

April 29, 2008

**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.
- 2. BACKGROUND:** Equal opportunity laws and 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, 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, Parts 15, 18, and 38.
- 3. POLICY:** It is VHA policy that no one is subjected to any form of discrimination because of race, color, national origin, LEP, age, sex, handicap, or reprisal in any and all VHA programs, programs receiving VA funding, or any VA program receiving Federal financial assistance.
- 4. ACTION:** VHA Chief Officers and other VHA supervisory officials, Veterans Integrated Service Network (VISN) Directors, and facility Directors are responsible for:
 - a. Ensuring that programs receiving Federal financial assistance, or Federally-conducted programs and activities under VHA jurisdictions, must be in full compliance with all nondiscrimination mandates and agency regulations.
 - b. 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. 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 is developed and maintained.
 - e. Issuing local guidelines consistent with the requirements of this Directive for Federally-conducted programs are issued.

THIS VHA DIRECTIVE EXPIRES ON MAY 31, 2013

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f. Ensuring that sufficient resources are assigned to effectively carry out responsibilities under this Directive.

g. Ensuring that employees assigned responsibilities under this program are provided funding for centralized training and have adequate time and assistance to carry out their responsibilities.

5. REFERENCES

a. Title 38 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 Chief Management Support Officer and the EEO/Affirmative Employment Team (10A2E) are responsible for the contents of this Directive. Questions may be addressed to (202) 461-7290.

7. RESCISSIONS: VHA Directive 2002-037 is rescinded. This VHA Directive expires on May 31, 2013.

Michael J. Kussman, MD, MS, MACP
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