Bureau of Land Management

PUBLIC CIVIL RIGHTS COMPLIANCE PROGRAM

Office of Equal Employment Opportunity
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CHAPTER 1

OVERVIEW OF BLM'S PUBLIC CIVIL RIGHTS PROGRAM

1. Introduction

Title VI of The Civil Rights Act of 1964 was enacted by Congress to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in Federally assisted programs, and to establish a Commission on Equal Employment Opportunity.

Title IX of The Education Amendments of 1972 is a comprehensive Federal law that prohibits discrimination on the basis of sex in any Federally funded education program or activity. The principle objective of Title IX is to avoid the use of Federal money to support sexually discriminatory practices in education programs such as sexual harassment and employment discrimination, and to provide individual citizens effective protection against those practices.

Executive Order 13166 was signed by President William J. Clinton on August 11, 2000 to improve access to Federally conducted and Federally assisted programs and activities for individuals who, as a result of national origin, are limited in their English proficiency (LEP).

The Age Discrimination Act of 1975 is a national law that prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Age Discrimination Act applies to persons of all ages. It permits the use of certain age distinctions and factors other than age that meet the Acts requirements. The Act does not cover employment discrimination. (The Age Discrimination in Employment Act applies specifically to employment practices and programs, both in the public and private sectors, and applies only to persons over age 40.)

Title II of the American with Disabilities Act (ADA) is the first Federal civil rights law to deal specifically with the rights of disabled citizens. Subpart A of the ADA is intended to protect qualified individuals with disabilities from discrimination on the basis of disability in the services, program or activities of all state and local governments, including those that do not receive Federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 is a disability rights law which states that, "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under any program or activity that either receives Federal financial assistance or is conducted by any executive agency or the United States Postal Service."

2. Purpose

The Department of Interior (DOI) Bureau of Land Management (BLM) has established procedures for conducting compliance reviews of Federally assisted Recipients and complaint investigations based on the legal and regulatory civil rights requirements relating to Title VI, IX, LEP, Age, Section 504 and Title II (Subpart A). They are defined in this Standard Operating Procedure (SOP).

3. Scope

This SOP applies to DOI BLM and all entities (Recipients) authorized by them to receive Federal financial assistance (FFA).

4. Responsibilities

a. Deputy Assistant Director, Equal Employment Opportunity (DAD, EEO) is responsible for managing, directing, and coordinating the management and administration of the full range of the Bureau's civil rights complaint, compliance and enforcement functions, responsibilities, and obligations including:

(1) Providing overall leadership, guidance, and direction for the Bureau's civil rights complaint and compliance programs;

(2) Ensuring State/Center Offices support and adhere to civil rights policies, directives and decisions rendered by the Department's Office of Civil Rights;

(3) Systematically review and evaluate each State/Center Offices' performance under the Bureau's civil rights programs;

(4) The investigation and adjudication of complaints to ensure a complete and thorough investigative report is developed when determining if discrimination has occurred in programs and activities receiving Federal financial assistance from BLM, and the authority to require appropriate remedies;

(5) Reviewing and evaluating Recipients' accomplishment of their civil rights responsibilities through complaint resolution, compliance reviews and other appropriate methods;

(6) Issuing policies, directives, and procedures as necessary to ensure that the Bureau achieves its civil rights enforcement obligations.

b. State/Center Equal Employment Opportunity Manager - Any State/Center administrator within the Bureau to which the legal authority and responsibility have been delegated or assigned

to manage, administer, or supervise any Bureau program or activity, or any officer or employee of the Bureau to whom the DAD, EEO has delegated the authority to carry out the functions or responsibilities of the agency under this policy guidance regulation will:

(1) Establish, maintain and ensure proactive civil rights complaint and compliance enforcement programs in accordance with the policies, guidelines, and directives promulgated by the BLM Headquarters' EEO Office and/or the Department's Office of Civil Rights;

(2) Provide adequate appropriately trained and qualified staff and other resources as necessary to ensure efficient and effective accomplishment of the Bureau's civil rights obligation;

(3) Process complaints of alleged discrimination that has occurred or is occurring in a program or activity funded by the BLM or that the Recipient of BLM financial assistance is otherwise not in compliance with applicable Federal civil rights requirements;

(4) Timely collect and make available all data and information as necessary and requested by the DAD, EEO to enable efficient and effective monitoring and evaluation of the Bureau's program of civil rights complaint, compliance and enforcement;

(5) Investigate any complaint and conduct compliance reviews, including ensuring access to information and the resolution of any issues of noncompliance;

(6) Implement corrective actions and remedies in response to a finding resulting from a compliance review or complaint investigation that one or more agency programs or activities are affected by prohibited discriminatory policies, practices, or procedures;

(7) Ensure all programs and activities for which they are responsible are conducted, managed, and administered in a manner that conforms to all legal standards, policies, and requirements that have been established in Federal statutes, regulations, Executive Orders, policies and case law decisions;

(8) Regularly and systematically monitor and evaluate the management and administration of all programs, activities, policies, procedures, and practices to ensure compliance with applicable civil rights requirements, including those civil rights requirements specified in program statutes and regulations;

(9) Conduct pre-award and post-award compliance reviews of Bureau Recipients of Federal funds. The scope of the criteria used to conduct a compliance review can be determined by the following:

a. Data and information cited in one or more complaints or other reliable information source;

b. Receipt of a significant number of complaints that raise the same or similar issue(s) relating to a particular bureau program or the receipt of one or more complaints that involve politically sensitive matters or have generated significant media interest;

c. Recipient's budget reflecting fiscal appropriations and justification;

d. Issues identified by community groups, advocates and/or others representing beneficiaries, or potential beneficiaries; and

e. Other legitimate factors and information.

10. Maintain a regular, systematic program that includes:

a. Technical guidance and assistance for recipients, with the goal of resolving civil rights problems and issues in the administration of agency programs and activities, and

b. Monitoring and evaluations of whether, and the extent to which, recipients meet the civil rights requirements.

11. In conducting compliance reviews of Bureau-funded programs and activities, State/Center offices will be guided by the legal standards, policies, and requirements that have been established in Federal statutes, regulations, Executive Orders, policies and case law decisions related to discrimination based on race, color, national origin, religion, age, disability and sex (in educational programs) made applicable to Recipients of Federal financial assistance.

5. Background

Title VI

Title VI was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities that receive FFA. It ensures that public funds are not spent in a way that encourages, subsidizes, or results in discrimination.

Title VI prohibits Recipients from providing a different service(s) or benefit(s), or providing them in a different manner, from those provided to others under the program. It prohibits the denial of any individual service, financial aid or other benefits based upon race, color or national origin. Policies or practices that appear neutral on their face, but that result in a discriminatory

effect known as "disparate impact" violate DOI/BLM Title VI policy, unless it can be proven justified and that there is no less discriminatory alternative.

The Supreme Court, in Lau v. Nichols, 414 U.S. 563, interpreted regulations promulgated by the Department of Health and Human Services to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination. In Lau, a San Francisco school district that had a significant number of non-English speaking students of Chinese origin was required to take reasonable steps to provide them with a meaningful opportunity to participate in Federally funded educational programs.

If a Recipient is found to have discriminated and voluntary compliance cannot be achieved, the Federal agency providing the assistance will either initiate fund termination proceedings or refer the matter to the Department of Justice for appropriate legal action. Aggrieved individuals may file administrative complaints with the Federal agency that provides funds to a Recipient, or the individual(s) may file suit for appropriate relief in Federal court.

There are programs where Title VI does not apply. These include Federal agency programs that provide direct benefits, such as Social Security, and employment, unless employment practices result in discrimination against program beneficiaries, or where the purpose of the Federal assistance is to provide employment

Title IX

Title IX was enacted in 1972 as part of the Education Amendments of 1972, 20 U.S.C, §1681 et seq. Title IX is a comprehensive Federal law that prohibits discrimination on the basis of sex in any Federally funded education program or activity. It is designed to remove barriers that once prevented people from participating in educational opportunities and careers of their choosing. The principle objective of Title IX is to avoid the use of Federal money to support sexually discriminatory practices such as sexual harassment and employment discrimination, in education programs, and to provide individual citizens effective protection against those practices. Title IX applies, with a few specific exceptions, to all aspects of Federally funded education programs or activities. It applies to traditional educational institutions such as colleges, universities, and elementary and secondary schools, and any educational or training program operated by a Recipient of FFA.

All Recipients are covered by contractual assurances that the applicant or Recipient will comply with applicable Federal statutes relating to nondiscrimination by Recipients of FFA. Title IX regulations require that the assurance contain language that commits the applicant or Recipient to undertake whatever remedial action is necessary to eliminate any existing sex discrimination, or to eliminate the effects of past discrimination regardless of whether the discrimination occurred prior to or subsequent to the assurance. Under the Civil Right's Restoration Act of 1987, if one portion of a Recipient's program or activity receives FFA, all of the operations in that organization must comply with the nondiscrimination statute.

There are programs where Title IX does not apply. These include father-son or mother-daughter activities in an educational program for example; however, if such activities are provided to students of one sex, opportunities for reasonably comparable activities must also be provided to students of the other sex. Also exempted from compliance with Title IX requirements are the membership practices of certain organizations, such as YMCA, YWCA, Girl Scouts, Boy Scouts and Camp Fire Girls.

Limited English Proficiency (LEP)

Individuals who do not speak English as a primary language, and who have a limited ability to read, write, speak or understand the English language are identified as limited English proficient

Under Executive Order 13166, Federal agencies that provide financial assistance to non-Federal Recipients must ensure that Recipients comply with regulations "restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program", or from "utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin."

