



Civil Rights Title VI in Federally

Assisted Programs

I. Purpose

The Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) is committed to ensuring that the Civil Rights of all persons receiving services or benefits from the Agency's programs and activities are protected. This directive describes the policies, procedures, requirements and responsibilities of an Agency-wide program that adheres to such protection.

II. Scope

The provisions of this directive are applicable to all organizations in Headquarters, regions and field establishments having responsibility for DHS, FEMA's Civil Rights Program. However, the Federal Insurance Administration programs are excluded from the provisions of this directive.

III. Policy and Procedures

A. It is FEMA's policy to ensure that the civil rights of all persons receiving services or benefits from agency programs and activities are protected. No person shall, on the grounds of race, color, national origin, sex, religion, age, disability, English proficiency or economic status, be denied the benefits of, be deprived of participation in, or be discriminated against in any program or activity receiving financial assistance from FEMA. In particular, all personnel carrying out Federal major disaster or emergency assistance functions, including the distribution of supplies, the processing of the applications, and other relief and assistance activities, shall perform their work in an equitable and impartial manner without discrimination. It is Agency policy to prohibit such discrimination in any programmatic guideline, procedure, or other directives. All valid complaints of Civil Rights violations will be investigated promptly, and any settlement will be enforced, if necessary, administrative, legal, or judicial means. These prohibitions extend to all entities receiving Federal financial assistance from the Agency, including State and local governments, Indian tribal governments, educational institutions, and any organization of any type obtaining benefits through the Public Assistance or Mitigation Programs. All Local Boards and their participating charitable organizations receiving aid from the Emergency Food and Shelter Program are covered in a like manner.

1. Objectives. The objectives of the Civil Rights Program are the ensure the following:
 - a. Each application for financial assistance contains a civil rights assurance of compliance that incorporates the requirements of all applicable laws;
 - b. Pre-award reviews of all recipients and post-award compliance reviews of selected recipients of Federal financial assistance are conducted when feasible;

- c. Guidance and technical assistance are provided to FEMA components, applicants recipients, and program beneficiaries;
- d. The Equal Rights Officer (ERO) works proactively in conjunction with other Agency components to resolve individual and community issues during disaster operations;
- e. Complaints of discrimination in FEMA financial assistance programs are resolved informally if possible, but otherwise investigated promptly and thoroughly; and
- f. Compliance negotiations are undertaken immediately when the recipient is not in compliance with civil rights laws (all recipients or applicants found in noncompliance will achieve voluntary compliance or face enforcement action).

B. Procedures for Pre-award and Post-award Reviews.

1. Each organizational element granting Federal financial assistance by a signed civil rights assurance of compliance form required by Department of Justice guidelines (Title 28 CFR, Sections 42.406, Data and Information Collection; and 42.407, Procedures to Determine Compliance).
2. The reviewing organizational element notifies the Office of Equal Rights when a determination of compliance cannot be made from the civil rights assurance of compliance form. The OER conducts a routine desk audit to verify or gather the necessary information to ensure compliance. Such information may include, but is not limited to, any record of pending or past civil rights complaints against the applicant; statistical data on service to protected groups; and notices of adherence to civil rights regulations contained in publications issued by the applicant.
3. States must designate an appropriate agency official to act as Civil Rights coordinator.
4. OER may conduct a post-award compliance review on selected recipients of FEMA financial assistance. This is an in-depth review of the recipient's federally assisted programs and activities including requests for data and information. FEMA may conduct on-site reviews when it has reason to believe that discrimination may be occurring in such programs or activities. There are similarities between complaint investigations and compliance reviews. Compliance reviews are conducted in a manner similar to that of a complaint investigation, because documentation is studied thoroughly. Visits are made to actual grant site and local special interest groups are interviewed as well as concerned individuals. The major practical difference between the two types of investigations concerns the likely scope of the investigation. In the case of a compliance review, FEMA determines the scope of the investigation; in the case of complaint investigation, the complaint defines, at least initially, the scope of the investigation.

C. Discrimination Complaint Processing

1. Equal Rights Officers (ERO) are authorized to attempt resolution of individual or community- based Civil Rights complaints arising during disaster operations. If resolution attempts fail, the ERO will provide the complainant a copy of the brochure, "Your Civil Rights and Disaster Assistance," and a copy of the optional FEMA Form 14-7, "Notice of Right to File a Civil Rights Complaint." The signature on the form by the complainant acknowledges that he/she received the brochure and general information about filing a complaint. It is the responsibility of the complainant to prepare and submit a complaint to

OER. The complaint must be in writing, except where the complainant's disability requires submission of the complaint in an alternate format, such as computer diskette, audiotape, etc.

2. All written complaints alleging discrimination on the basis of race, color, national origin, sex, age, disability, English proficiency and/or, (in the case of disaster assistance) economic status, are forwarded to the Director, OER. If an ERO is not involved in the initial resolution effort of a complaint, the use of FEMA Form 14-7 is not required.
3. The Director, OER, through the Civil Rights Program staff, conducts a preliminary inquiry into complaints and attempt to resolve each complaint informally, unless such inquiry has been previously performed by an ERO and proven unsuccessful. A full report of all activities carried out during the preliminary inquiry is made.
4. Title 44 CFR, Parts 7.11 through 16, outlines the remaining Agency procedures for voluntary compliance, enforcement action, and processing complaints of discrimination in FEMA's federally assisted programs. Procedures for processing complaints of discrimination on the basis of disability in Federally conducted programs can be found in Title 44 CFR, Part 16.170.

IV. Responsibilities

- A. The Administrator, FEMA, is the official responsible for developing and issuing agency-wide policy to ensure compliance with civil rights statutes and regulations governing federally assisted and conducted programs.
- B. Regional Administrators, Deputy Administrators, Associate Administrators and Office Directors are responsible for ensuring that Agency programs under their respective authority are administered in accordance with Civil Rights laws, regulations, and the provisions of this directive.
- C. The Director, Office of Equal Rights is responsible for the following:
 1. Establishing procedures for the overall management of the Civil Rights program;
 2. Providing advice, guidance, and technical assistance to Agency organizational elements concerning civil rights requirements pertaining to FEMA assistance;
 3. Reviewing for concurrence all proposed FEMA directives and similar agency-wide issuances applicable to FEMA assistance matters to ensure their compliance with the objectives of the Civil Rights Program;
 4. Ensuring that each applicant for Federal financial assistance submits a signed assurance of compliance with Civil Rights regulations and such other data as may be specified by civil rights regulations;
 5. Establishing a system of periodic compliance reviews, including on-site reviews when there is a reason to believe discrimination may be occurring;
 6. Making formal determination of noncompliance and initiating negotiations with recipients to achieve voluntary compliance with civil rights requirements;
 7. Signing voluntary compliance agreements and monitoring corrective action require;
 8. Recommending enforcement action when voluntary compliance is not achieved;
 9. Maintaining liaison with other Federal departments and agencies having lead role responsibility in compliance and enforcement, and providing reports to the Assistant

- Attorney General for Civil Rights as required by Title 28 CFR, Part 42.401 et seq, Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs;
10. Establishing standard procedures for informal resolution, processing, and formal investigation of Civil Rights discrimination complaints;
 11. Conducting formal investigations of discrimination complaints in federally assisted and conducted programs, and making findings and recommendations based on that investigation;
 12. Providing civil rights training to headquarters and regional staffs and to the EROs as required;
 13. Providing appropriate civil rights posters, pamphlets, regulations, and other information to assist field office staffs in meeting civil rights requirements.

D. The Chief Counsel is responsible for reviewing and providing legal advice on policy affecting administration of the Agency's Civil Rights Program in regard to financial assistance.

V. Definitions

- A. A list of the definitions and terms used in this directive is provided in Appendix A.

VI. Authorities

- A. Title VI of the Civil Rights Act of 1964
- B. Executive Order 11246, Equal Employment Opportunity, dated September 24, 1965, as amended.
- C. Title IX of the Higher Education Amendments of 1972, as amended.
- D. The Rehabilitation Act of 1973, as amended, Section 504.
- E. Age Discrimination Act of 1975.
- F. Civil Rights Restoration Act of 1987.
- G. Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law (P.L.) 93-288, as amended by P.L. 100-707 (the Stafford Act).
- H. Title II of the Americans with Disabilities Act of 1990.
- I. Post Katrina Emergency Management Reform Act, October 4, 2006.

VI. Responsible Office:

Office of Equal Rights.

VIII. Supersession

This directive supersedes:

- A. Director's Policy 7-05, Civil Rights Program, November 8, 2005.
- B. FEMA Instruction 1440.1, FEMA Civil Rights Program, May 15, 2000.

IX. References

- A. Title 44, Code of Federal Regulations (CFR), Part 7, Subpart A, Nondiscrimination in FEMA Programs – General; Section 206.11, Non-discrimination in Disaster Assistance; Part 16, Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Federal Emergency Management Agency; and Part 19, Nondiscrimination on the Basis of Sex in Education Programs Receiving Federal Financial Assistance.
- B. Title 28 CFR, Part 42.401 et seq., Coordination of Enforcement Nondiscrimination in Federally Assisted Programs.
- C. FEMA Directive, Access to Agency Programs and Activities by Persons with Disabilities. May, 2010

X. Forms Prescribed

- A. FEMA Form 14-7, ‘Notice of Right to File a Civil Rights Complaint
- B. Civil Rights Assurance of Compliance Form

XI. Attachments

- A. Definition of Terms

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