

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 10.161 CIVIL RIGHTS PROGRAM AND AFFIRMATIVE EMPLOYMENT AND DIVERSITY MANAGEMENT PROGRAM DT-22-06

Volume 10, Personnel Management
Part 7: General Personnel Management Provisions

Approved by: Catherine Haney, Deputy Executive Director for Materials, Waste, Research, State, Tribal, Compliance, Administration and Human Capital Programs, Office of the Executive Director for Operations

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Issuing Office: Office of Small Business and Civil Rights

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EXECUTIVE SUMMARY

Management Directive (MD) 10.161, “Civil Rights Program and Affirmative Employment and Diversity Management Program,” is revised to affirm, consolidate, and summarize existing U.S. Nuclear Regulatory Commission (NRC) policy related to affirmative employment, diversity management, and civil rights programs. It provides references and appropriate links to specific NRC policies related to the agency's equal employment opportunity programs. In addition, MD 10.161 is revised to reflect new information to support existing requirements, recent Supreme Court decisions, Executive Orders, Equal Employment Opportunity Commission (EEOC) guidance provided for the MD-715, “Disability Affirmative Action Plan,” and the updated Inclusive Diversity Strategic Plan (IDSP).

TABLE OF CONTENTS

I.	POLICY	2
II.	OBJECTIVES	2
III.	ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY.....	3
	A. Chairman.....	3
	B. Commission.....	4
	C. Executive Director for Operations (EDO)	4
	D. Office of the General Counsel (OGC)	5

For updates or revisions to policies contained in this MD that were issued after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

E. Director, Office of Small Business and Civil Rights (SBCR)	5
F. Chief Human Capital Officer (CHCO)	6
G. Director, Office of Administration (ADM)	7
H. Director, Office of Nuclear Regulatory Research (RES).....	7
I. Chief Information Officer (CIO)	7
J. Office Directors and Regional Administrators	7
IV. APPLICABILITY	8
V. DIRECTIVE HANDBOOK	8
VI. REFERENCES.....	8

I. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to foster equal employment opportunity (EEO) for all employees and applicants for employment with the NRC and to promote the principles of diversity management that will enhance the level of effectiveness and efficiency of the agency's programs. It is also the policy of the NRC to ensure compliance with NRC and Federal personnel and EEO laws, rules, regulations, and Executive Orders (EOs), involving informal and formal complaints of discrimination filed under Title VII of the Civil Rights Act of 1964 (Title VII), as amended; the Age Discrimination in Employment Act of 1967 (ADEA), as amended; the Rehabilitation Act of 1973 (Rehab Act), as amended; the Equal Pay Act of 1963 (EPA), as amended; and Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA). Additionally, it is the policy of the NRC to ensure compliance with EO 13583, "Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce," and EO 11478, "Equal Employment Opportunity in the Federal Government," as amended, which prohibits discrimination based on sexual orientation; Title 29 *Code of Federal Regulations* (CFR) Part 1614, "Federal Sector Equal Employment Opportunity," which governs Federal sector employment; and 2 CFR Part 200, "Uniform Administrative Requirements for Federal Awards," which establishes uniform administrative requirements, plus principles and audit requirements for Federal awards to non-Federal entities.

II. OBJECTIVES

- Prevent employment discrimination, harassment, retaliation, and promote inclusive workplaces through education, awareness, and outreach.
- Advance diversity, equity, inclusion, and accessibility (DEIA) principles in the workplace.

- Facilitate the recruitment of individuals who are members of underserved communities for Federal employment opportunities.
- Assess current hiring practices, evaluate equity in employment opportunities and financial security, and improve the process for requesting reasonable accommodations.
- Issue guidance to increase the availability of grants, internships, fellowships, and apprenticeships, and improve outreach to and recruitment of individuals from underserved communities (i.e., Minority Serving Institutions Program (MSIP)).

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Chairman

1. Provides leadership and personal commitment to promote the NRC's organizational values and an open, collaborative, and discrimination-free work environment.
2. Ensures that the NRC maintains an effective Civil Rights Program (CRP) and Affirmative Employment and Diversity Management (AEDM) Program to continue its progress in reaching EEO, affirmative employment, and DEIA goals.
3. Approves the agency's Affirmative Employment Plan, Inclusive Diversity Strategic Plan (IDSP), and annually submits legislatively mandated reports and plan updates. These updates include the No FEAR Report; Age Act Report; EEOC MD-715 Report/Plans; Federal Equal Opportunity Report Program Report/Plans; Reasonable Accommodation and Personal Services Assistance Procedures; Disability Affirmative Action Plan (AAP); and the IDSP. The Chairman approves reports for submittal to Federal oversight agencies, such as the Office of Management and Budget (OMB); the Equal Employment Opportunity Commission (EEOC); the Department of Justice (DOJ); the Environmental Protection Agency (EPA); the Office of Personnel Management (OPM); Health and Human Services (HHS); the Department of Education (ED); the White House Initiatives Offices; and other oversight agencies.
4. Promotes diversity management strategies and principles of the IDSP to increase the NRC's organizational capacity in achieving the agency's mission and guides decisions and practices that impact equal opportunity and assistance to the MSIP.
5. Issues the final agency decision on employment discrimination complaints arising in offices reporting to the Chairman or Commission or in the Office of the Inspector General (OIG). This authority may be delegated by the Chairman to other senior officials.
6. Delegates to the Office of Small Business and Civil Rights (SBCR) the authority to provide for prompt, fair, and impartial processing of employment discrimination complaints and other complaints filed under applicable civil rights statutes, and to

advise on the elimination or modification of procedures and practices that give rise to valid discrimination complaints filed under these statutes.

B. Commission

1. Provides leadership and personal commitment to promote the NRC's organizational values and an open, collaborative, and discrimination-free work environment.
2. Ensures that the NRC maintains an effective CRP and AEDM Program to continue its progress in assuring nondiscrimination in NRC-conducted and Federal financial assistance (FFA) programs and activities and achieves workforce development and DEIA goals.
3. Promotes diversity management strategies and principles of the IDSP to increase the NRC's organizational capacity in achieving the agency's mission, and guides decisions and practices that impact equal opportunity.

C. Executive Director for Operations (EDO)

1. Provides leadership and personal commitment to promote NRC's organizational values and an open, collaborative, and discrimination-free work environment.
2. Ensures sufficient resources are available to administer an effective CRP and AEDM Program that meets the agency's EEO and DEIA management goals.
3. Issues final agency decision on employment discrimination complaints arising in agency offices (other than OIG) and the offices reporting to the Chairman or the Commission. This authority may be delegated by the Executive Director for Operations (EDO) to other senior officials.
4. Approves the final disposition of complaints, including settlements and final agency decisions, involving issues that may set precedent, impact agency policy, procedures, practices, and/or the manner in which the agency conducts business.
5. Promotes diversity management strategies and principles of the IDSP to increase the NRC's organizational capacity in achieving the agency's mission and guides decisions and practices that impact equal opportunity.
6. Approves proposed changes to CRP and AEDM Program policies, practices, and structures based on changes in applicable NRC and Federal personnel and EEO laws, rules, regulations, guidance, and EOs.
7. Charters or authorizes the operation of EEO advisory groups or committees to provide advice and support to the overall AEDM Program under the auspices of SBCR.

8. Provides semi-annual Commission briefings on the challenges, progress, and status of the Commission's equal employment opportunity efforts.

D. Office of the General Counsel (OGC)

1. Provides legal advice, guidance, and assistance to SBCR in the areas of civil rights and affirmative employment and diversity management.
2. Ensures that the final disposition of discrimination complaints meet legal sufficiency standards and can withstand scrutiny on review by the EEOC, the Merit Systems Protection Board (MSPB), or Federal district courts.
3. Represents the agency in administrative hearings and appeals before the EEOC and MSPB and civil actions in Federal district court involving discrimination complaints filed by employees, former employees, and applicants for employment.
4. Represents the agency in the ADR process or other stages of the discrimination complaint process when the complainant is represented by an attorney.

