

June 28, 2002

**NONDISCRIMINATION IN FEDERALLY-CONDUCTED
AND FEDERALLY-ASSISTED (EXTERNAL) PROGRAMS**

1. PURPOSE: This Veterans Health Administration (VHA) Directive issues policy prohibiting discrimination in Federally-conducted and Federally-assisted programs and activities. This Directive replaces VHA Directive 99-043.

2. BACKGROUND: Equal opportunity laws and the Department of Veterans Affairs (VA) regulations prohibit discrimination based upon race, color, national origin, Limited English Proficiency (LEP), age, sex, handicap or reprisal. This applies to all programs or activities conducted by VHA. This policy establishes a civil rights administrative complaint procedure to process allegations of discrimination on the basis of race, color, national origin, Limited English Proficiency (LEP), age, sex, handicap, or reprisal. A combination of procedures are modified as outlined in Title VI of the Civil Rights Act of 1964, Executive Order 13166, Title IX of the Education Amendment of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and VA Policy as outlined in Title 38 Code of Federal Regulations (CFR) Chapter 1, Part 15 and 38, CFR Chapter 1, Part 18.

3. POLICY: It is VHA policy that no one shall be subjected to any form of discrimination because of race, color, national origin, LEP, age, sex, handicap, or reprisal in any and all VHA programs, or in programs receiving VA funding, or in any VA program receiving Federal financial assistance.

4. ACTION: VHA management officials are responsible for:

- a. Ensuring that programs receiving Federal financial assistance, or Federally-conducted programs and activities under their respective jurisdictions, are in full compliance with all nondiscrimination mandates and agency regulations.
- b. Ensuring timely processing of all external civil rights and equal opportunity discrimination complaints.
- c. Ensuring that Equal Employment Opportunity and Affirmative Employment Specialists, or personnel at the field level, who have been designated equal opportunity responsibility, are performing this function in a timely manner.
- d. Voluntary compliance in those programs under their jurisdiction.
- e. Developing and maintaining a civil rights and external equal opportunity compliance program that meets the requirements and procedures referenced in Paragraph 5 of this directive.
- f. Issuing local guidelines consistent with the requirements of this directive for Federally-conducted programs.
- g. Assigning sufficient resources to effectively carry out responsibilities under this directive.

THIS VHA DIRECTIVE EXPIRES ON JUNE 30, 2007

VHA DIRECTIVE 2002-037

June 28, 2002

h. Ensuring that employees assigned responsibilities under this program are properly trained and have adequate time and assistance to carry out their responsibilities.

5. REFERENCES

a. Title 38 Code of Federal Regulations (CFR) Chapter 1, Part 15, Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Veterans Affairs.

b. The Rehabilitation Act of 1973, Section 504.

c. Title 38 CFR Chapter 1, Part 18, Nondiscrimination in Federally-Assisted Programs of the Department of Veterans Affairs, Effectuation of Title VI of the Civil Rights Act of 1964, Subparts A, D, and E.

d. The Age Discrimination Act of 1975.

e. The Education Amendment of 1972, Title IX.

f. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP).

6. FOLLOW-UP RESPONSIBILITY: The Director, Management Support Office, EEO/Affirmative Employment Team (10A2E), is responsible for the contents of this Directive.

7. RESCISSIONS: This VHA Directive expires on June 30, 2007.

Nevin M. Weaver for
Robert H. Roswell, M.D.
Under Secretary for Health

DISTRIBUTION: CO: E-mailed 6/28/2002
FLD: VISN, MA, DO, OC, OCRO, and 200 – E-mailed 6/28/2002

Filename: 12002037
Directory: Q:\19E1\OLD_H
Template: C:\Documents and Settings\vhacolynchs\Application
Data\Microsoft\Templates\Normal.dot
Title: VHA DIR 2002-037, 06/28/02, Nondiscrimination in
federally-conducted and federally-assisted (external) programs
Subject: Discrimination, Organizational Policy
Author: Director, Management Support Office, EEO/Affirmative
Employment Team (10A2E)
Keywords:
Comments:
Creation Date: 10/1/2002 2:50 PM
Change Number: 2
Last Saved On: 10/1/2002 2:50 PM
Last Saved By: Sherwin C. Lynch
Total Editing Time: 1 Minute
Last Printed On: 10/1/2002 2:50 PM
As of Last Complete Printing
Number of Pages: 2
Number of Words: 585 (approx.)
Number of Characters: 3,337 (approx.)