



063 FW 1
**Overview of the Public
Access Civil Rights
Program**

Supersedes 063 FW 1, FWM 288,
12/31/96
Date: July 22, 2009
Series: Equal Opportunity
Part 063: Federally Assisted and
Conducted Programs
Originating Office: Division of Policy and
Programs

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1.1 What is the purpose of this chapter? This chapter provides a general description of the Public Access Civil Rights Program (Program) in the U.S. Fish and Wildlife Service (Service).

1.2 What are the objectives of the Public Access Civil Rights Program? This Program helps us to ensure that:

- A.** Members of the public who participate in programs and activities that we fund have equal access to those programs, activities, and facilities where the programs take place; and
- B.** Recipients of Federal financial assistance, primarily grants to State fish and wildlife agencies funded by the Wildlife and Sport Fish Restoration office (WSFR), do not exclude people from any program, activity or facility; deny them benefits; or otherwise discriminate against them on grounds of race, color, national origin, age, disability, or sex in educational programs.

1.3 What is the scope of this Program? The Program covers our work with:

- A.** State agencies that receive Federal financial assistance awards from the Service, and
- B.** Other Federal, State, and local government agencies when a complaint is filed and the U.S. Department of the Interior (DOI) Office of Civil Rights (OCR) refers it to the Civil Rights Coordinator for Public Access in WSFR (in Headquarters).

1.4 What are the authorities for the Public Access Civil Rights Program? The authorities for this Program are:

- A.** Age Discrimination Act of 1975, as amended ([29 U.S.C. 621](#)).
- B.** Rehabilitation Act of 1973, as amended ([29 U.S.C. 701, Section 504](#)).
- C.** Civil Rights Act of 1964 (Public Law 88-352).
- D.** Architectural Barriers Act of 1968, as amended (P. L. 90-480).
- E.** Title IX of the Education Amendments of 1972 (P. L. 92-318).
- F.** Civil Rights Restoration Act of 1987 ([P. L. 100-259](#)).
- G.** Americans with Disabilities Act of 1990, including the Amendments effective in 2009 ([P. L. 101-336, Title II](#)).
- H.** Nondiscrimination on the Basis of Disability in State and Local Government Services and

by Public Accommodations and in Commercial Facilities, Department of Justice (DOJ) Regulations ([28 CFR Parts 35 and 36](#)).

I. Nondiscrimination; Equal Employment Opportunity; Policies and Procedures; DOJ Regulations ([28 CFR Part 42](#)).

J. Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws.

K. Nondiscrimination in Federally Assisted Programs of DOI; and Nondiscrimination on the Basis of Sex in Education Programs; DOI Regulations (43 [CFR Part 17, Subparts A, B, C and E, and Part 41](#)).

L. [Executive Order 12898](#), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

M. [Executive Order 13160](#), Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation and Status as a Parent in Federally Conducted Education and Training Programs.

N. [Executive Order 13166](#), Improving Access to Services for Persons with Limited English Proficiency.

O. Nondiscrimination Contracts, Permits, and Use of Facilities ([50 CFR Part 3, Section 3.1](#)).

1.5 Who is responsible for the Program?

A. The Director is responsible for ensuring that we enforce laws, regulations, and policies associated with the Public Access Civil Rights Program.

B. The Assistant Director, Wildlife and Sport Fish Restoration Program (AD-WSFR):

(1) Has overall responsibility for the Program, and

(2) Supervises Federal financial assistance programs that impact State fish and wildlife agencies.

C. The Chief, Division of Policy and Programs:

(1) Is the principal manager for monitoring civil rights and nondiscrimination for Federal financial assistance programs and activities,

(2) Oversees policy and programmatic aspects of our grants to State agencies, and

(3) Determines Program goals and objectives.

D. The Civil Rights Coordinator for Public Access:

(1) Coordinates the Program (this responsibility extends only to civil rights issues impacting the public affected by Federal financial assistance programs),

(2) Develops policy and procedural guidance, and

(3) Provides Program leadership and direction.

E. Regional Chiefs, Diversity and Civil Rights Office (DCR). Where Service activities are carried out in States under the jurisdiction of our Regional Offices, the DCR offices have responsibility for the oversight and coordination of the Program. Regional DCR Chiefs:

(1) Implement the Program in the Regional Offices by:

(a) Taking the lead role in conducting civil rights reviews of identified State agencies,

(b) Assisting with informal resolution of complaints, and

(c) Providing civil rights training to Regional staff and other stakeholders.

(2) Monitor to ensure Federal financial assistance recipients meet nondiscrimination requirements. Other Regional programs and staff may assist the Regional DCR offices with these activities.

1.6 What terms do you need to know to understand the chapters in Part 063?

A. Federal Financial Assistance. Federal financial assistance is any grant, cooperative agreement, loan, contract (other than a procurement contract or a contract of insurance or guarantee), or any other arrangement involving funds, services, real property or personal property. For the purposes of the Program, WSFR administers grants and awards them to State fish and wildlife agencies.

B. People with Disabilities. People with disabilities:

(1) Have a physical and/or mental impairment that substantially limits one or more of life's major activities (e.g., walking, standing, hearing, speaking, breathing, and learning).

