

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

- 1. REASON FOR ISSUE.** This Veterans Health Administration (VHA) Directive establishes authority and policy for prohibiting discrimination in federally-conducted and Federally-assisted programs and activities based on race, color, religion, national origin, Limited English Proficiency (LEP), age, sex (includes gender identity and transgender status), sexual orientation, pregnancy, marital and parental status, political affiliation, disability, genetic information, harassment, or retaliation.
- 2. SUMMARY OF CHANGES.** This VHA Directive reflects minor changes in the policy for carrying out the management and execution program, assignments of duties, and the establishment of records managers and records liaisons within all VHA facilities.
- 3. RELATED ISSUES.** None.
- 4. RESPONSIBLE OFFICE.** The Chief Management Support Officer and the EEO/Affirmative Employment Team (10A2A5) are responsible for the contents of this Directive. Questions may be addressed at 202-632-7617.
- 5. RESCISSIONS.** VHA Directive 2008-024, Nondiscrimination in Federally-Conducted and Federally-Assisted (External) Programs, is rescinded.
- 6. RECERTIFICATION.** This VHA Directive is scheduled for recertification on or before the last working day of May 2018.

Robert A. Petzel, M.D.
Under Secretary for Health

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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.

AUTHORITY: 38 CFR Parts 15 and 18.

2. BACKGROUND: Equal Employment Opportunity laws and Department of Veterans Affairs (VA) regulations prohibit discrimination based upon race, color, religion, national origin, Limited English Proficiency (LEP), age, sex (includes gender identity and transgender status), sexual orientation, pregnancy, marital and parental status, political affiliation, disability, genetic information, and also strictly prohibit harassment or retaliation against anyone who reports discrimination. 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 listed above. A combination of procedures are modified as outlined in Title VI of the Civil Rights Act of 1964, Executive Order 13166, Executive Order 13087, 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) Parts 15 and 18.

3. POLICY: It is VHA policy to prohibit discrimination in any and all VHA programs, programs receiving VA funding or any VA jurisdictions on the basis of race, color, religion, national origin, sex (includes gender identity, transgender status), sexual orientation, pregnancy, marital and parental status, political affiliation, age, disability, genetic information, and LEP. Federal law and VHA policy also prohibit harassment of any person or retaliation against any person who filed a charge of discrimination based on any of these criteria.

4. RESPONSIBILITIES: VHA Chief Officers, Veterans Integrated Service Network (VISN) Directors, facility Directors and other VHA supervisory officials are responsible for:

a. Ensuring that programs receiving Federal financial assistance, or Federally-conducted programs and activities under VHA jurisdiction, are in full compliance with all non-discrimination mandates and agency regulations.

b. Processing all external civil rights and equal opportunity discrimination complaints in a timely manner.

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.

e. Issuing local guidelines consistent with the requirements of this Directive for Federally-conducted programs.

f. Ensuring that sufficient resources are assigned to effectively carry out responsibilities listed in 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 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. The ADA Amendments Act of 2008.

d. Title 38 CFR 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.

e. The Age Discrimination Act of 1975.

f. The Education Amendment of 1972, Title IX.

g. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.