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. This standard is designed to be flexible and fact-dependent, and the starting point for determining whether a Recipient complies with the requirements is an individualized assessment that can be balanced based on these four factors:

a. Nature and importance of the program activity or service provided;

   (1) The more important the Recipient's activity, information, service or program, or the greater the possible consequences of the contact to LEP individuals, the more likely language services are needed. Any decision by a Federal entity to make an activity compulsory lends strong evidence to the program's importance.

b. Number of LEP individuals likely to be encountered by programs or activities;

   (1) Recipients should examine their prior experiences with LEP encounters and determine the breadth and scope of language services that were needed. It is important to include populations that are eligible for programs or activities, but who may be underserved because of existing language barriers. Other data should be consulted when appropriate to refine or validate Recipient's prior experience. Community and social service agencies, school systems, religious organizations and others can often assist in identifying populations that may be underserved because of existing language barriers, and who could benefit from the Recipient's program, activity or service if language services were provided.

c. Frequency with which LEP individuals come into contact with the program; and

(1) As accurately as possible, Recipients should assess the frequency with which they have contact with LEP individuals. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. Plans to address language services may be as simple as being prepared to use a commercially available telephonic interpretation services to obtain immediate interpreter services.

d. Resources available to the Recipient or agency; and cost.

(1) Resource and cost issues can often be reduced by technological advances; the sharing of language assistance materials and services among and between Recipients, advocacy groups, and Federal grant agencies; and through the use of reasonable business practices. Consideration should be given where appropriate to training bilingual staff to act as interpreters and translators, information-sharing through such efforts as Service First, telephonic and video conferencing interpretation services, pooling resources and standardizing documents to reduce translation needs, using qualified translators and interpreters to ensure that vital documents need not be "fixed" at some later time and that inaccurate interpretations do not cause delay or other costs; centralizing interpreter and translator services to achieve economies of scale, or the formalized use of qualified community volunteers, for example, to help reduce costs.

Note: Vital documents are defined as those generally used by 50% or more of patrons who access Bureau services.

The focus of the analysis should be on the lack of English proficiency, not on the ability to speak more than one language. Therefore, when using demographic data, it is important to focus on the languages spoken by those who are not proficient in English.

After applying and analyzing these factors, a Recipient may conclude that different language assistance measures are sufficient for the different types of programs or activities in which it engages, or, in fact, that in certain circumstances, Recipient provided services are not necessary. In either case, the Recipient must document their review and the analysis that led to this determination.

Age Discrimination Act of 1975

In November 1975 Congress enacted the Age Discrimination Act (42 U.S.C. 6101 et seq.) as part of the amendments to the Older Americans Act (Pub. L. 94-135). The Act prohibits discrimination on the basis of age in all programs and activities receiving FFA. The Act also prohibits Recipients of FFA from taking actions that result in denying or limiting services or otherwise discriminating on the basis of age.

Like other civil rights statutes, the Act applies only to programs or activities in which there is an intermediary (Recipient) standing between the FFA and the ultimate beneficiary of that

assistance. The Act does not apply to programs of direct assistance (such as the Social Security program) in which Federal funds flow directly and unconditionally from the Federal government to the individual beneficiary of those funds.

Prior to the development of any regulations, the Act required the Commission on Civil Rights to conduct a study of age discrimination in Federally funded programs and activities. The Commission transmitted its study tot he President and the Congress on January 10, 1978. The Commission published the second part of its study in January 1979. The Act also required each affected Federal agency to respond to the Commission's findings and recommendations, and provided time for the Congress to consider amendments to the Act.

After receipt of the report from the Commission on Civil Rights and the Federal agency responses to that report, the Congress considered amendments to the Age Discrimination Act. In October 1978, Congress amended the Act (Pub. L. 95-478). The amendments: (1) Added a private right of action to the Age Discrimination Act; (2) provided a mechanism for the disbursal to alternate Recipients of funds that have been withheld under the Age Discrimination Act; (3) added a requirement that the Department of Health, Education and Welfare (now HHS) approve the final regulations of other Federal agencies; (4) made the effective date of regulations implementing the Act no earlier than July 1, 1979; (5) required annual reports to the Congress on progress in implementing the Act; and (6) removed the word "unreasonable" from the Act's statement of purpose. The 1978 amendments left intact the exceptions to the general prohibition against age discrimination contained in the 1975 Act. The amended Act continues to apply to persons of all ages.

Title II of the American with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990 is the short title of United States Public Law 101-336. It was signed into law on July 26, 1990 by George H. W. Bush. It is a wide-ranging civil rights Law that prohibits discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin, and other characteristics illegal. Specifically, State and local government may not discriminate against qualified individuals with disabilities with regard to Recipient of FFA. The ADA further requires that State and local government facilities, services, and communications be accessible consistent with the requirements of Section 504.

Section 504 of the Rehabilitation Act of 1973

The Rehabilitation Act of 1973 (Public Law 93-112), as amended, is the current legislation that replaces the Vocational Rehabilitation Act (Smith-Fess Act - Public Law 66-236) of 1920. It provides a statutory basis and meets the current and future needs for extending Vocational Rehabilitation services to handicapped individuals. The Act also provides such services for the benefit of such individuals, serving first those with the most severe handicaps, so that they may prepare for and engage in gainful employment. The Rehabilitation Act prohibits discrimination on the basis of disability in programs conduced by Federal agencies, in programs receiving FFA,

in Federal employment, and in the employment practices of Federal contractors. Section 504 of the Rehabilitation Act focuses on reasonable accommodations for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations.

Federal Financial Assistance (FFA)

FFA relates to more than just dollars. It includes any type of aid that enhances the Recipient's ability to improve or expand allocation of a Recipient's own resources to a program or activity.

FFA can include training provided by the Federal government, detailed ("loaned") Federal employee(s), technical assistance, and grants or loans of monies, Federal property or interests in Federal property. It can include the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration, or at a nominal consideration that is reduced for the purpose of assisting the Recipient.

Freedom of Information Act (FOIA) Information

The Freedom of Information Act gives the public access to certain files and records of the Federal Government. Individuals can obtain items from many categories of records of the Government, not just materials that apply to them personally. DOI/BLM honors requests under the FOIA, with some exceptions. DOI/BLM generally is not required to release documents during an investigation or enforcement proceedings if the release could have an adverse effect on the ability of the agency to do its job. Also, any Federal agency may refuse a request for records compiled for law enforcement purposes if their release could be an "unwarranted invasion of privacy" of an individual.

Requests for other records, such as personnel [and medical files], may be denied where the disclosure would be a "clearly unwarranted invasion of privacy."

6. Compliance

BLM must ensure that all programs and activities whether Federally conducted or Recipients of Federal financial assistance are conducted, managed, and administered in a nondiscriminatory manner that conforms to all legal standards, policies, and requirements established in Federal statues, regulations, Executive Orders, and case law decisions.

All Recipients should be reviewed for compliance with the regulations governing their program(s) at least once every five (5) years. (See Chapter 2 “How to Conduct a Compliance Review” for additional guidance)

CHAPTER 2

HOW TO CONDUCT A COMPLIANCE REVIEW

1. What is a Compliance Review?

Compliance reviews are systematic planned investigations conducted to assess and evaluate the civil rights and equal opportunity policies, procedures and practices of Recipients and sub-Recipients of Federal financial assistance. The reviews can determine Recipients' compliance with applicable civil rights statutes, regulations, standards and policies. This guide will assist BLM, State/Center EEO Managers and appropriate personnel with conducting these reviews.

2. Who is Responsible for Conducting Compliance Reviews?

State/Center EEO Managers are responsible for conducting compliance reviews of Bureau FFA Recipients, and will:

a. Develop a schedule of reviews to be accomplished each calendar year;

b. Conduct pre-award and post-award compliance reviews;

c. Monitor and oversee implementation of corrective action plans that have been negotiated with Recipients who have been found to be in noncompliance; and

d. Provide an annual report that summarizes compliance reviews conducted during the year, monitoring activities and corrective actions.

3. What Kinds of Reviews are There?

BLM conducts three types of Recipient reviews:

a. **Pre-Award Review:** A pre-award review is a preliminary assessment of an applicant requesting Federal financial assistance in regards to whether the applicant complies with civil rights requirements. The Grants Management Office (GMO) ensures the Recipient self-certifies their compliance by signing the required assurance agreement (SF-424B) prior to an award.

b. **Post-Award Review:** A post-award review is a comprehensive assessment of a FFA Recipient's compliance with civil rights requirements. This review may be accomplished through a desk-audit or conducted on-site.

(1) A desk-audit is an off-site assessment of a FFA Recipient's policies and practices

regarding compliance with civil rights requirements. Desk audits are accomplished by requesting written policy documents and other information, to include photographs and/or videos from the Recipient, as well as conducting telephone interviews with selected individuals to determine compliance/non-compliance.

(2) An on-site review provides the reviewer with a greater opportunity to assess compliance on more of an objective basis. Onsite reviews are accomplished after receipt and review of requested written policy documents and other information if:

a. Compliance or non-compliance can not be determined through a desk audit; or

b. There is a need to examine specific corrective actions on findings from the Recipient's pre-award review; or

c. A discrimination complaint is filed against the Recipient; or

d. The Recipient has not fully cooperated with the State/Center EEO Manager.

c. **Follow-up Review:** The follow-up review is a subsequent examination of specific aspects of the Recipient's program to determine whether the Recipient has resolved outstanding conditions of non-compliance uncovered in previous reviews. Timetables and deadlines are set with Recipients for follow-up reviews. State/Center EEO Managers will conduct follow-up compliance reviews if:

(1) There is a need to examine specific corrective action on findings from the Recipient or post-award reviews; or

(2) A discrimination complaint is filed against the Recipient after the post-award review was conducted; or

(3) The Recipient has failed to provide the necessary documentation within the specific timetables and deadlines set forth in a Notice of Findings.

State/Center EEO Managers will conduct compliance reviews to determine compliance with the DOI/BLM nondiscrimination provisions, usually no more than once during the life of the financial assistance.

