

**Forest Service Manual  
National Headquarters (WO)  
Washington, DC**

**Forest Service Manual 1700 – Civil Rights**

**Chapter 1770 - Federal Financial Assistance Programs**

**Amendment:** 1700-2004-1

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**Superseded Directive:** 1770, Amendment 1700-90-1, June 1, 1990

**Approved by:** Irving W. Thomas, Associate Deputy Chief

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**Responsible Staff:**

**Explanation of changes:** Following is an explanation of the changes throughout the directive by section.

**Posting Instructions:** Amendments are numbered consecutively by title and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this title was 1700-2003-2 to 1720.

**1770.2:** Clarifies bases for discrimination under any Forest Service program activity involving financial assistance to include bases for nondiscrimination in accordance with United States Department of Agriculture, Departmental Regulation (DR) 4300-3 and 4330-2.

**1770.41:** Clarifies responsibilities of the Director, Civil Rights Staff, Washington Office for ensuring the application of requirements of nondiscrimination in Federal Financial Assistance Programs of the Forest Service.

**1770.43:** Clarifies responsibility for administering Federal Financial Assistance Programs and ensuring compliance with civil rights and nondiscrimination laws, regulations, and other Department and Agency requirements; adds responsibility for the Institute Director.

**1772:** Adds a section on compliance.

**1773:** Adds a section on complaints of discrimination.

**1774:** Adds a section on non-compliance resolution.

**1775:** Adds a section on reports required by the United States Department of Agriculture (USDA).

**1776:** Adds a section on compliance with civil rights laws and regulations.

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For further direction on civil rights and nondiscrimination requirements for Federal financial assistance programs under Title VI of the Civil Rights Act, see FSH 1709.11, chapter 70.

### **1770.1 - Authority**

This chapter particularly deals with Forest Service programs covered by Title VI, Civil Rights Act of 1964, as amended; Title IX, Education Act of 1982; and the Rehabilitation Act of 1973, sections 504 and 505. See FSH 1709.11 for a detailed explanation of these authorities. Other authorities are listed in FSM 1701 and FSH 1709.11, section 01.

### **1770.2 - Objective**

To ensure that no person in the United States, regardless of race, color, national origin, sex, age, or disability is excluded from participating in, denied the benefits of, or otherwise subjected to prohibited discrimination under any program or activity of an applicant or recipient receiving Federal financial assistance from the Forest Service.

### **1770.3 - Policy**

Implement and monitor a comprehensive agency civil rights compliance review program to ensure that Federal financial assistance programs administered by the Forest Service comply with civil rights and nondiscrimination laws and regulations, and other Department of Agriculture (USDA) and agency requirements so that programs are delivered without discrimination.

### **1770.4 - Responsibility**

#### **1770.41 - Director, Civil Rights Staff, Washington Office**

The Director, Civil Rights Staff, Washington Office, is responsible for ensuring the application of requirements for nondiscrimination in the Federal financial assistance programs of the Forest Service. The Director:

1. Provides direction for compliance and non-compliance procedures. In non-compliance situations, the Director must take the action directed in this manual, section 1774.
2. Ensures that a comprehensive, accurate compliance monitoring and achievement report is submitted to USDA in a timely manner. (See section 1775 on reports.)

#### **1770.42 - Deputy Chiefs**

Deputy Chiefs are responsible for ensuring that Federal financial assistance programs under their deputy areas comply with civil rights and nondiscrimination laws and regulations, and other Department and agency requirements. In non-compliance, Deputy Chiefs must take action directed in this manual, section 1774.

### **1770.43 - Regional Foresters, Station Directors, Area Director, and Institute Director**

Regional Foresters, Station Directors, the Area Director, and the Institute Director are responsible for administering Federal financial assistance programs within their respective units and for ensuring compliance with civil rights and nondiscrimination laws and regulations, and other Department and agency requirements. In non-compliance situations, the Regional Foresters, Station Directors, the Area Director, and the Institute Director must take action directed in this manual, section 1774.

### **1770.44 - Field Unit Line Officers**

Field unit line officers are responsible for administering Federal financial assistance programs within their respective units and for ensuring compliance with civil rights and nondiscrimination laws and regulations, and other Department and agency requirements. In non-compliance, field unit line officers must take action directed in this manual, section 1774.

### **1770.5 - Definitions**

Definitions may be found in FSM 1705 and FSH 1709.11, section 70.5.

### **1771 - Program Coverage**

The Forest Service administers Federal financial assistance programs and activities where assistance is granted to recipients who provide a service(s) or benefit(s) to others (such as when the public is the ultimate beneficiary). See FSH 1709.11, chapter 70 for further direction on the civil rights compliance system for Federal financial assistance programs, which include the following:

1. Grants and loans of Federal funds.
2. The grant or donation of Federal property and interests in property.
3. Details of Federal personnel for assignments as supervisors, technical experts, or assistants.
4. The sale or lease of and the permission to use (on other than a transient basis) Federal property or any interests in such property; the furnishing of services without consideration, at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient and/or recognition of the public interest to be served (such as when special use permits are given for commercial activities).
5. Any Federal agreement, arrangement, or other contract which has the provision of assistance as one of its purposes.

## **1772 - Compliance System**

The United States Department of Agriculture (USDA) requires the Forest Service to operate a compliance review system for Forest Service Federal financial assistance programs that ensures equal opportunity in the program delivery of benefits and services to the public without regard to race, color, national origin, sex, age, or disability. The components of the compliance system are listed in FSM 1772.1 - 1772.4 with cross-references to more detailed direction found in FSH 1709.11, chapter 70.

