Office of the Secretary, Interior

§ 17.6 Conduct of investigations.

(a) Periodic compliance reviews. The Secretary or his designee shall from

(b) Compliance reports. Each recipient shall keep such records and submit to
the Secretary or his designee timely, complete and accurate compliance re-
ports, at such times, and in such form and containing such information, as
the Secretary or his designee may determine to be necessary to enable him
to ascertain whether the recipient has complied or is complying with this
part. In general, recipients should have available for the Department racial
and ethnic data showing the extent to which members of minority groups are
beneficiaries of federally—assisted pro-
grams. In the case in which a primary
recipient extends Federal financial as-
sistance to any other recipient, such
other recipient shall also submit such
compliance reports to the primary re-
cipient as may be necessary to enable
the primary recipient to carry out its
obligations under this part.

(c) Access to sources of information. Each recipient shall permit access by
the Secretary or his designee during
normal business hours to such of its
books, records, accounts, and other
sources of information, and its facili-
ties as may be pertinent to ascertain
compliance with this part. Where any
information required of a recipient is
in the exclusive possession of any other
agency, institution or person and this
agency, institution or person shall fail
or refuse to furnish this information,
the recipient shall so certify in its re-
port and shall set forth what efforts it
has made to obtain the information.

(d) Information to beneficiaries and
participants. Each recipient shall make
available to participants, beneficiaries,
and other interested persons such in-
formation regarding the provisions of
this part and its applicability to the
program for which the recipient re-
ceives Federal financial assistance, and
make such information available to
them in such manner as the Secretary
or his designee finds necessary to ap-
prise such persons of the protections
against discrimination assured them
by the Act and this part.

[38 FR 11976, July 5, 1973]

§ 17.5 Compliance information.

(a) Cooperation and assistance. The Secretary or his designee shall to the
fullest extent practicable seek the co-
operation of recipients in obtaining
compliance with this part and shall
provide assistance and guidance to rec-
cipients to help them comply volun-
tarily with this part.

(b) Assurances from institutions. (1) In
the case of any application for Federal
financial assistance to an institution of
higher education (including assistance
for construction, for research for a spe-
cial training project, for student assist-
ance, or for another purpose), the as-
surance required by this section shall
extend to admission practices and to
all other practices relating to the

(2) The assurance required with re-
spect to an institution of higher edu-
cation, or any other institution, inso-
far as the assurance relates to the in-
istitution’s practices with respect to ad-
mission or other treatment of individ-
uals as students, or clients of the institu-
tion or to the opportunity to partici-
pate in the provision of services or
other benefits to such individuals, shall
be applicable to the entire institution.

[29 FR 16293, Dec. 4, 1964, as amended at 38
FR 17976, July 5, 1973; 68 FR 51376, Aug. 26,
2003]
time to time review the practices of recipients to determine whether they are complying with this part.

(b) Complaints. Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Secretary a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Secretary, or his designee.

(c) Investigations. Whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part, a prompt investigation shall be made. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) Resolution of matters. (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the recipient shall be informed in writing and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in §17.7.

(2) If an investigation does not warrant action pursuant to paragraph (d)(1) of this section, the recipient and complainant, if any, shall be informed in writing.

(e) Intimidatory or retaliatory acts prohibited. No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

(29 FR 16293, Dec. 4, 1964, as amended at 38 FR 17977, July 5, 1973)

§17.7 Procedure for effecting compliance.

(a) General. If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) Noncompliance with §17.4. If an applicant fails or refuses to furnish an assurance required under §17.4 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph, except that the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) Termination of or refusal to grant or to continue Federal financial assistance. No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the Secretary or his designee has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing,