

# Reclamation Manual

## Policy

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<b>Subject:</b>	Public Civil Rights
<b>Purpose:</b>	To establish and convey policy of the Bureau of Reclamation's prohibition against discrimination in its programs, services and activities: (a) receiving Federal financial assistance; or (b) conducted by, or on behalf of, Reclamation. The benefits of this Policy are ensuring compliance, operational effectiveness, and consistency in implementing Federal Public Civil Rights (PCR) laws and regulations of the Department of the Interior, Department of Justice (DOJ), and Reclamation.
<b>Authority:</b>	Civil Rights Act of 1964, Title VI (Pub. L. 88-352; 78 Stat. 241; 42 U.S.C. 2000d-4; 28 Code of Federal Regulations (CFR) Part 35; <i>Non-discrimination on the Basis of Disability in State and Local Government Services</i> ; 28 CFR Part 42 Subpart F <i>Coordination of Enforcement of Non-discrimination in Federally Assisted Programs</i> ; 43 CFR Part 17 <i>Non-discrimination in Federally Assisted Programs of the Department of the Interior</i> ; Executive Order (EO) 12250: <i>Leadership and Coordination of Nondiscrimination Laws</i> ; Departmental Manual Part 205 Chapter 17; <a href="#">Department Civil Rights Directives</a> 2009-01, 2011-01, and 2011-02, dated June 25, 2009, and March 14, 2011, respectively. See Appendix A for an additional list of authorities.
<b>Approving Official:</b>	Commissioner
<b>Contact:</b>	Policy and Administration, Civil Rights Division (CRD), 84-59000

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- 1. Introduction.** Reclamation has the responsibility under law and regulation to ensure equality of opportunity and nondiscrimination in federally assisted and federally conducted programs, services, and activities. No person or class of individuals on the grounds of race, color, national origin, age, sex, disability, religion, sexual orientation, or status as a parent shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any federally assisted or conducted program, service, or activity. This Policy extends to programs, services, and activities funded in whole or part by Reclamation by systematically evaluating the extent to which recipients of Reclamation financial assistance conduct their programs, services, and activities in a manner consistent with applicable Federal civil rights requirements; and by fairly and efficiently responding to alleged discrimination complaints filed against Reclamation and recipients of financial assistance.
- 2. Applicability.** This Policy applies to all Reclamation employees, and recipients and sub-recipients of Federal financial assistance.

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### 3. Definitions.

- A. **Beneficiary.** An individual and/or entity, a State and/or political subdivision of any State, or a public or private agency, institution, or organization that directly or indirectly receive benefits through a program or activity receiving Federal financial assistance from Reclamation.
- B. **Complaint.** A written statement signed by the complainant or by someone authorized to do so on his or her behalf, with allegations of discrimination that has been filed within 180 days of the alleged discrimination, barring extenuating circumstances; provides complainant contact information; identifies the respondent; and describes in sufficient detail the allegation(s) of violations with date(s) of occurrence.
- C. **Compliance Reviews.** A systematic planned review conducted to assess and evaluate the civil rights and equal opportunity policies, procedures, and practices of the Department, Reclamation, and recipients and sub-recipients of Federal financial assistance.
- D. **Federal Financial Assistance.** (1) Grants and loans of Federal funds; (2) grants and donations of Federal property and interests in property; (3) loan or services of Federal personnel; (4) the sale, lease, or permission to use Federal property at less than fair market value or reduced consideration; (5) cooperative matching funds and reimbursable agreements; and (6) research information to develop projects that impact communities. Federal financial assistance includes more than the direct provision of money. See Department Civil Rights Directive 2009-01, for additional examples of Federal financial assistance.
- E. **Federally Conducted.** Programs, activities, and services directly provided by or on behalf of Reclamation or through partnerships on behalf of Reclamation for the benefit, education, and aid of the public.
- F. **Individual with a Disability.** With respect to an individual, a disability is a physical or mental impairment that substantially limits one or more of the major life activities of such individual or has a record of such impairment or is regarded as having such an impairment. (29 CFR 1630.2(g))
- G. **Programs, Activities, and Services.** Actions provided directly or indirectly for the use of employees, the public, or other beneficiaries; or any part of an operation which is extended Federal financial assistance directly or through another recipient.
- H. **Public Notice.** A requirement of recipients, to whom Reclamation extends Federal financial assistance, to notify and maintain public communication about funds received and their impact to the delivery of the programs as defined by the Federal assistance agreement, and to notify the public of the Department's non-discrimination policy and the procedures for filing complaints alleging discrimination.