4. How are Pre-Award Compliance Reviews Conducted?

Each State/Center EEO Manager is responsible for conducting Pre-Award compliance reviews of

FFA applicants. A pre-award review is a preliminary assessment of an applicant requesting Federal financial assistance in regards to whether the applicant complies with civil rights requirements. The Grants Management Office (GMO) ensures the Recipient self-certifies their compliance by signing the required assurance agreement (SF-424B) prior to an award.

5. How are Post-Award Compliance Reviews Selected?

State/Center EEO Managers will determine the specific focus and scope of each review. Reviews may be limited in scope of a Recipient's programs. This decision can be made by considering the following:

a. Obtain FFA Recipient list from the State/Center Grants Acquisition Office. Once FFA Recipients are identified the following factors should be taken into consideration, but are not limited to:

(1) Issues, data and/or information cited in one or more complaints that may not have been fully addressed within the scope of a complaint investigation, or by another reliable source(s);

(2) A significant number of complaints that raise the same or similar issue(s) relating to a particular Recipient program;

(3) Receipt of one or more complaints that involve politically sensitive matters, or generate significant media interest;

(4) Issues identified by community groups, advocates and/or others representing beneficiaries as problems faced by program beneficiaries or potential beneficiaries;

(5) Issues identified in the pre-award review;

(6) A Recipient's budget and justifications that reflect a high amount of FFA; and

(7) Other legitimate factors or information that may surface.

6. How to Prepare for a Post-Award Review.

At least, 120 days in advance of the start of a scheduled review the State/Center EEO Manager will establish and coordinate a review schedule with the Recipient. Pre-review preparation should include the following:

a. Review the process outlined in this SOP;

b. Check Recipient status/jurisdiction, Recipient's Representative's name, business telephone number and verify address of each Recipient selected for review;

c. Coordinate with other Federal grantor agencies, which may have completed a recent civil rights compliance review of the same Recipient in conjunction with its specific program review (i.e. FWS and NPS provide assistance to many of the same State agencies). If it has been determined that the Recipient has undergone a civil rights compliance review by another Federal agency during the previous 12-month period, or is scheduled for one in the near future, request the other agency's report of its review in advance to determine whether a review of the Recipient is necessary;

d. A review of the Recipient's previous Federal assistance and civil rights compliance reviews;

e. A review of any statistical and demographic data related to race, color, national origin, age, and/or disability;

f. Develop a review plan with schedules and deadlines, possible questions to be asked, and documents to be requested; and

g. Perform timely notification to the Recipient and other individuals scheduled for interview.

7. How to Notify the Recipient.

Recipients selected for review are notified by letter of the date and time in which the review will be conducted. The following steps should occur:

a. Contact each Recipient selected via telephone and schedule a specific date and time for the review.

b. 30 calendar days prior to the scheduled review date, send the scheduling letter (See Appendix A) via certified mail, return Recipient, confirming the date, time and information that must be provided prior to the review. The letter will advise the Recipient that their program(s) will be reviewed for compliance. In addition, the letter will also identify the specific program(s) to be reviewed, request documents pertaining to civil rights requirements, provide the reviewer's or review team member(s) names and telephone number(s), provide details regarding any other needed arrangements, (i.e., working space, scheduled interviews, etc). A copy of any review questions may be included so the Recipient can meet expectations and prepare responses.

Note: The allotted time period the Recipient has to submit the requested information is 60 calendar days. Upon receipt of the information, EEO Managers will perform an analysis and

prepare a Report of Summary (See Appendix B) before the on-site review is conducted.

8. How to Conduct an Entrance Conference.

The entrance conference should be held with the Recipient's Chief Officer or designee to provide an overview of the civil rights compliance review process. During the entrance conference the following items should be discussed:

a. The purpose and scope of the impending compliance review;

b. Discuss any areas of concerns noted in the Report of Summary, and that interviews will be conducted with identified candidates;

c. Confirm interview schedules, facilities to be inspected, and information and data to be collected and examined;

d. Notify the Recipient's representative of the possibility of additional interviews, information collection and subsequent on-site visits; and

e. Establish a tentative time and place for the exit conference.

Note: The following list, while not inclusive, identifies candidates who may be interviewed, as appropriate:

- Top agency officials
- FFA Recipient entity or organization owner / operator / manager
- FFA Recipient EEO or Civil Rights Manager, staff member(s)
- Grant(s) and Agreement(s) Administrator(s)
- Program Coordinator(s)
- Program Assistant(s)
- First-line supervisor(s)
- Employees
- Concessionaires
- Contractors / sub-contractors of the FFA Recipient business or organization

9. What Should be Reviewed?

Various kinds of information and records should be collected and reviewed during the course of the review. These documents should be reviewed, but are not limited to:

a. Recipient's civil rights program, policy, procedures, and organization chart;

b. Recipient's civil rights-related training outlines or guides, including handouts or summaries of civil rights laws and regulations provided to their employees;

c. Public notification and/or communication plan(s) and program discrimination complaint program activities, literature and brochures;

d. Examples of program information available in alternate formats, or via internet

e. Copy of signed Assurance Agreement(s) (SF-424B); and

f. 504 self-evaluation and transition plan.

10. How to Conduct Interviews.

Interviews are an important part of the compliance review process in corroborating information obtained from the Recipients files and records. Interviews should include program employees, beneficiaries, and community contacts from minority and ethnic groups and people with disabilities. When conducting interviews, the following steps should be taken:

a. Carefully select the persons to be interviewed by taking into consideration the information the interviewee may provide regarding the Recipient's programs and operations;

b. Identify needed information by preparing questions designed to secure such information from each person interviewed;

c. Identify yourself and explain the purpose and scope of the interview;

d. Note the identity, address, and relationship, which the interviewee has to the Recipient;

e. Conduct the interview in private. Inform the interviewee that anything said will be for the record and will be kept confidential unless it must be used in an enforcement proceeding;

f. Note opinions, general impressions, and reactions, during the course of the interview, but identify them as such;

g. If the interviewee has made any allegations that imply non-compliance on the part of the Recipient, review those statements and seek clarification, confirmation, and supportive data;

h. Avoid giving assurances to possible corrective actions to persons interviewed;

i. Provide the interviewee with an address or point of contact to provide additional information; and

j. Ensure that written notes are made of all telephone and personal interviews

(audio/visual tape recording is discouraged and will probably make the interviewee uncomfortable).

11. What are Site Inspections?

The site inspections are randomly selected program sites that provide the EEO Manager the opportunity to see staff at work, the racial and ethnic make-up of participants, specific program brochures, posted statements and notifications, structural and non-structural accessibility, the degree of maintenance, etc. The inspection also allows the EEO Manager first hand knowledge of possible non-compliance. Individual site inspections can be time consuming however, no paper review can replace an actual on-site inspection for an accurate determination of a Recipient's compliance. Site inspections also allow further opportunities for technical assistance and educating the Recipient about related civil rights requirements.

a. Recipient program sites of various types should be randomly selected;

b. The Recipient should accompany and introduce the EEO Manager to staff at each location, briefly explaining the purpose of the visit;

c. Compliance with all of the various civil rights requirements should be reviewed at each site;

d. The reviewer may take pictures for compliance and training purposes.

12. What Happens When Deficiencies are Found in the Recipient's Program?

a. Upon completing the on-site review, hold an exit conference with the Recipient or the designated official. If the closing conference is held with a subordinate official, verify that this official has the authority to implement any agreed upon recommendations.

b. For those deficiencies which cannot be corrected immediately, establish a timetable for completion at the time of the closing conference. Specify the problem, the proposed remedy, and the timeframe for resolution. Where appropriate, finalize any goals and timetables during the exit conference.

c. Provide as much civil rights technical assistance or guidance as necessary, and take whatever action is needed to achieve voluntary compliance.

d. Retain all relevant evidence, documentation, correspondence, and a "Chronology Log" of each personal and telephone contact with the persons involved.

13. How to Conduct an Exit Conference.

The exit conference should be conducted with the Recipient's Chief Officer or designee. During the closing conference the following items should be accomplished:

a. Reiterate the purpose and scope of the review. Inform the Recipient of how the review was conducted, and the records that were examined;

b. Report findings discovered during the review from either working papers or a preliminary report. The compliance review report should clearly inform the Recipient that findings may be further evaluated for inclusion or exclusion in the final report;

c. Exercise caution so that sources of information are not disclosed to the Recipient;

d. Allow the Recipient to comment or produce information that may be relevant to the findings. Note the comments or explanations and accept any documentation provided;

e. Make an assessment with the Recipient of the possibility of achieving voluntary compliance for areas of non-compliance and develop a compliance resolution agreement for approval by both the EEO Manager and the Recipient;

f. Explain that findings are subject to review prior to finalization of the report, and that disagreements on areas of non-compliance can be negotiated later; and

g. Inform the Recipient of its obligations under the reporting requirements. The Recipient must respond in writing to the reviewing authority on its steps and timeframes to correct any areas of non-compliance with applicable civil rights laws.

14. How to Prepare Written Reports.

Compliance reviews should be completed within 120 calendar days of the review start date. Upon completion, the State/Center EEO Manager will develop and issue a Report of Findings to the Recipient, 30 calendar days from the date of the on-site review. The report will compliment the Recipient on positive actions taken in support of the civil rights requirements, and will also identify violations or program deficiencies. When developing compliance review reports and letters, the following format should be applied:

a. Brief introduction and background of the Recipient including:

(1) The purpose and scope of the review and the jurisdictional authority;

(2) The dates of the review and a brief summary of the results;

(3) Name and address of Recipient Representative;

(4) Name and address of the EEO Manager;

(5) Deadline for Recipient response to review report conclusions and recommendations.

b. Analysis of the review information including:

(1) A clear and concise description and discussion of each issue of non-compliance;

(2) Reference supportive data and information without specific identification of confidential sources;

(3) A discussion of all disputed facts and possible resolutions;

(4) Attach copies of exhibits and photographs.

c. Recommendations for the resolution of the issues of non-compliance including:

(1) Recommendations, which have clear relevance to the conclusion;

(2) Suggested corrective actions for compliance;

(3) Identification of those items that need further study or consideration.