E. Director, Office of Small Business and Civil Rights (SBCR)

1. The Office of SBCR is authorized and directed by the EDO to take action as necessary to carry out the functions and responsibilities described in Management Directive (MD) 9.24, "Organization and Functions, Office of Small Business and Civil Rights," in accordance with applicable NRC and Federal laws, rules, regulations, guidance, and EOs. See also "Delegation of Authority in Equal Employment Opportunities Complaints" ([ML17031A029](#)). In addition, the Director of SBCR may redelegate functional responsibilities to designated staff and deciding officials.
2. Provides leadership and personal commitment to promote NRC's organizational values and an open, collaborative, and discrimination-free work environment.
3. Recommends to the Chairman, Commission, office directors, and regional administrators, modification to or elimination of policies, procedures, or practices that give rise to valid complaints or that create or have the potential of creating a discriminatory work environment.
4. Along with the EDO, the Director of SBCR reports to the Commission at semi-annual public meetings on the challenges, progress, and status of the Commission's equal employment opportunity efforts.
5. Provides overall guidance and direction for the development, implementation, and management of NRC's civil rights, equal opportunity, and equal employment opportunity programs to ensure compliance with applicable DEIA and nondiscrimination laws, rules, regulations, guidance, and EOs (e.g., DEIA).

6. Recommends to the Chairman, Commission, and EDO modification to or elimination of civil rights, equal opportunity, and equal employment opportunity policies, practices, and operating procedures based on analysis of changes in applicable NRC and Federal personnel and EEO laws, rules, regulations, guidance, and EOs.
7. Provides guidance and direction for the development, implementation, maintenance, and evaluation of the agency's administrative Employment Discrimination Complaint Process to ensure compliance with EEOC regulations at Title 29 CFR Part 1614, "Federal Sector Equal Employment Opportunity," and EEOC MD-110, "Federal Sector Complaints Processing Manual," and other applicable Federal personnel and EEO laws, rules, regulations, guidance, and EOs.
8. Receives formal complaints of discrimination filed by employees, former employees, and applicants for employment with the NRC and issues determinations on the acceptance and dismissal of complaints in accordance with EEOC regulations at 29 CFR Part 1614.
9. In coordination with the Office of the Chief Human Capital Officer (OCHCO), develops and implements policies, procedures, and standards for the Federal Equal Opportunity Recruitment Program (FEORP) Plan, in accordance with provisions of the Antidiscrimination Policy and Minority Recruitment Program (5 U.S.C. 7201).

F. Chief Human Capital Officer (CHCO)

1. Ensures, in coordination with the Director of SBCR, the Office of the Chief Human Capital Officer (OCHCO) carries out programs and activities in support of EEO in accordance with requirements set forth under 29 CFR 1614, EEOC MD-715, and EO 13583.
2. In conjunction with SBCR, OCHCO assists in preparing reports as required, to agencies such as the EEOC, OPM, OMB, and DOJ on EEO- and human resources (HR)-related programs and activities.
3. In conjunction with SBCR, OCHCO ensures timely compliance of disciplinary or remedial actions for orders, decisions, and violations applicable to MD 10.161.
4. Ensures that employment information distributed to applicants contain a statement of NRC's EEO, ADR, and Diversity Inclusion policies.
5. Oversees the Anti-Harassment Policy, Reasonable Accommodation Program, and the enforcement of whistleblower protections.

G. Director, Office of Administration (ADM)

1. Ensures, in coordination with the Director of SBCR, the Office of Administration (ADM) carries out Section 501 and Section 504 of the Rehabilitation Act, as amended, 10 CFR Part 4, Subpart E, "Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the U.S. Nuclear Regulatory Commission," and other programs and activities in support of EEO in accordance with requirements set forth under 29 CFR 1614, EEOC MD-715, EO 13583, and 2 CFR 200.
2. In conjunction with SBCR, ADM assists in preparing reports, as required, to agencies such as the EEOC, OPM, OMB, and DOJ on EEO-related programs and activities.

H. Director, Office of Nuclear Regulatory Research (RES)

1. Ensures, in coordination with the Director of SBCR, Office of Nuclear Regulatory Research (RES) carries out programs and activities in support of EEO in accordance with requirements set forth under 29 CFR 1614, EEOC MD-715, EO 13583, and 2 CFR 200.
2. In conjunction with SBCR, RES assists in preparing reports, as required, to agencies such as the EEOC, OPM, OMB, and DOJ on EEO-related programs and activities.

