

**FISH AND WILDLIFE SERVICE
EQUAL OPPORTUNITY**

Equal Opportunity **Part 063 Federally Assisted and Conducted Programs**

Chapter 3 Public Access Civil Rights Program—Review Process **063 FW 3**

3.1 What is the purpose of this chapter? This chapter describes how the Wildlife and Sport Fish Restoration office (WSFR) conducts civil rights compliance reviews of State fish and wildlife agencies in the Public Access Civil Rights Program (Program).

3.2 What is the policy?

A. WSFR must ensure that people have equal access to recipient programs and facilities without discrimination on the basis of race, color, national origin, disability, age or sex (in educational programs).

B. As part of this responsibility, the U.S. Department of the Interior (DOI) and the U.S. Department of Justice (DOJ) civil rights regulations require agencies that provide Federal funds to conduct periodic compliance reviews of a recipient's Program activities to ensure that overall policies and practices are not discriminatory.

3.3 What is the scope of this chapter? Service Manual chapter 063 FW 1, section 1.3 describes the scope of the Program.

3.4 What are the authorities for this chapter? You can find the authorities for all the chapters in 063 FW 1.4.

3.5 Who is responsible for conducting civil rights reviews of our recipients?

A. Regional Directors have the lead authority for the Regional review process, including issuing notification letters and Reports of Findings.

B. The Assistant Director – Wildlife and Sport Fish Restoration Program (AD-WSFR) has programmatic responsibility for the civil rights compliance review process.

C. The Civil Rights Coordinator for Public Access provides leadership, guidance, and logistical support for the civil rights reviews.

D. Regional Chiefs, Diversity and Civil Rights Office (DCR) conduct civil rights reviews, sometimes by forming a Regional Office team from other program areas.

3.6. What terms do you need to know to understand this chapter? If you need a definition of a term in this chapter, see 063 FW 1.6.

3.7 Are there different types of civil rights reviews? Yes. There are two types of reviews:

A. Pre-award Review. This is a civil rights assessment of a potential recipient before the recipient receives the Federal financial assistance. Since State agencies receive funding on a continuing basis, the pre-award review normally consists of ensuring that the recipient signs the Assurances (SF 424B or D) that include civil rights compliance as a condition for receiving the annual grants. WSFR Regional grants staff process the civil rights assurances with the other assurances.

B. Post-award Review. The post-award review is a comprehensive assessment of the recipient's compliance with civil right laws and regulations after the recipient receives the Federal financial assistance. Regional review teams conduct these reviews under the leadership of the Regional DCR offices, with guidance provided by the WSFR's Civil Rights Coordinator for Public Access. The post-award review could either be a desk review involving the examination of documents that the recipient provides, or an onsite review where the Regional team combines the document review with site visits to the recipient's facilities. Exhibit 1 is a detailed description of the post-award compliance review process.

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3.8 How often do the Regional review teams conduct post-award reviews?

A. There is an established routine schedule of reviews for recipients that are State fish and wildlife agencies.

B. The cycle to review recipients is at least once every 5 years. Because Regions have differing numbers of States, to meet this goal the schedule is:

(1) For Regions 1, 3, 4, 5, and 6 - two reviews per year.

(2) For Region 2 - one review per year.

(3) For Region 7 - one review every 5 years.

(4) For Region 8 – one review every 2 to 3 years.

3.9 Do the reviews also include territories? Yes. Reviews also include recipients in the Commonwealths of Puerto Rico and the Northern Mariana Islands; the Territories of Guam, U.S. Virgin Islands, and American Samoa; and the District of Columbia.

3.10 What actions do Regional Offices take after conducting the reviews?

A. The Regional DCR office prepares a Report of Findings that includes:

(1) Programmatic findings identifying practices that may impede a particular recipient's ability to provide equal program access to one or more of the covered demographic groups,

(2) For each of the listed findings, recommendations and a request that the recipient provide a description of how it is addressing the finding, and

(3) Acknowledgment to the recipient for any outstanding accomplishments in its civil rights program.

B. Regional Directors approve Reports of Findings.

3.11 How do Regional Offices work cooperatively with recipients during the review process to address findings? Regional office review staff and recipient officials or staff accompany each other on the onsite review and work together to address program deficiencies as they are identified. Reports can note the recipient's positive corrective actions taken either onsite or immediately following the completion of the review. Reports can also exclude findings of deficiencies if these deficiencies have been corrected previously.

3.12 How do the Regional Offices handle enforcement actions in the review process? If the Regional review teams identify serious violations or discrimination as part of the review, they will refer them to WSFR. If WSFR concurs that the violations are serious enough to warrant enforcement actions, then WSFR will refer the matter to the DOI Office of Civil Rights. The sanctions process is identical for complaint investigations and reviews (see 063 FW 2).

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