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- I. **Recipient.** Any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly and that operates a program, activity, or service that receives such assistance, including any subunit, successor, assignee, or transferee thereof.
- J. **Sub-recipient.** Any of the entities in the definition of “recipient” to which an initial recipient extends or passes on Federal financial assistance. A sub-recipient is regarded as a recipient of Federal financial assistance and has all of the duties and responsibilities of a recipient.
4. **Responsibilities.**
- A. **Commissioner.** With regard to the Federal PCR authorities Reclamation administrators, the Commissioner has the responsibility for ensuring that the intent of the PCR Program, the regulations of the Department, and the regulations of DOJ at 28 CFR Part 42 Subpart F are achieved Reclamation-wide. The Commissioner accomplishes these responsibilities directly through the broad delegation of authority<sup>1</sup> for civil rights and through directors and managers.
- B. **Director Policy and Administration**<sup>2</sup>. The Director of Policy and Administration is responsible for advocating adherence and support to civil rights policies, directives, and decisions rendered by the Department’s Office of Civil Rights and the DOJ.
- C. **Reclamation Leadership Team (RLT).** The RLT provides a forum for the discussion and deliberation of issues affecting Reclamation in order to assist the Commissioner in ensuring that the intent of the PCR Program, the regulations of the Department, and the regulations of DOJ at 28 CFR Part 42 Subpart F are achieved.
- D. **Civil Rights Manager (CRM).** The CRM is responsible for compliance with and enforcement of all civil rights functions within Reclamation, which includes:
- (1) providing overall leadership, guidance, and direction for Reclamation’s PCR compliance programs;
  - (2) developing, disseminating, monitoring, and updating current Reclamation policies, directives, and procedures;
  - (3) reviewing and evaluating the performance of the regions/area offices’ responsibilities under Reclamation’s PCR programs;

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<sup>1</sup>Departmental Manual, General Delegations, Equal Opportunity Program [Regulatory Reference: 205 DM 17].

<sup>2</sup>These responsibilities are in addition to the Director of Policy and Administration’s responsibilities as a member of the RLT which are identified in Paragraph 4.C.

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- (4) investigating and adjudicating complaints filed under Federal PCR authorities; and
  - (5) reporting to the Director, Policy and Administration, the Commissioner, the Department, and other civil rights enforcement agencies (i.e., DOJ and/or United States Commission on Civil Rights) the status of Reclamation's PCR Program.
- E. **Regional Directors,<sup>3</sup> Area Managers, and Reclamation Managers.** Regional directors, area managers, and Reclamation managers are responsible for:
- (1) ensuring that all programs, services, and activities offered within their area of responsibility are administered, conducted, and managed in accordance with this Policy and all Federal and Departmental civil rights legal requirements; and
  - (2) acknowledging and complying with other Reclamation programs where civil rights requirements are incorporated in existing policy and directives and standards, including but not limited to Environmental Management, Land Management and Development, Water Management and Development, and Acquisition and Financial Assistance.
5. **Program Components.** Reclamation will maintain a compliance-based PCR Program consisting of the following major components:
- A. **Public Notification.** Reclamation will make available, and where appropriate, distribute its civil rights regulations, guidelines, and other related civil rights policy information for use by Federal employees, applicants for Federal financial assistance, recipients, potential and actual program beneficiaries, and other interested persons, and ensure that information is communicated effectively to individuals with disabilities and in other languages.
  - B. **Complaints Processing.** Reclamation, through the CRD, has been delegated authority<sup>4</sup> to manage, investigate, track, and report on PCR complaints. Reclamation will resolve all complaints (Reclamation and Department-delegated<sup>5</sup>) of alleged discrimination promptly to ensure voluntary compliance.

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<sup>3</sup>These responsibilities are in addition to the regional directors' responsibilities as a member of the RLT which are identified in Paragraph 4.C.

<sup>4</sup>Departmental Manual, Procedures for Processing Complaints under EO 13160 [Regulatory Reference: 373 DM 8]. The American with Disabilities Act, Title II Technical Assistance Manual Covering State and Local Government Programs and Services, Section II-9000 Investigation of Complaints and Enforcement, Section II-92000 - Department of the Interior: All programs, services, and regulatory activities relating to lands and natural resources, including parks and recreation, water and waste management, environmental protection, energy, historic and cultural preservation, and museums. Complaints should be sent to: Office for Equal Opportunity, Office of the Secretary, Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20547. [Regulatory Reference: 28 CFR 35.170-35.190].

<sup>5</sup>Civil Rights Directive No. 2007-02, Delegation of Federal Assistance and Americans with Disabilities Act Title II Complaints to Bureaus for Processing.

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- C. **Compliance Reviews.** Reclamation will ensure that all programs, services, and activities whether they are federally conducted or are funded by Federal financial assistance, are administered, conducted, and managed in a nondiscriminatory manner that conforms to all legal standards, policies, and requirements established in Federal statutes, regulations, and EOs. Reclamation will conduct systematic compliance reviews of their recipients of Federal financial assistance to determine adherence to civil rights laws and regulations. Additionally, Reclamation will conduct self-evaluations of all programs, facilities, and services, and on structural modifications to buildings and facilities in order to provide structural or program access so that programs and activities, when viewed in their entirety, are readily accessible to, and usable by, individuals with disabilities.
- D. **Training and Outreach.** Reclamation, through the CRD, will provide training on a regular basis to Reclamation managers, supervisors, employees, recipients and sub-recipients on their Federal civil rights responsibilities. CRD will provide guidance, technical assistance, and conduct outreach to recipients receiving Federal financial assistance from Reclamation, as necessary.
- E. **Tracking and Reporting.** Reclamation, through the CRD, will maintain consistent and effective records on all aspects of Reclamation's PCR Program in order to respond to data and report calls from the Department and other civil rights enforcement agencies requesting information (DOJ and/or United States Human Rights Commission).
- F. **Directives, Standards, Guidelines, and Instructional Materials.** The CRD will prepare and disseminate policy, standards and directives, guidelines, and other instructional documents as necessary to implement the provisions of this Policy.