I. Chief Information Officer (CIO)

1. Ensures, in coordination with SBCR, the Office of the Chief Information Officer (OCIO) carries out Section 508 of the Rehabilitation Act of 1973, and other offices programs and activities in support of EEO in accordance with requirements set forth under 29 CFR 1614, EEOC MD-715, EO 13583, and 10 CFR Part 4, Subpart E.
2. In conjunction with SBCR, OCIO assists in preparing reports as required, to agencies such as the EEOC, OPM, OMB, and DOJ on EEO-related programs and activities.

J. Office Directors and Regional Administrators

1. Ensures, in coordination with SBCR, the Office Directors and Regional Administrators carry out programs and activities in support of EEO in accordance with requirements set forth under 29 CFR 1614, EEOC MD-715, EO 13583, Section 508 of the Rehabilitation Act of 1973, and 10 CFR Part 4, Subpart E.
2. In conjunction with SBCR, office directors and regional administrators assist in preparing reports, as required, to agencies such as the EEOC, OPM, OMB, and DOJ on EEO related programs and activities.

IV. APPLICABILITY

The provisions in this MD apply to all NRC employees; however, where the provisions of the “U.S. Nuclear Regulatory Commission and National Treasury Employees Union Collective Bargaining Agreement” conflict with this MD, the provisions of the agreement govern with reference to bargaining unit employees.

V. DIRECTIVE HANDBOOK

Handbook 10.161 contains guidance to NRC employees and SBCR CRP and AEDM program staff.

VI. REFERENCES

Code of Federal Regulations

2 CFR Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”

10 CFR Part 4, Subpart E, “Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the U.S. Nuclear Regulatory Commission.”

29 CFR Part 1614, “Federal Sector Equal Employment Opportunity.”

29 CFR Part 1614, Subpart G, “Procedures Under the Notification and Federal Employee Antidiscrimination Act of 2002.”

Executive Orders

(An EO that is not binding to the NRC (i.e., 14031 and 14035) is noted with an asterick*)

Executive Orders 11478, “Equal Employment Opportunity in the Federal Government,” August 8, 1969, as amended May 28, 1998, May 2, 2000, and July 21, 2014.

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” February 11, 1994.

Executive Order 13087, “Further Amendment to Executive Order 11478, Equal Employment Opportunity in the Federal Government,” May 28, 1998.

Executive Order 13145, “To Prohibit Discrimination in Federal Employment Based on Genetic Information,” February 10, 2000.

Executive Order 13152, “Equal Employment Opportunity in the Federal Government,” May 2, 2000.

Executive Order 13160, "Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, and Status as a Parent in Federally Conducted Education and Training Programs," June 23, 2000.

Executive Order 13163, "Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government," July 26, 2000.

Executive Order 13164, "Establishing Procedures to Facilitate the Provision of Reasonable Accommodation," October 20, 2000.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," August 11, 2000.

Executive Orders 13309 and 12994, "President's Committee for People with Intellectual Disabilities," July 30, 2021.

Executive Order 13548, "Increasing Federal Employment of Individuals with Disabilities," July 26, 2010.

Executive Order 13583, "Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce," August 18, 2011.

Executive Order 13592, "Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities," December 2, 2011.

Executive Order 13621, "White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans," October 19, 2021.

Executive Order 13779, "White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity through Historically Black Colleges and Universities (HBCUs)," September 3, 2021.

Executive Order 13935, "Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics," September 13, 2021.

Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," January 20, 2021.

Executive Order 13988, "Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation," January 20, 2021.

Executive Order 14020, "Establishment of the White House Gender Policy Council," March 8, 2021.

Executive Order 14021, "Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity," March 8, 2021.

*Executive Order 14031, "Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders," May 28, 2021.

*Executive Order 14035, "Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce," June 25, 2021.

Executive Order 14041, "White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity Through Historically Black Colleges and Universities," September 3, 2021.

Executive Order 14045, "White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics," September 13, 2021.

Executive Order 14049, "White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Native Americans and Strengthening Tribal Colleges and Universities," October 11, 2021.

Executive Order 14050, "White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans," October 19, 2021.

Nuclear Regulatory Commission Documents

Alternative Dispute Resolution (ADR) Programs, available at
<https://www.nrc.gov/about-nrc/alt-dispute-resolution.html>.

Collective Bargaining Agreement between the U.S. Nuclear Regulatory Commission and the National Treasury Employees Union, available at
<https://intranet.nrc.gov/ochco/catalog/290>.