Each State/Center EEO Manager will provide the Headquarters (HQ's) EEO Office copies of all Report of Findings of Compliance Reviews. (See Sample Report of Findings, Appendix D)

CHAPTER 3

HOW TO HANDLE COMPLAINTS

1. Who May File a Complaint?

The DOI/BLM prohibits Recipients of FFA from discriminating in its programs or activities on the basis of race, color, national origin, sex, religion, age, or disability. Note: Not all prohibited bases apply to all programs. (See specific information under civil rights requirements in Chapter 1) Any protected individual who believes a Recipient of BLM, FFA has discriminated against him or her may file a complaint. By law, Complainants are afforded the right to request anonymity. They must be advised of this at the initial contact, and in written communication. The Complainant also has the right to have a representative at all stages of the complaint procedure.

2. What Must a Compliant Contain?

If a complaint is filed against a Recipient, or against the BLM (federally conducted), alleging a Title VI, IX, LEP, Age, ADA or 504 violation(s) relating to public civil rights requirements must be filed in writing and must include a signed and dated statement that:

a. Provides the Complainant's name, U.S. Postal mailing address, an e-mail address, (if one is available), and a daytime phone number;

b. Provides the name(s), title(s) and contact information for persons who may have witnessed the alleged discriminatory act;

c. Provides the date(s) the alleged discrimination occurred. Please note that DOI/BLM have authority to investigate only actions that took place no more than 180 calendar days prior to the filing of the complaint. If the discrimination occurred more than 180 calendar days ago, Complainants may request a waiver. Waivers may be granted for the following reasons: (a) the discriminatory act could not reasonably have been expected to be known within the 180 day period; (b) Complainant was unable to report the alleged discriminatory act due to illness or incapacitation; (c) the same complaint was filed with another Federal, state or local agency. If Complainant elects to file for a waiver, s/he must provide a full explanation for failing to file within the 180 day period;

d. Identifies the name of the individual(s) whom Complainant believes discriminated against him or her, and the Recipient organization or agency that employs that/those individual(s);

e. States the basis of the complaint - The basis is what the Complainant believes was the source of the discrimination s/he alleges to have experienced, such as race, color, national origin, gender, religion, age, or disability. Note: Not all bases apply to all complaints;

f. States the issue(s) - The issue is the incident that occurred, or the action that was taken by the individual(s) or agency that Complainant alleges discriminated against him or her, and which is alleged to have caused Complainant some harm. Complainant should explain as fully and as clearly as possible what happened, why s/he believes the incident(s) happened, and how he or she feels discriminated against. The explanation should include how other persons were treated differently from Complainant, if applicable. If Complainant was denied a benefit or service, a copy of the denial letter must be provided. Copies of any documents Complainant has that support the allegation(s) of discrimination should be provided.

g. A list of all documents in the Complainant’s possession, or which Complainant has knowledge, which relate to the alleged discrimination.

3. What are the Time Limits for Filing a Complaint?

A complaint must be filed with the DOI, BLM, or State/Center EEO Office within 180 calendar days from the alleged discrimination, unless the time for filing is extended, in writing, by the Director, Office of Civil Rights. Complaints are considered filed on the date received by DOI, BLM, or State/Center EEO Offices.

4. What Happens if DOI/BLM Does Not Have Jurisdiction in the Complaint?

a. BLM will make an appropriate referral of any complaint that is not within its jurisdiction, or which is the subject of concurrent jurisdiction with another Federal, state or local agency. The Complainant will be notified of the referral in writing.

b. BLM is required to refer complaints against Recipients which allege employment discrimination under Title VII and/or the Equal Pay Act to the Equal Employment Opportunity Commission (EEOC).

5. How is a Preliminary Inquiry Conducted?

Title VI, IX, LEP, Age, ADA or 504 complaints filed directly with the relevant State/Center EEO Office should have a preliminary inquiry conducted to determine whether there is probable cause to believe discrimination occurred. The following must occur:

a. Complainants should be notified at the first contact that the BLM supports the use of Alternate Dispute Resolution (ADR) at any stage of the complaint process.

b. When an Office becomes aware of a potential complaint, immediate action should be initiated to collect all pertinent information related to the allegation, and attempts should begin to resolve the issue.

c. A review of the Complainant's case file should be conducted. Past complaints of a similar nature against the Recipient entity should be reviewed, and the contracting Office should be consulted to determine that appropriate language is a part of the Recipient's contract. Interviews and document reviews may be conducted as appropriate with (a) Recipient entity officials; (b) local government agency officials; any specific, named persons in the allegation; (c) other program applicants or participants (d) community leaders.

6. How to Process a Complaint.

Complaint processing will normally follow these steps:

a. The State/Center EEO Manager will contact the HQ's EEO Office within three (3) calendar days upon receipt of a complaint for which a case number will be assigned. The HQ's will track the status of complaints filed under Title VI, Title IX, LEP, Age, ADA or 504 and will ensure the Department of the Interior, Office

of Civil Rights (DOI/OCR) is kept fully informed of active complaint cases.

b. State/Center EEO Manager will review the complaint to determine that it is complete and timely, that the BLM has jurisdiction, that it is subject to the authorities enforced by BLM, and to determine whether the complaint must be resolved based on an investigation or is appropriate for early resolution or pre-investigation settlement.

c. Initial acknowledgement letter is prepared within 15 calendar days of receipt by State/Center EEO Office and sent to Complainant. (See Appendix- F "Sample Acknowledgement Letter – State/Center EEO Office to Complainant," and Appendix G – "Sample Consent to Reveal Identity Form.) At a minimum, the letter will include:

(1) The date the complaint was received;

(2) The case number;

(3) A statement that the complaint is under review;

(4) A contact person and phone number; and,

(5) Any other information required by the specific statute;

Note: The letter must include following wording: "It is the policy of the Department of the Interior to strictly prohibit any behavior or acts of an intimidating or retaliatory nature against any individual for reasons of his or her participation in any civil rights proceeding(s) associated with the Department of the Interior. No person(s) shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege associated with the nondiscrimination complaint rights described herein."

If the State/Center EEO Office determines that a complaint is incomplete, the acknowledgement letter will advise the Complainant of the information required to complete the complaint, and indicate that the information must be submitted within 15 calendar days of receipt by Complainant of the acknowledgement letter.

If a Complainant does not respond to the request for information necessary to complete the complaint, the State/Center EEO Manager may make a second request, extending the timeframes for submitting the information, or may administratively close the complaint.

d. All complaint-related correspondence will be sent via certified mail, with return receipt requested.

Within 30 calendar days of receipt of a complaint, the State/Center EEO Manager will:

(1) Review the complaint file in preparation for the investigation;

(2) Prepare and send a letter to the Recipient requesting information via the Data Request Form. The data requested will be according to the bases and alleged discriminatory actions (See Appendix H – "Sample Recipient Information Request Letter," and Appendix I – "Sample Recipient Data Request Sheet"). The letter will:

a. Contain a general statement of the alleged discriminatory act(s) or noncompliance activities;

b. Advise that the DOI/BLM has authority to pursue a resolution of the complaint;

c. Refrain from identifying or naming the Complainant, except when there is written authorization from the Complainant to do so; and,

d. Include other information that may be necessary to facilitate complaint resolution.

e. Collect pertinent information to record the incident;

f. Initiate action to resolve the complaint at the lowest possible level.

Note: If a resolution is accomplished, this should be fully recorded and a copy of the complete record should immediately be forwarded to the HQ's EEO Office.

7. What are the Recipient's Responsibilities?

Provide the State/Center EEO Manager with a response to the data request within 35 calendar days of receipt of the Information Request letter.

Note: If the Recipient fails to cooperate within 35 calendar days by not responding to the request for information, an additional letter, including the words "SECOND NOTICE", will be sent. If, after an additional 15 calendar days the Recipient continues to fail to respond, the State/Center EEO Manager will consult with the Regional Solicitor's Office and simultaneously seek guidance from the HQ's EEO Office. Final Agency Decisions, and any decision to pursue a complaint action through the Department of Justice, will be only at the initiative of the DOI/OCR.

b. Upon receipt of the Recipients response to the data request, and within 30 calendar days, the State/Center EEO Manager will:

(1) Review Recipient response to data request. The review is conducted

through carefully analyzing all documents, information and statements (where appropriate) collected, to determine whether a regulatory violation or deficiency is present. The standards to be applied are the civil rights laws and DOI/BLM regulations;

(2) In analyzing cases for discrimination or other deficiencies, analysis will generally be placed into one of three categories: (a) no cause/finding; (b) deficiencies or violations that need to be corrected; or (c) egregious discrimination. The standard of proof is "a preponderance of the evidence". This means that the information collected and the resulting analysis supports the point of view of one side by at least 51%;

(3) Reviews will be an impartial process limited to the facts and evidence pertinent and relevant to a factual determination of whether the Complainant was subjected to discrimination in violation of Federal civil rights regulations; and

(4) The facts, evidence, and findings of a review/investigation must result in a record that will withstand legal scrutiny. The review/investigation will be guided by the legal standards, policies, and requirements that have been established in Federal statutes, regulations, Executive Orders, policies, and case law decisions related to discrimination based on race, color, national origin, sex, religion, age, or disability and made applicable to Recipients and Federally assisted programs and activities.

