsibilities in Processing Public Civil Rights Complaints.

(1) Policy Development. Develop civil rights policies, guidelines, and procedures.

(2) Complaint Procedures. All Bureaus and Offices shall establish and publish procedures for promptly processing complaints. The complaint procedures must provide for notifying in writing the complainant and the applicant and/or recipient as to the disposition of the complaint. Bureaus and Offices shall investigate all complaints received that are within their jurisdiction or are referred by the Department that allege discrimination on the basis of race, color, national origin, disability, age, or sex.

(3) Complaint Referrals. If a Bureau or Office lacks jurisdiction over a complaint, the Bureau or Office shall refer the complaint to an appropriate Federal, State, or local government agency for appropriate action or otherwise notify the complainant of the agency's lack of jurisdiction.

(4) Reporting and Tracking Requirements. Each Bureau or Office shall maintain a tracking system that accounts for all PCR complaints filed, identifying each complaint, the authority under which the complaint is covered, the basis of the complaint, the date the complaint was filed, the disposition, the date of disposition, and any other pertinent information found necessary by the OCR or Bureau's for reporting or other purposes. Bureaus or Offices shall report this information to the Department monthly.

C. Where to File. Complaints may be filed with the Director, Office of Civil Rights, US Department of the Interior, 1849 C Street, NW, Washington, DC 20240 or with the Bureau or Office, Civil Rights Office having jurisdiction over the complaint.

D. Voluntary Compliance. The Department, Bureaus, and Offices may rely upon a variety of tools in resolving complaints. These include: early complaint resolution, negotiated agreements, preliminary and final findings, and alternate dispute resolution. The Department, Bureaus, and Offices shall use any alternative dispute resolution approaches to resolve allegations from complainants that fall within their jurisdiction. Any approach or combination of approaches may be initiated at any time after receipt of the complaint and multiple approaches may be used to resolve any case. The Department, Bureaus, and Offices shall consider which tool is most likely to promote voluntary compliance.

E. Confidentiality of Complaints. The confidentiality of each complaint will be maintained during processing. Complaints and accompanying information will be kept in secure cabinets with proper labeling of Privacy Act Information. Complainants may elect to waive confidentiality in writing.

F. Intimidation or Retaliation. It is the policy of the Department to strictly prohibit any intimidation or retaliation against any individual for reasons of his or her participation in any PCR proceeding associated with the Department, Bureaus, or Offices. To this effect, no person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege associated with the nondiscrimination complaint policies described herein.

Compliance Reviews of Federally Assisted Recipients. Title VI of the Civil Rights Act of 1964 and implementing regulations require that the Departments, Bureaus and Offices to conduct systemic reviews of their recipients of federal financial assistance to determine adherence to civil rights laws and regulations. The intent of the reviews is to monitor compliance not only with Title VI (prohibition against race, color and national origin discrimination) but also with other aspects of civil rights, including disability, age, sex and the effective administrative implementation of a civil rights program. Refer to the relevant existing civil rights directive(s) for additional requirements.

A. Types of Reviews.

(1) Pre-award Reviews. The pre-award review is an assessment of a potential Department, Bureau or Office recipient for civil rights and equal access practices before that particular recipient is awarded the federal financial assistance. The pre-award assessment is a determination of the potential recipient's current and previous track record of supporting civil rights requirements and providing equal access to the demographic groups covered by the Federal civil rights requirements.

(a) A written assurance signed by an applicant for Federal financial assistance, committing itself to adherence with the civil rights requirements.

(b) Supplemental review of civil rights practices of the applicant for Federal financial assistance, relying on one or more of the following sources:

(i) Demographic data from the applicant indicating the degree of previous inclusion in programs and activities;

(ii) Reports from Federal, State or local agencies regarding the applicant's previous compliance with civil rights requirements;

(iii) Feedback from community groups representing impacted demographic groups;

(iv) Court records of any previous decisions of civil rights noncompliance affecting the applicant;

(v) The location and design of construction-related federal grant activity, including an assessment of the impact of the construction on impacted demographic groups;

(vi) The current status of other federal financial assistance being provided to the applicant, and pending applications for other federal financial assistance;

(vii) A statement by the applicant describing previous compliance reviews of that applicant and the agency or organization conducting the reviews during the two year period prior to the grant application.

(viii) Recipients of continuing State programs (annual grant recipients normally based upon a legislated allocated formula) need only provide the assurance described in number 1a above, and are not subject to the supplemental review requirements described in number 1b above. The recipients of continuing State programs are subject to periodic post-award compliance reviews.

(2) Post-award Reviews. The post-award review is an assessment of the recipient's adherence to civil rights laws and providing equal access for the covered demographic groups after the award of federal financial assistance is provided. Post-award reviews are done on an ongoing, periodic basis while the federal financial assistance is in effect.

(a) Initiate a review of key documents, covering data collection to include generally:

(i) Racial/ethnic data, regarding participation in programs and on advisory or planning boards;

(ii) Demographic locations of programs, to ensure that programs are dispersed racially/ethnically;

(iii) Language access provisions and plans, including translation of vital documents and providing for on-call translations for visitors and callers;

(iv) Examination of environmental policies and practices to determine any adverse impacts against minority or low income communities;

(v) Outreach to and inclusion of women in educational programs;

(vi) A list of minority and disability groups that the recipient partners with;

(vii) Equal access for persons with disabilities, including self-evaluation updates, accommodations on public notices, accessible

(viii) websites/technology, specific accommodations for persons with different types of disabilities, and related accessibility features;

(ix) Review of the public complaint system to determine how the recipient is handling complaints, including the designation of complaint officers (especially Title IX and Section 504);

(x) Review of publications, brochures and posters to determine how the public is informed about their civil rights;

(xi) Review of sample assurances for sub recipients, to determine whether these sub recipients are being held accountable for civil rights requirements;

(xii) Assessment of organizational and resource support for civil rights.

(b) A post-award compliance review is always followed by the issuance of a Report of Findings, soon after completion of the review. The Report of Findings includes civil rights accomplishments, and deficiencies or areas of noncompliance which need to be addressed. Recipients are given time frames to correct noncompliance issues and are required to submit a corrective action plan.

(c) Irresolvable violations discovered in the review process (after the recipient is given an opportunity for voluntary compliance) are referred to the DOI Office of Civil Rights for possible enforcement actions, described at 43 CFR Part 17, Subpart A, Section 17.7 – 17.10.

Compliance Reviews on Federally Conducted Programs. In accordance with Section 504, the Department, Bureaus and Offices will conduct self-evaluations of accessibility of its programs, policies, and practices to determine whether accessibility may be addressed through changes in the way such programs, services, and activities are provided. In the event that structural changes are necessary to meet the requirement of Section 504, then a transition plan shall be developed setting forth the steps necessary to complete such changes. The transition plan should include the following:

A. Self-evaluation. Identify physical obstacles in the program or facility that limit the accessibility to individuals with disabilities.

B. Plan. Describe in detail, them methods that will be used to make the program or facility readily accessible and usable.

C. Schedule. Specify the schedule for taking the steps necessary to achieve full program accessibility and if the transition plan is longer than one year, identify steps that will be taken during each year of the transition plan period.

D. Identify. Identify the person responsible for implementation of the transition plan.

Instructional Materials and Directives. The Office of Civil Rights will prepare and disseminate, with the Department and to the Bureaus Civil Rights Offices, directives, manuals, and other instructional documents as necessary to implement the provision of this Directive.

cc: Bureau & Office Equal Opportunity Officers
Bureau and Office Human Resource Officers
Bureau and Office Procurement Officers

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