### **1772.1 - Public Notification**

The Department of Agriculture (USDA) requires the Forest Service to ensure that recipients of Federal financial assistance:

1. Notify the public that the recipients' institution does not discriminate on the basis of race, color, national origin, sex, age, or disability. (See FSM 1620; Departmental Regulation 4300-3 and 4330-2).
2. Cite their affiliation with the USDA Forest Service.
3. Place notification elements on all materials produced for public information, public education, or public distribution.
4. Post the USDA nondiscrimination statement for recipients of Federal assistance in all public reception areas.

### **1772.2 - Assurances of Nondiscrimination by Recipients**

As required in FSH 1709.11, chapter 70, recipients of Federal financial assistance must sign a statement of assurance not to discriminate in the delivery of programs and services based on a person's race, color, national origin, sex, age, or disability, and to ensure that all persons who meet the nondiscriminatory essential eligibility criteria have equal opportunity to participate in programs.

### **1772.3 - Civil Rights Training for Recipients**

The Forest Service units administering the Federal financial assistance programs may provide recipients with civil rights training. (See FSM 1740 and FSH 1709.11, ch. 80, for additional direction.) The purpose of this training is to provide recipients with an understanding of their civil rights responsibilities, compliance requirements, and the review process.

## **1772.4 - Compliance Reviews and Records**

See FSH 1709.11, chapter 70 for direction about compliance reviews and records.

## **1773 - Complaints of Discrimination**

In accordance with USDA Regulation 4330-2, program discrimination complaints in USDA assisted programs will follow the following process:

1. Written complaints shall be filed with the United States Department of Agriculture (USDA) Office of Civil Rights (CR) within 180 calendar days of the date that a person “knew or should have known of the alleged discrimination.”

- a. A complaint may be filed by: “Any person who believes a program or activity receiving Federal financial assistance from USDA is not in compliance with equal opportunity and anti-discrimination laws.”
  - b. The complainant need not be the injured party.
  - c. The complainant does not have to identify any injured party nor does the complainant have to allege any injury to have the complaint accepted by the USDA Office of Civil Rights.
2. Basis for civil rights complaints includes race, color, national origin, sex, age, or disability.
3. If a complaint is filed with an agency, it must be referred to the USDA Office of Civil Rights within 5 calendar days.
4. According to DR 4330-2, resolution of issues is “strongly encouraged” throughout the process.
5. All cases shall be investigated by the USDA, unless resolved or settled prior to investigation. The USDA Office of Civil Rights will complete all investigations within 180 days after it accepts the complaint as complete.
6. The USDA Office of Civil Rights will issue a final agency decision. If discrimination is found, the USDA will issue requirements for corrective action and will monitor that action to compliance.
7. If the recipient does not cooperate with the investigation, or refuses to take corrective action, the USDA will request intervention from the Department of Justice.

## **1774 - Noncompliance Resolution**

1. In a noncompliance situation, civil rights regulations require that efforts be made to the fullest extent practicable to obtain voluntary compliance. Agencies are required to provide assistance and guidance to achieve full compliance as stated in Title VI of the Civil Rights Act of 1964; 42 U.S.C., sections 1971, 1975a-1975d, 2000a-2000h-6; 7 CFR Part 15; and USDA Departmental Regulation 4330-2. All Forest Service persons who administer Federal financial programs are responsible for:

- a. Providing appropriate notice of noncompliance to recipients;
- b. Taking action when voluntary corrective action cannot be achieved by negotiation with the recipient.

2. Field unit line officers must advise the Director, Civil Rights Staff, Washington Office when voluntary compliance cannot be achieved by negotiation and line officers must supply appropriate written documentation.

3. The Director, Civil Rights Staff, Washington Office must advise the United States Department of Agriculture (USDA) Office of Civil Rights when voluntary compliance cannot be achieved by negotiation and the Director must supply appropriate written documentation.

## **1775 - Reports**

The Information and Reporting Requirement (previously named the Civil Rights Implementation Plan) required in Program Delivery/Title VI implementation is an annual submission required by the United States Department of Agriculture (USDA) Office of Civil Rights for the Department of Justice to assess the Forest Service's civil rights compliance efforts and achievements. See 1770.4 for information about responsibilities for the reports.

## **1776 - Compliance with Civil Rights Laws and Regulations**

Recipient's responsibilities:

1. The Title VI of the Civil Rights Act of 1964; Title IX of the Education amendments of 1972; the Rehabilitation Act of 1973, section 504, as amended; the Age Discrimination Act of 1975; and USDA Regulations DR 4300-3 and DR 4330-2 require that recipients:

- a. Sign a statement of assurance not to discriminate in the delivery of programs and services based on the individual's race, color, national origin, sex, age, or disability. Ensure that all persons have equal opportunity to participate in programs for which they meet the nondiscriminatory essential eligibility criteria.
- b. Ensure that all persons, especially those who may not have participated fully in the past, know about the availability of and are encouraged to participate in the programs provided through assistance from the Forest Service.



- c. Maintain participation data by race, color, and national origin.
- d. Print the nondiscrimination statement and a statement of affiliation with the USDA Forest Service on all materials prepared for public information, public education, or public distribution.
- e. Post signs explaining the USDA program complaint process in public reception areas, and include diverse populations in photographs and graphics.
- f. Complete a self-evaluation on the accessibility of programs and related facilities. Prepare, retain and implement the necessary transition plan to correct accessibility related problems and to achieve program accessibility as required in 7 CFR subtitle A, 15b.18.