8. How to Prepare for a Complaint Investigation.

Complaint investigations must be completed within 180 calendar days following the acceptance of the complaint.

a. Develop a written investigative plan prior to conducting the investigation to ensure that all relevant aspects of the case are investigated;

b. The investigative plan should address the following:

(1) All aspects of the allegations: who, what, when, where, why, and how;

(2) What type of evidence is needed to substantiate or refute the allegations;

(3) What key task needs to be performed;

(4) What witnesses must be interviewed and why? Include specific question to ask each witness. (Remember, do not ask leading questions (i.e. yes or no) but, instead, ask open-ended questions requiring the witness to explain. These questions should begin with who, what…;

(5) What documents and physical evidence are available or required? Where are they, and who has custody;

(6) What sites should be visited;

(7) What facilities and space are required;

(8) What information is already available to clarify matters; and

(9) Develop checklist, or outlines used to facilitate note taking.

9. What Happens During a Complaint Investigation?

The same procedures for conducting on-site compliance reviews will be followed in conducting complaint investigations. (See Chapter 2, Paragraphs 8, 10 and 13)

10. What is a Report of Investigation?

A Report of Investigation is a document that summarizes the results of the investigation. The report should include the following:

a. Introduction – identify the Complainant, the respondent, how and when the complaint arrived at BLM, and the dates of the investigation;

b. Allegations – identify each allegation made and include the details on the issue, basis, and the time, place and participant involved in each allegation;

c. Background – contains a chronological narrative about the Complainant from his/her initial contact with the Recipient or with BLM;

d. Findings – contains the response to each allegation using the evidence available. The response/finding presents evidence, which determined whether disparate treatment occurred, whether the Complainant was a victim of adverse impact, or whether the allegation of discrimination was substantiated; and

e. Recommendations – contains specific recommendations based on the decisions and findings related to the allegations.

11. What Happens if Discrimination is Found?

For information on achieving voluntary compliance see Chapter 2, Paragraph 12.

If there is a finding of discrimination, the following actions are required: prepare letters to Complainant and Recipient indicating the findings of the complaint investigation. (See

Appendix J – "Sample Finding Letter to Recipient" and Appendix K "Sample Finding Letter to Complainant")

a. The State/Center EEO Manager will issue a Letter of Finding which must, at a minimum, include:

(1) Identification of each issue investigated;

(2) Citation of the applicable authority (ies);

(3) A summary of the facts and evidence collected during the investigation;

(4) A statement of the findings of facts and conclusions of law for each issue;

(5) A definitive statement as to whether the Recipient is or is not in compliance with respect to the specific issues cited.

b. The State/Center EEO Manager will issue a recommended corrective action plan and a Notice of Settlement Agreement to the Recipient within 30 calendar days. The Complainant will be notified, in writing, of the BLM decision and settlement agreement.

c. The Complainant may disagree with the settlement agreement and make a counter offer within 15 calendar days after receipt of the Notice of Settlement Agreement. If this occurs, the State/Center EEO Manager may still go forward with the settlement agreement, direct that the case be closed, and notify the Complainant of his/her right to pursue other action.

d. If the Recipient declines the terms of the settlement agreement, the case will be forwarded to the DOI/OCR.

Note: Even when deficiencies are noted, the conduct of civil rights investigations should be accomplished in a spirit of partnership and assistance. Sanctions should be viewed as a last resort.

Only DOI/OCR will issue Final Agency Decisions (FADs).

e. When a noncompliance Letter of Finding is issued, the State/Center EEO Manager will ensure the Recipient is monitored until compliance has been achieved. When corrective actions are completed, the complaint will be closed.

If there is no finding of discrimination the following is required:

a. The State/Center EEO Manager closes the case by:

(1) Preparing letters to the Complainant and the Recipient, which provide the case number and briefly re-state the issue(s) being investigated. The letters will provide a brief summary of the investigation giving the rationale for this determination. The letters will provide information and how to appeal the findings and will be sent via return receipt mail.

(2) Sending a complete copy of the record, ordered chronologically, to: DOI/BLM, 1849 "C" St., N.W., MS-1120 20th St., N.W., Ste 300 ATTN: [Bobbie Moore], Washington, DC 20240.

12. When is a Complaint Considered Resolved?

A complaint may be considered resolved when any of the following occur:

a. The Complainant withdraws the complaint;

b. The Bureau identifies information at any time indicating the allegations raised by the Complainant have been resolved. In all such cases, the Bureau must take steps to ensure this has actually happened;

c. The complaint has been investigated by another agency;

d. The Bureau facilitates resolution between the Recipient and Complainant through early informal complaint resolution efforts; or,

e. The Bureau determines in consultation with DOI/OCR, that there is insufficient evidence to support a finding or violation.

Chapter 4

BLM'S OUTREACH AND TECHNICAL ASSISTANCE PROGRAM

1. What is an Outreach Program?

An "outreach program" is any methodic approach used by Recipients to reach out to potential program beneficiaries. An outreach program may normally be a part of a Recipient's operations. Outreach programs should be geared to increase program participation among people from a particular geographical area, racial group, people with disabilities, or gender group. This may be done through brochures, community meetings, web pages, etc.

2. What is a Technical Assistance Program?

The purpose of a "technical assistance program" is to provide individuals, Recipients, and BLM personnel with information and assistance in complying with civil rights requirements. Such technical assistance may be provided formally or informally through training, seminars, and compliance reviews.

Upon request, BLM will provide information and training to minority, female, advocacy organizations for individuals with disabilities, business and community organizations and others.

Proactive outreach and technical assistance are an integral part of BLM's Public Civil Rights Program. These efforts afford the best opportunity to positively influence and eliminate potential discrimination.

CHAPTER 5

RECORDS AND REPORTS

1. What Civil Rights Compliance Records Must be Maintained?

The BLM will maintain records to facilitate effective management of the Public Civil Rights Compliance Program. Each State/Center EEO Office will maintain active, inactive, closed review files for Recipients, complaint files, and investigations. Copies will be forwarded to the HQ's EEO Office upon request.

2. What Civil Rights Compliance Reports is BLM Responsible for Completing?

The BLM is responsible for completing the following reports:

a. The "Federally Assisted Programs Workload and Performance Report," which describes the civil rights enforcement activities of the BLM and is required by and filed with the Department of Justice annually on January 31;

b. The "Equal Opportunity in Federally Conducted Education and Training Programs," regulated by Executive Order 13160, which is intended to supplement existing laws and regulations that already prohibit many forms of discrimination in both federally conducted and federally assisted educational programs. This report is required by and filed with the Department of Justice tri-annually on March 31; and

c. The "Age Discrimination Report," which provides data concerning the BLM's enforcement of compliance with the Age Discrimination of 1975, as amended. This report is required by and filed with the Department of Health and Human Services annually on December 31.

Each State/Center EEO Manager is responsible for tracking complaint inquiries, complaint investigations, and compliance evaluations conducted. This information and necessary documentation shall be provided to the HQ's EEO Office 15 calendar days prior to the due date of each report.

APPENDIX A

[APPROPRIATE STATE/CENTER LETTERHEAD]

(Public Civil Rights Program)

(Sample Compliance Review Scheduling Letter)

In Reply Refer To:
BLM: [FAP-xx-xx-x]

Certified Mail
Return Receipt Requested

(Recipient's Representative)
(Name and Address of Recipient)

Dear Mr. XXXX:

This letter is to notify you that the U.S. Department of the Interior, Bureau of Land Management (BLM), Office of Equal Employment Opportunity (EEO) will conduct a compliance review of (Name of Recipient) in accordance with the nondiscrimination regulations at 43 C.F.R Part 17 (Nondiscrimination in Programs or Activities Receiving Federal Assistance from DOI/BLM). These regulations provide that BLM may periodically conduct reviews of Recipients' programs and activities to determine whether they are complying with the regulations, which implement Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Executive Order 13166, Limited English Proficiency. In carrying out its responsibilities in this area, BLM conducts compliance reviews, collects data and information from applicants and Recipients, process discrimination complaints, and seeks to bring Recipients into voluntary compliance with the applicable civil rights statues, when violations are identified.

This compliance review will, in part, examine specific procedures all Recipients should have in place to ensure BLM they are operating their Federally funded programs in a nondiscriminatory manner. Specific procedures found at 43 C.F.R Part 17 include the following:

1. Public notification procedures (including Limited English Proficiency)
2. Grievance Procedures
3. Coordination of compliance effort by designated official
4. Self-evaluation procedures (disability discrimination)

To assist us in completing this review, please submit written responses to the enclosed Public Civil Rights Compliance questions within 60 calendar days of the receipt of this letter to: U.S.

Department of the Interior, Bureau of Land Management, Office of Equal Employment Opportunity, Attention: [Name of State/Center EEO Manager], [Address]. Additionally, after review of the requested information, I will contact your Office to confirm the tentative on-site review date of (DATE) that was discussed between you and me on (DATE). If you have any questions, please contact me at (xxx) xxx-xxxx.

Sincerely,

[Name of State/Center EEO Manager]
EEO Manager

Enclosure

cc: Gina Edelen, Public Civil Rights Specialist, WO-720

The information requested below is required to enable the Bureau of Land Management to determine whether your agency is operating in a nondiscriminatory manner as required by Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Executive Order 13166, Limited English Proficiency. If any of these requests for information have been filed in responses provided to other Federal agencies within the last year, you have the options of responding anew or submitting a copy of the previous response. If (Recipient) believes that there is a better way of responding to these requests for information, please specify.

Please provide the following information:

1. Name and contact information of (Recipient's) legal counsel, if any, for this review.
2. Name and address of each facility operated by (Name of Recipient).
3. A description of the scope and extent of (Recipient's) operations (particularly those functions not described on the (Recipient's web site).
4. A description of the environmental programs administered and or any services provided directly to the public.
5. A list indicating the status of all civil rights lawsuits and formal complaints pending against (Recipient) or closed in the last five years. Specify the legal basis (race, sex, disability, etc.) and the issue in each lawsuit and complaint, and describe the disposition, where appropriate. At this time, please do not include lawsuits or formal complaints brought by employees of (Recipient) (i.e., equal employment opportunity cases). However, please submit a copy of the most recent employment survey report (EEO-4) submitted to the U.S. Equal Employment Opportunity Commission.
6. Indicate whether any Federal agency has conducted a civil rights compliance review of (Recipient), in the last five years and provide a copy of any written reports prepared, either by the Federal agency or (Recipient), pursuant to these reviews. Include documentation of any remedial actions taken stemming from the review findings.
7. A list of all sub-Recipients of BLM assistance to (Recipient) in the last five years and the names of the entities or projects supported by that assistance.
8. A description of any initiatives by your agency responding to concerns that communities are adversely and disparately impacted by (Recipient) permitted facilities (based on race, color, national origin, sex, handicap or age).
9. A copy of any self-evaluation that (Recipient) has conducted with respect to its administrative policies and practices, and documentation of corrective action initiated with respect to services, policies, and practices that are inconsistent with Section 504 of the Rehabilitation Act of 1973. The contents of the self-evaluation 'file' including (1) a list of the interested persons consulted; (2) a description of areas examined and any problems identified; and (3) a description of any modifications made.
10. A copy of (Recipient's) discrimination grievance procedures, notice of nondiscrimination, and any other written public or internal nondiscrimination policy statements.
11. A description of the methods used by your Agency to provide initial and continuing notice that it does not discriminate on the bases of race, color, national origin, sex, age, or

handicap. (Appropriate means for communicating notice include publication of information in handbooks, pamphlets, manuals, the display of informational posters in public places, and broadcast of information by television or radio).

12. A description of your Agency's efforts to ensure that sub-Recipients of BLM assistance are in compliance with applicable civil rights statutes and regulations.
13. A description of (Recipient's) public participation policies and procedures with regard to the permitting process, including any relevant written documents.
14. A current list specifying, by name and race, all members appointed to advisory boards or planning bodies associated with the programs and activities of your Agency.
15. Racial and gender statistics for the most recent Fiscal Year, showing the extent to which minorities and women participated in your educational activities and other programs sponsored directly by your agency.
16. A current inventory of all educational activities conducted by your Agency.
17. A sample of information distributed to the public to acquaint them with benefits and services offered (brochures, newsletters, magazine, pamphlets, etc.).
18. A description of methods used to inform public beneficiaries of their rights to file a complaint of alleged discrimination on the basis of race, color, national origin, sex, age or disability.
19. A description of the recruitment and selection process for education instructors.
20. A complete list by name, race and gender of instructors qualified to teach education classes open to the public. Identify costs incurred by students receiving the training.
21. In general, the location of education classes (i.e. schools, clubs, private residences, etc.), and how the public is informed of availability and location of classes.
22. Copies of assurance agreements signed by vendors, contractors and sub-grantees.
23. A description of outreach activities to communities servicing diverse populations.
24. A list of minority and disability organizations with whom you conduct outreach and have formed partnerships. Include contact person, phone number and e-mail address.
25. Estimates of the numbers and percentages of program beneficiaries with limited English proficiency, and estimates of the frequency of contact with these LEP group. Describe the languages impacted, the nature of the programs affected, and all efforts to provide oral and written communications to LEP groups. If your agency has an LEP plan, please provide it.
26. Name and telephone number of the person responsible for completing this questionnaire.

APPENDIX B

(Sample Public Civil Rights Report of Summary)

REPORT OF SUMMARY

RECIPIENT NAME & ADDRESS:

PARENT COMPANY (IF APPLICABLE):

GRANT NUMBER:

TYPE OF BUSINESS (A brief description of Recipients operations and its involvement with the Federal government):

PRIOR REVIEW HISTORY (i.e. pre-award, reviews from other Federal agencies):

COMPLAINTS FILED WITH BLM AND OTHER FEDERAL AGENCIES:

DATE REQUESTED DOCUMENTS RECEIVED:

RESULTS OF ANALYSIS OF DOCUMENTATION RECEIVED (Briefly describe the results of your analysis of the following):

- **Coordination of compliance efforts by designated official**

- **Grievance Procedures**

- **Public notification procedures (including Limited English Proficiency)**

- **Self-evaluation procedures (Sec 504)**

WHAT ARE THE ISSUES REQUIRING AN ONSITE REVIEW?

TENTATIVE ONSITE DATE SCHEDULED?

WHAT INFORMATION DO WE STILL NEED? (Discuss investigative plan, including what records you are requesting and what interview you will be conducting)

ADDITIONAL RECORDS REQUESTING:

INTERVIEWS:

ARE THERE ANY OTHER TECHNICAL VIOLATIONS? (i.e. unsigned assurance agreements, nondiscrimination clause not included in posters or contracts, etc)

APPENDIX C

(Sample Compliance Review Questions)

(1) How many customers does the Recipient entity serve?

(2) Is funding budgeted to support adequate staffing and resource levels to ensure compliance with civil rights laws and regulations? Does it allow for initiatives and enhancements of civil rights programs?

(3) How many sub-Recipients are affiliated with or work for the Recipient entity? Identify them.

(4) In addition to requirements to be a FFA Recipient, is there a Program of Work, or similar plan, developed each year that addresses civil rights/equal employment opportunity issues? Provide a copy.

(5) What civil rights-related efforts are conducted by and/or with each sub-agency? How often?

(6) Has the Recipient entity incorporated limited English proficiency contractors and other resources for program delivery? Provide details of these efforts.

(7) Since receiving Federal financial assistance, describe any civil rights / equal employment opportunity training received by Recipient's employees, sub-Recipients and sub-Recipient employees.

(8) Have under-served populations been identified through a demographic assessment of the Recipient's service delivery area?

(9) What has been done to ensure that all customers and potential customers receive information about Recipient's programs, benefits and services? Describe strategies used to inform customers about these.

(10) Relative to programs, benefits and services, what has been done specifically to address the needs of limited English proficient customers?

(11) Are all of Recipient's programs fully accessible to persons with disabilities? If no, what is being done to make them so?

(12) What alternative programs are available to ensure inclusion of persons with disabilities in programs that are not currently accessible?

(13) Is program information available in languages other than English, or in alternate formats? Describe and provide examples.

(14) What is the process for requesting reasonable accommodation in Recipient programs?

(15) Is TTY available to communicate with customers by voice phone?

(16) Does the Recipient entity have a public notification policy? Provide a copy.

(17) Where/how are public notices of non-discrimination policies posted?

(18) How often are contents of public brochures and distribution lists updated and monitored for diverse culture and perspective? How is this accomplished?

(19) Has the Recipient received any discrimination complaints in the last three years? How many? What were the allegations and bases?

(20) Does the Recipient have any currently unresolved discrimination complaints at this time? If yes, what is the status?

(21) Has Recipient identified any trends in complaints received? What has been done to reduce vulnerability and to correct the problem(s)?

APPENDIX D

(Sample Report of Findings Letter)

In Reply Refer To:
1400-713 (720)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. (Management Official Name)
(Title)
(Department)
(Recipient Agency/Organization)
(Street Address)
(State and Zip code)

Dear Mr. (Management Official):

We have completed our review of (Recipient Organization's) compliance with Title VI, Title IX, Section 504, Title II (if applicable), the Age Discrimination Act, and Executive Order 13166, and the implementing regulations at 43 CFR Parts 17 and 41. The review was an assessment of equal access, based on race, color national origin, disability, age and sex (in educational programs) to (Recipients) programs, activities and facilities.

The following areas were reviewed and the results are provided below:

a. Equal program access for various racial/ethnic groups
b. Equal access for women in educational programs
c. Equal program and facility access for persons with disabilities
d. Public notifications of civil rights requirements
e. Contracting and subcontracting policies
f. Processing of external civil rights complaints
g. Environmental Justice, regarding the prohibition of adverse environmental impacts on minority and low income communities
h. Equal program access for persons with Limited English Proficiency

Report of Findings:

Equal Access for Various Racial/Ethnic Groups

The racial/ethnic demographics in the District of Columbia for minority groups are: 60% Black, 31% White, 8 % Hispanic, 3% Asian and Pacific Islander American, less than 1% Native American. The Title VI law and Regulations do not provide for specific minority goals or percentage targets however, Title VI requires evidence of inclusion of all racial/ethnic groups, and stipulates outreach to minority and multicultural groups, especially when evidence for adequate inclusion is non existent.

XYZ presentations are provided in several multi-racial primary and secondary schools. Over (total number) schools are targeted. An outreach/educational brochure on XYZ are sent to all public schools, including Charter schools. The D.C. public school system is predominantly minority however; several have White and/or Hispanic and/or APIA student populations. Most of the private schools in D.C. are predominantly White. Private schools are not routinely included in outreach. A separate program orients public school teachers on XYZ topics. The (Recipient) does an excellent job providing basic XYZ information to students of different races and ethnic backgrounds.

Department of the Interior Civil Rights Regulations at 43 CFR Part 17, Subpart A, require Recipients to maintain racial/ethnic data to ensure inclusion of all groups in all programs offered to the public. The racial/ethnic data can be obtained either through voluntary self-identification forms, or reasonable racial/ethnic estimates conducted by educational instructors based on visual observations.

Recommendations:

1. Provide BLM with racial/ethnic data or estimates of students enrolled in XYZ Center, using one of the tracking methods described above.

2. Develop a list of multicultural community groups which the (Recipient) partners with and provide a copy of that list to our Office.

3. Consider sending outreach packages to private schools, so that all students in the District are targeted for (Recipient) outreach activities.

(Each item should be addressed with recommendations)

Thank you for the prompt submission of the requested documents, and the courtesies and cooperation of your staff during our on-site visit. We request that you provide the information cited in the Recommendations section above, in addition to any other

(Recipient) civil rights initiatives, within 60 calendar days of this report. If you have any questions or need technical assistance, please feel free to contact me (EEO Manager) at (XXX) XXX-XXXX.