(2) Have a record of such an impairment, or

(3) Are regarded as having such an impairment.

C. Public Access Civil Rights Assurance. Each recipient of a grant from WSFR, as a condition for receiving that grant, has to sign an assurance that it will not discriminate against public participants in their programs and activities—that means nondiscrimination on the basis of race, color, national origin, age, disability, and sex (in education programs).

D. Programs Associated with WSFR Grants. These are recreational programs that recipients of WSFR-managed grant programs commonly offer, such as hunting, fishing, boating, and nature observations.

E. Complaint of Discrimination. A complaint of discrimination is a signed and dated statement by a member of the public or a representative of that complainant, alleging that a recipient discriminated against him/her on one or more of the protected bases described in [section 1.6C](#).

F. Compliance Review. A compliance review is a systemic audit of a State fish and wildlife agency to determine whether that agency is providing equal access—that means nondiscrimination on the basis of race, color, national origin, age, disability, and sex (in education programs).

G. Recipient. A recipient is an entity, normally a State or local government agency, that receives Federal financial assistance. For the purposes of the Program, a recipient is a State fish and wildlife agency.

1.7 How does the Public Access Civil Rights Program differ from other civil rights activities in the Service?

A. There are two other civil rights programs in the Service:

(1) Equal Employment Opportunity. Our Branch of Equal Opportunity and Diversity (EOD) handles civil rights activities relating to Service employees, former employees, and applicants for employment. This program includes processing civil rights complaints related to employment, analyzing our workforce demographics for equal employment opportunity practices, and other related employment civil rights activities.

(2) Federally Conducted Accessibility. The Assistant Director – National Wildlife Refuge System administers this program to ensure that people with disabilities have equal access to programs, activities, and facilities that we operate directly (e.g., National Wildlife Refuges and National Fish Hatcheries). The focus of this program is on equal access to people with disabilities at all facilities.

B. The DOI OCR has authority over all Service civil rights activities, including Public Access, Employment, and Federally Conducted Accessibility. The OCR's Division of Public Civil Rights coordinates our Public Access and Federally Conducted Accessibility Programs. The OCR's Division of Employment Civil Rights and Diversity oversees the EOD office discussed in [section 1.7A\(1\)](#).

1.8 How does WSFR implement the Public Access Civil Rights Program? We:

A. Process public access civil rights complaints filed by members of the public (see [063 FW 2](#));

B. Works in partnership with the Regions, which conduct reviews of State fish and wildlife agencies;

C. Provide technical assistance and training to key stakeholders, including civil rights practitioners, grant managers, facilities managers, Service employees, community groups, conservation groups, and others, to help equip them to promote equal access to programs and to further promote overall program visibility;

D. Establish outreach to and liaisons with minority and disability groups to further encourage equal access to programs for minority and disability groups; and

E. Promote equal access for persons with Limited English Proficiency (LEP) with regard to programs operated by both the Service and recipients. WSFR helps the Service and recipients accomplish this by translating key documents, providing translations on Web sites, and providing on-call verbal/telephonic translation services. The extent of the LEP initiatives depends of the number of LEP clients, the frequency of contact with the LEP clients, resources available, and the importance of the particular program. For more information on LEP, please visit the [DOJ Web site](#).

1.9 What are some examples of discrimination that WSFR is trying to eliminate? There

are different types of discrimination:

A. One is intentional discrimination, where an agency or officials of an agency deliberately ban, segregate, or exclude a person or group from a recipient's program or activity because of race/ethnicity, sex, age, or disability. Intentional discrimination is also deliberately treating a person or group differently or providing alternate program access because of race/ethnicity, sex, age, or disability.

B. Unintentional discrimination is a policy or practice that does not deliberately discriminate, but has the effect of adversely impacting a person or group because of race/ethnicity, sex, age, or disability. For example, we might consider a State natural resources agency conducting boating safety courses in a neighborhood that is far from where a minority population lives to be unintentional discrimination. The agency doesn't intend to discriminate against the minority population, but the State's actions have an adverse impact on the population's participation in the boating education program.

C. Another form of discrimination is a recipient's failure to make a reasonable program modification to provide access for a person with a disability.

1.10 What happens when WSFR discovers discrimination in a recipient's program?

When we discover discrimination, we expect the recipient to change policies and practices to eliminate discrimination. If the recipient does not voluntarily eliminate the discrimination, WSFR may refer the matter to the DOI OCR for enforcement actions which may include sanctions. Sanctions may include the termination of funding or a DOI referral to DOJ for civil enforcement through the Federal Courts.

1.11 Where can you find out more about the Public Access Civil Rights Program? You can learn more about the program by reading 063 FW 2 and 063 FW 3. You may also read the "Guidelines for Compliance With Federal Assistance Nondiscrimination Requirements" handbook, which is available on our [Handbooks Web site](#).

For information on the content of this chapter, contact the Division of Policy and Programs in the Office of Federal Assistance. For more information about this Web site, contact Krista Holloway in the Division of Policy and Directives Management, at Krista.Holloway@fws.gov.

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