Inclusive Diversity Strategic Plan Fiscal Year 2021- 2026 ([ML21011A268](#)).

NRC Anti-Harassment Policy, Policy and Procedures for Preventing and Eliminating Harassing Conduct in the Workplace, available at
<https://usnrc.sharepoint.com/sites/ochco-hub/PDF/Harassment/eliminating-harassment.pdf>.

NRC Equal Employment Opportunity Advisory Committee Charter, September 2019 (Diversity Management and Inclusion Council (DMIC) Charter ([ML20178A142](#))).

NRC Guidance to Federal Financial Assistance Recipients (Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons) ([ML040290722](#)).

NRC Internal Civil Rights Program - Collateral-Duty EEO Counselors, available at
<https://www.nrc.gov/about-nrc/civil-rights/crp/edc-process/nrc-counselors.html>.

NRC Limited English Proficiency (LEP) Plan Implementing Executive Order 13166, available at <https://www.nrc.gov/about-nrc/civil-rights/lep-plan-8-17-11.pdf>.

[NRC Minority Serving Institutions Program \(MSIP\)](#).

Accessibility and Reasonable Accommodation with Disabilities, available at <https://www.nrc.gov/about-nrc/employment/workingatnrc.html>.

Official Time Policy during the EEO Complaint Process, SBCR Office Instruction, CR-0109, August 1, 2013 ([ML13206A315](#)).

Delegations of Authority

Memorandum to Pamela R. Baker, Director, Office of Small Business and Civil Rights, from Margaret M. Doane, Executive Director for Operations, "Delegation of Authority in Equal Employment Opportunity Complaints." September 13, 2018 ([ML17031A029](#)).

Management Directives

3.5, "Attendance at NRC Staff-Sponsored Meetings."

3.11, "Conferences."

3.12, "Handling and Disposition of Foreign Documents and Translations."

9.24, "Organization and Functions, Office of Small Business and Civil Rights."

10.162, "Disability Programs and Reasonable Accommodation."

11.6, "Financial Assistance Program."

NUREGs

NUREG-1614, Volume. 8, "Strategic Plan: Fiscal Years 2022-2026," September 2021.

NUREG-2185, "The U.S. Nuclear Regulatory Commission's External Complaint Processing and Investigation Procedures Manual," December 2015.

NUREG-2186, "Compliance Review Guide: Procedural Processes for Conducting Pre-award Compliance Reviews and Post-award Compliance Reviews," December 2015.

NUREG/BR-0331, Rev. 4, "Alternative Dispute Resolution," December 2014.

NUREG/BR-0333, Rev. 1, "Know Your EEO Rights: Equal Employment Opportunity is the Law," March 2013.

NUREG/BR-0464, Rev. 2, "Equal Employment Opportunity Advisory Committees," September 2014.

Websites

NRC Civil Rights Program website (intranet):
<https://intranet.nrc.gov/sbcr/civil-rights-program>.

NRC Civil Rights Program website (public):
<http://www.nrc.gov/about-nrc/civil-rights.html>.

NRC Management Directives website:
<https://intranet.nrc.gov/policy/directives/>.

Principles of Good Regulation:
<http://www.nrc.gov/about-nrc/values.html#principles>.

Office of Personnel Management

OPM "Policy, Data, Oversight: Diversity & Inclusion," (Report on the Federal Equal Opportunity Recruitment Program Plan (FEORP)), available at
<https://www.opm.gov/policy-data-oversight/diversity-and-inclusion/reports/#url=Overview>.

United States Code

Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.).

Age Discrimination in Employment Act of 1967 (ADEA), as amended (29 U.S.C. 621 et seq.).

Americans with Disabilities Act Amendments of 2008, as amended (42 U.S.C. 12101 et seq.).

Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

Antidiscrimination Policy; Minority Recruitment Program (5 U.S.C. 7201).

Bostock v Clayton County (United States Supreme Court Civil Rights Case) (*Bostock v Clayton County*, 590 U.S. 140, 140 S. Ct. 1731 (2020)).

Congressional Declaration of Objectives (42 U.S.C. 3001).

Congressional Declaration of Policy and Purpose (42 U.S.C. 5801).

Elijah E. Cummings Federal Employees Antidiscrimination Act of 2020 (Pub. L. 107-174).