Sincerely,

(EEO Manager Name)
(State/Center EEO Office)
(Address)

cc: Gina Edelen, Public Civil Right Specialist WO-720

APPENDIX E

[APPROPRIATE STATE/CENTER OFFICE LETTERHEAD]

(Sample Compliance Review Resolution Agreement)

COMPLIANCE RESOLUTION AGREEMENT

BETWEEN
(AGENCY)
AND
(NAME AND ADDRESS OF RECIPIENT)

PART I: GENERAL PROVISIONS

This Agreement is between the (Agency), Equal Opportunity Office, and the (Name and Address of Recipient).

The deficiencies described in this Agreement, were identified during the Agency's Civil Rights Compliance Review, conducted on (Date of Review), of programs operated by the (Name of Recipient).

The Agency finds that (Recipient's Acronym) is deficient with respect to its compliance with (Cite Act and regulation) by (list each deficiency found).

This Agreement does not constitute an admission or denial by (Recipient's Acronym) of the deficiencies alleged herein.

PART II: SPECIFIC PROVISIONS

A. 1. Problem Area
(Summarize deficiency found)

2. Citation
(Give appropriate regulations and its requirements)

3. Corrective Action
(Summarize agreed upon actions)

PART III: RESPONSIBILITY

(Name of Responsible Official) is designated as the individual responsible for the implementation of this agreement and for ensuring that reports are promptly prepared and forwarded to Agency. If (Name of Responsible Official) terminates, changes jobs or is otherwise

no longer responsible for the implementation of this Agreement, another individual will be assigned, and the Agency will be immediately informed of that change.

PART IV: ENFORCEMENT

Nothing herein is intended to relieve (Acronym) from compliance with requirement of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 200d-1; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et sec.; and Department of the Interior 43 C.F.R. 17. Subpart B, implementing regulations.

This Agreement shall remain in full force and effect until such time as (Acronym) is found by the Agency to have met all of the terms of the Agreement and Agency has notified (Acronym) that the requirements of the Agreement have been fulfilled.

(Acronym) agrees that there will be no retaliation of any kind against any beneficiary of this Agreement or against any person who has provided information or assistance, or who files a complaint, or who participates in any manner in any proceeding under any law administered by the Agency.

If at any time in the future, the Agency believes that (Acronym) has violated any portion of this Agreement, the Agency will be promptly notified by (Acronym) of the fact in writing. This notification will include a statement of facts and circumstances relied upon in forming that belief. In addition, the notification will provide n(Acronym) with 15 days from receipt of the notification to respond in writing, except where the Agency alleges that such a delay would result in irreparable injury.

The Agency may bring enforcement proceedings for effecting compliance, if there appears to be a failure or threatened failure to comply with this Agreement at any time after the 15 day period has elapsed (or sooner, if irreparable injury is alleged), without issuing a show cause notice.

Where Agency believe that (Acronym) has violated this Complaint Resolution Agreement, evidence regarding the entire scope of (Acronym) alleged noncompliance from which this Agreement resulted, in addition to the evidence regarding (Acronym) alleged non-compliance with the Agreement, may be introduced at enforcement proceedings. Liability for violation of this Agreement may subject to sanctions as set forth in 43 C.F.R. 17, Subpart A, 1705-17.11 and 34 C.F.R. Part 4 Subpart I.

(Acronym) understands that making the commitments described in this Complaint Resolution Agreement does not preclude future determinations of noncompliance based on a finding by the Agency that the commitments are not sufficient to achieve compliance. Further, failure, to implement any of the listed commitments, may result in the initiation of enforcement proceedings.

PART V: APPROVAL

This Compliance Resolution Agreement is executed by and between the (Agency) and (Name and Address of Recipient)

DATE:	DATE:
_____	_____
(Name, Title, and Organization of Agency Official)	(Name if Recipient Official, Title, and Organization)

APPENDIX F

[APPROPRIATE STATE/CENTER EEO OFFICE LETTERHEAD]

(Sample Acknowledgement Letter – State/Center Office to Complainant)

In Response Reply To:
BLM: [FAP-xx-xx-x]

Certified mail
Return Receipt Requested

[Name / Address of Complainant]

Dear [Name of Complainant]:

This acknowledges receipt of your allegation(s) of discrimination based on [basis (es)] filed against [Recipient]. Your complaint was filed on [postmark date], received in this Office on [date], and has been assigned case # [xxxxxx]. Please refer to this case number in all future correspondence.

In your complaint you allege that [state the allegation and basis (es)].

[Indicate appropriate statute] prohibits discrimination on the basis of (indicate appropriate bases) in, or by programs or activities that receive Federal financial assistance. Our Office will review your complaint to determine that it falls within the jurisdiction of the Bureau of Land Management (BLM), and to ensure that it is in accordance with [indicate appropriate statute] of the Civil Rights Act of 1964, as well as implementing regulations for 43 CFR 17. Your complaint will be thoroughly reviewed and processed pursuant to the appropriate Statute(s). We will take appropriate action(s) to work with you to try to resolve your complaint.

It is the policy of the Department of the Interior to strictly prohibit any behavior or acts of an intimidating or retaliatory nature against any individual for reasons of his or her participation in any civil rights proceeding(s) associated with the Department of the Interior. No person(s) shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege associated with the nondiscrimination complaint rights described herein.

It is our policy to make every effort to keep your identity confidential; however, in the course of the investigation it may become necessary to reveal your identity to the Recipient under

investigation. We, therefore, ask that you sign and date the attached consent form, and return it not later than [Date] to this Office. A self-addressed envelope is included for your convenience. You will hear from our Office in the near future about further processing of your complaint. In the meantime, should you have any questions, please contact me at [phone number].

Sincerely,

[EEO Manager Name], Manager
[State/Center Name] State Equal Employment Opportunity Office

APPENDIX G

[APPROPRIATE STATE/CENTER EEO OFFICE LETTERHEAD]

Sample Consent to Reveal Identity Form

_____

Agency Complaint Number

NOTICE ABOUT INVESTIGATORY USES OF PERSONAL INFORMATION BY

THE DEPARTMENT OF THE INTERIOR AND THE BUREAU OF LAND MANAGEMENT

Complainant and Interviewee Rights and Privileges

Complainants and individuals who cooperate in an investigation, proceeding or hearing conducted by the Department of the Interior (DOI)/Bureau of Land Management (BLM) are afforded certain rights and protections. This brief description will provide you with an overview of these rights and protections.

- A Recipient may not force its employees to be represented by the Recipient's counsel, nor may it intimidate, threaten, coerce or discriminate against any employee who refuses to reveal to the Recipient the content of an interview. An employee does, however, have the right to representation during an interview with DOI/BLM. The representative may be the Recipient's counsel, the employee's private counsel, or anyone else the interviewee authorizes to be present.

- The laws and regulations which govern DOI's/BLM's compliance and enforcement authority provide that no Recipient or other person shall intimidate, threaten, coerce or discriminate against any individual because s/he has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing conducted under DOI's/BLM's jurisdiction, or has asserted rights protected by statutes DOI/BLM enforces.

- Information obtained from the Complainant or other individual which is maintained in DOI's/BLM's investigative files may be exempt from disclosure under the Privacy Act or under the Freedom of Information Act if release of such information would constitute an unwarranted invasion of personal privacy.

There are two laws governing personal information submitted to any Federal agency, including DOI/BLM: The Privacy Act of 1974 (5 U.S.C. Sec. 4552a, and The Freedom of Information Act (FOIA) (5 U.S.C., Sec. 552)

The Privacy Act

The Privacy Act protects individuals from misuse of personal information held by the Federal Government. The law applies to records that are kept and that can be located by the individual's name or social security number or other personal identification system. Persons who submit information to the government should know that:

a. Information that DOI/BLM collects is analyzed by authorized personnel within the agency. This information may include personnel records or other personal information. DOI/BLM staff may need to reveal certain information to persons outside the agency in the course of verifying facts or gathering new facts to develop a basis or making a civil rights compliance determination. Such details could include the physical condition or age of a Complainant. DOI/BLM also may be required to reveal certain information to any individual who requests it under the provisions of the FOIA.

b. Personal information will be used only for the specific purpose for which it was submitted. That is, for authorized civil rights compliance and enforcement activities. Except in the instances defined in DOI/BLM regulations, DOI/BLM will not release the information to any other agency or individual unless the person who supplied the information submits a written consent. One of these exceptions is when release is required under the FOIA.

c. No law requires a Complainant to give personal information to DOI/BLM, and no sanctions will be imposed on Complainants or other individuals who deny DOI/BLM request. However, if DOI/BLM fails to obtain information needed to investigate allegations of discrimination, it may be necessary to close the investigation.

d. The Privacy Act permits certain types of systems of records to be exempt from some of its requirements, including the access provisions. DOI/BLM may deny a Complainant access to the files compiled during the agency investigation of his or her civil rights complaint against a Recipient of Federal financial assistance. Complaint files are exempt in order to aid negotiations between Recipients and DOI/BLM in resolving civil rights issues and to encourage Recipients to furnish information essential to the investigation.

e. DOI/BLM does not reveal the names or other identifying information about an individual unless it is necessary for the completion of an investigation or for enforcement activities against a Recipient that violates the laws, or unless such information is required to be disclosed under FOIA or the Privacy Act. DOI/BLM will keep the identity of Complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under FOIA, the Privacy Act, or otherwise required by law.

The Freedom of Information Act

The Freedom of Information Act gives the public access to certain files and records of the Federal Government. Individuals can obtain items from many categories of records of the Government, not just materials that apply to them personally. DOI/BLM must honor requests

under the FOIA, with some exceptions. DOI/BLM generally is not required to release documents during an investigation or enforcement proceedings if the release could have an adverse effect on the ability of the agency to do its job. Also, any Federal agency may refuse a request for records compiled for law enforcement purposes if their release could be an "unwarranted invasion of privacy" of an individual.

Requests for other records, such as personnel [and medical files], may be denied where the disclosure would be a "clearly unwarranted invasion of privacy."

* * *

Please check one, sign, date and return to the address shown below.

□ I CONSENT. I have read and been given the opportunity to ask questions about the Notice of Investigatory Uses of Personal Information by the Department of the Interior/Bureau of Land Management, above. I understand this information and I authorize DOI/BLM to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the DOI/BLM to receive material and information about me pertinent to the investigation of my complaint. This release includes, but is not limited to, personal records and [medical records]. I understand that, as a Complainant, I am protected by DOI/BLM regulations from intimidation or retaliation for having taken, or participated in, action(s) to secure rights protected by nondiscrimination statutes enforced by DOI/BLM. I understand that the material and information collected and/or received will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and am doing so voluntarily.

□ I DO NOT CONSENT. I have read, been given the opportunity to ask questions about the Notice of Investigatory Uses of Personal Information by the Department of the Interior/Bureau of Land Management, above, and I understand the above information. I do not want DOI/BLM to reveal my identity to the organization or institution under investigation, nor to review, receive copies of, nor discuss material and information about me, pertinent to my complaint. I understand this is likely to impede the investigation of my complaint, and may result in closure of the investigation.

_____ _____

(Please print your name here) (Signature)

_____

(Date)

Mail to: Bureau of Land Management
[State/Center Office]
[ATTN: xxxx]
[State/Center Office Address]

APPENDIX H

[APPROPRIATE STATE/CENTER OFFICE LETTERHEAD]

(Sample Recipient Information Request Letter)

In Reply Refer To:
[BLM: FAP-xx-xx-x]

Certified Mail
Return Receipt Requested

[Recipient's Name, Position, Address]

Subject: Information Request

Dear [Management Official]:

This is to notify you that the Bureau of Land Management (BLM) [name of state] State Office has received a complaint, case # [number], filed by [Name of Complainant, UNLESS anonymity has been requested] that alleges discrimination on the basis(es) of [basis(es)] by [Recipient organization]. This complaint alleges that [Recipient organization] [Describe alleged action(s)].

The BLM investigates complaints alleging violations of [indicate appropriate statute] of the Civil Rights Act of 1964, as amended, which prohibits Recipients of Federal financial assistance from discrimination on the basis of (indicate applicable bases) in any activities or programs in which the organization engages. This Bureau has authority to pursue a resolution of the complaint.

In the course of investigating complaints against Recipients, the BLM seeks to resolve the allegations before making a formal determination on the merits of the complaint. When an administrative investigation is completed, the formal results of the investigation are conveyed to the Recipient organization in a Letter of Findings. If this Office believes that its investigation discloses unlawful discrimination, attempts will be made to resolve the matter before issuing a violation in a Letter of Findings. If a violation is issued and an agreement cannot be reached on a remedy, enforcement action may be initiated. This may take the form of an administrative hearing to terminate the bureau's/agency's financial assistance to the programs and activities of the Recipient, or it may involve other means of enforcement authorized by law, including referral to the Department of Justice for court enforcement.

In order to facilitate our review, we have attached an initial data request. Please provide the information requested within 35 calendar days of the date of this letter. We will review your response and, if necessary, we will contact you to make arrangements to conduct an on-site visit. This visit may include interviews with you, your staff or other officials, and correspondence and document reviews.

Upon request under the Freedom of Information Act (FOIA), it may be necessary to release documents you provide, including related correspondence and records. In the event that we receive a FOIA request, we will seek to protect personal information to the extent provided for by law.

Should you have questions, please contact my Office at [Phone #].

Thank you.

Sincerely,

[EEO Manager Name], Manager
[Indicate Name of State/Center] State Equal Employment Opportunity Office
[Address]

Enclosure

APPENDIX I

[APPROPRIATE STATE/CENTER OFFICE LETTERHEAD]

(Sample Recipient Data Request Sheet)

In order to facilitate our investigation of a complaint involving [Recipient name], we ask that you respond fully to and/or provide the following:

1. Your position statement responding to the specific allegations cited.

2. The total population, showing a breakdown by race and national origin for [Recipient name].

3. Is public transportation ("provided" … or available?) to each location? Please describe the transportation available to each site.

4. Copies of the operational policies and procedures for [Name of the program(s)].

5. The budget for each location.

6. A list of all the diversity and civil rights training that your staff received in the past two years.

7. Does the [Recipient name] have processes and procedures clearly identified for handling complaints alleging discrimination on the basis of race, color, national origin, or sex? If "yes", please provide copies of any complaints filed within the past two year, and identify the current status of each.

8. Name(s) and telephone number(s) of the staff member(s) who is (are) responsible for compiling the information in this request.

9 Name(s) and telephone number(s) of staff member(s) to whom this Office should direct questions regarding this case.

Please mail your responses to: [EEO Manager Name], Manager
[Indicate Name of State/Center] Equal Employment Opportunity Office
[Mailing Address]

Thank you for your cooperation.

APPENDIX J

[APPROPRIATE STATE/CENTER OFFICE LETTERHEAD]

(Sample Finding Letter to Recipient)

In Response Refer To:
BLM: [FAP-xx-xx-x]

Certified Mail
Return Receipt Requested

[Recipient name & address]
Ref: Complaint Case # [xxxxxxxx]

Dear [Recipient Name]:

The Department of the Interior, Bureau of Land Management [state/center name] EEO Office has completed its investigation of the complaint of discrimination alleging [basis] filed against your organization. The complaint was filed by [Complainant Name - UNLESS ANONYMOUS] on [date].

This Office has jurisdiction in this case, and our review disclosed that [xxxx]. We have determined there is no evidence of discrimination in this matter and we are closing this case.

Or

The Department of the Interior (DOI) is responsible to ensure all Recipients of Federal financial assistance operating under contract with DOI remain in compliance with civil rights laws and regulations. Our review disclosed that certain steps must be taken immediately by your organization in order to comply with these laws and regulations, and to continue to receiving these funds. These steps are provided below:

[Identify steps required to be taken.]

Please provide this Office a complete written plan of how you intend to comply with these requirements, and your timeline for doing so. Please mail this to:

Bureau of Land Management
[Name of State/Center Office]
[Address].

Sincerely,

[Name of State/Center Manager], Manager
[State/Center Name] Equal Employment Opportunity Office
[Address]

APPENDIX K

[APPROPRIATE STATE/CENTER OFFICE LETTERHEAD]

(Sample Finding Letter to Complainant)

In Response Refer To:
BLM: [FAP-xx-xx-x]

Certified Mail
Return Receipt Requested

[Complainant name & address]

Ref: Complaint Case # [xxxxxxxx]

Dear [Complainant Name]:

The Department of the Interior (DOI) Bureau of Land Management's [state name] State/Center Office has completed its review of your complaint of discrimination, case number [xxxx] based on [basis(es)] against [Recipient entity]. The complaint was filed on [date].

This Office has jurisdiction and our review disclosed that [xxxx]. As a result, we have determined there is no evidence of discrimination in this matter, and this case is considered closed.

Or

Please be assured that the Department of the Interior (DOI) works to ensure that all Recipients of Federal financial assistance operating under contract with DOI remain in compliance with civil rights laws and regulations. Our review disclosed that certain steps must be taken by [Name of Recipient entity] in order to comply with these laws and regulations. We have contacted this organization directly, and will be working with them to correct any deficiencies.

Thank you.

Sincerely,

[Name of State/Center Manager], Manager
[State/Center Name] State Equal Employment Opportunity Office
[Address]

APPENDIX L

[APPROPRIATE STATE/CENTER LETTERHEAD]

(Public Civil Rights Program)

(Sample Complaint Processing Checklist)

CASE #:_____

Processing of Title VI, Title IX, LEP, Age, ADA or 504 complaints should follow these steps:

Within fifteen (15) days of receipt of complaint, State/Center EEO Manager will:

□ Receive and assign a case number to complaint. Case number will be provided by the DOI/BLM Washington Office (WO). Date Rec'd. by WO: _____ Case #:_____

□ Complaint is reviewed to determine jurisdiction. Are the basis(es) and issues clearly identified? Is the issue timely (filed within 180 days of alleged event)?

□ Initial acknowledgement letter is prepared and sent to Complainant.

Note: If the BLM HQ/DOI received complaint, the process stated above will be followed and a transmittal letter will be sent, with the complaint file, to the appropriate State/Center EEO Manager.

□ Date sent from BLM/HQ: _____

or

□ Date received by State/Center Office: _____

Within thirty (30) days of receipt from BLM HQ/DOI, the State/Center EEO Manager will:

□ Review the complaint file in preparation for the investigation;

□ Prepare and send a letter to Recipient acknowledging receipt of a complaint, and requesting information via the Data Request Form.

□ Prepare and send a letter to the Complainant, requesting consent to reveal Complainant identity.

Within thirty five (35) days, the Recipient will:

□ Provide State/Center EEO Manager with response to data request.

Upon receipt of Recipient response to data request, within thirty (30) days, the State/Center EEO Manager will:

□ Review Recipient response to data request and conduct investigation to determine any findings that suggest discrimination has occurred. If there is a finding of discrimination:

□ State/Center EEO Manager recommends specific corrective action(s), and a recommended corrective action plan. Only the Office of the DOI Director of Civil Rights will make a final determination.

□ If Recipient does not comply with request for corrective action(s), the complaint is referred back and sent to the BLM HQ/EEO and DOI's Office of Civil Rights.

□ Was this referred back through WO BLM to DOI for non-compliance?
____Yes ____ No Date referred: _____

□ Was complete complaint file sent? ____Yes ____ No

If "no", identify by document name what was sent.

Document	Date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

□ If there is no finding of discrimination, the State/Center EEO Manager:

□ Close the case and send letters to Recipient and to Complainant indicating there was no finding of discrimination, and providing the rationale for this determination;

Date sent to: Complainant _____ Recipient_____

□ Send copies of correspondence through BLM HQ/ EEO to DOI's Office of Civil Rights.
Date sent:_____

Additional file notes:

_____
_____
_____
_____
_____
_____
_____
_____
_____