Equal Pay Act of 1963, as amended (29 U.S.C. 206(d)).

Historically Black Colleges and Universities (HBCU) Partners Act of 2021
(Pub. L. 116– 270).

Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002
(No FEAR Act) (Pub. L. 107-174).

Other Officers, (42 U.S.C. 5849).

Rehabilitation Act of 1973, as amended (29 U.S.C. 791 et seq.).

Section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

Title II of Genetic Information Nondiscrimination Act of 2008 (GINA), effective
November 21, 2009 (Pub. L. 110-233).

Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.).

Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

United States Equal Employment Opportunity Commission (EEOC)

EEOC Regulations, Directives, Guidance and Resource Documents, available at
<https://www.eeoc.gov/federal-sector/management-directive/regulations-directives-guidance-and-resource-documents>.

EEOC Management Directive-110, “Federal Sector Complaint Processing Manual,”
Revised, August 5, 2015.

EEOC Management Directive-715, “EEO Reporting Requirements for Federal
Agencies,” October 1, 2003.

Applying MD-715 to “Improve Participation of Employees with Targeted
Disabilities.”

Genetic Information Discrimination, available at
<https://www.eeoc.gov/genetic-information-discrimination>.

DH 10.161	CIVIL RIGHTS PROGRAM AND AFFIRMATIVE EMPLOYMENT AND DIVERSITY MANAGEMENT PROGRAM	DT-22-06
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<i>Approved by:</i>	Catherine Haney, Deputy Executive Director for Materials, Waste, Research, State, Tribal, Compliance, Administration and Human Capital Programs, Office of the Executive Director for Operations
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<i>Issuing Office:</i>	Office of Small Business and Civil Rights
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EXECUTIVE SUMMARY

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TABLE OF CONTENTS

I.	CIVIL RIGHTS PROGRAM (CRP)	2
	A. General	2
	B. Civil Rights Program Manager (CRPM)	3
II.	AFFIRMATIVE EMPLOYMENT AND DIVERSITY MANAGEMENT (AEDM) PROGRAM	4
	A. General	4

For the latest version of any NRC directive or handbook, see the online MD Catalog.

B. Affirmative Employment and Diversity Management (AEDM) Program Manager	5
C. EEO Advisory Committees and Diversity Management Advisory Committees	7
III. GLOSSARY	10
EXHIBIT 1 RELATED GUIDANCE	13

I. CIVIL RIGHTS PROGRAM (CRP)

A. General

1. The Civil Rights Program (CRP) provides for prompt, fair, and impartial processing of employment discrimination complaints filed under applicable civil rights statutes. The U.S. Nuclear Regulatory Commission's (NRC) Employment Discrimination Complaint Process is administered by the CRP in accordance with the U.S. Equal Employment Opportunity Commission (EEOC) regulations as defined in Title 29, Part 1614, of the *Code of Federal Regulations* (29 CFR Part 1614) and EEOC Management Directive (MD) 110, "Federal Sector Complaint Processing Manual." The complaint process is available to NRC employees, former employees, and applicants for employment with the NRC who believe that they have been subjected to discrimination protected by the applicable civil rights statutes.
2. In accordance with EEOC regulations, the Office of Small Business and Civil Rights (SBCR) established an Alternative Dispute Resolution (ADR) Program to provide employees, former employees, applicants for employment with the NRC, managers, and supervisors a confidential, informal, non-adjudicative, and non-adversarial means of reaching mutually acceptable and voluntary resolutions to employment discrimination claims. The NRC primarily uses mediation, which is a form of ADR. The ADR process supplements the NRC's Employment Discrimination Complaint Process.
3. The NRC public website presents detailed information regarding the agency's discrimination complaint process, including ADR, employees' rights and responsibilities in that process, equal employment opportunity (EEO) laws, and types of discrimination. The NRC Civil Rights website is available at <http://www.nrc.gov/about-nrc/civil-rights.html>.
4. In coordination with the Office of the Chief Human Capital Officer (OCHCO) and the Office of the General Counsel (OGC), the CRP ensures the agency's compliance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (Pub. L. 107-174), also known as the No FEAR Act. The No FEAR Act requires

Federal agencies to be accountable for violations of antidiscrimination and whistleblower protection laws. The No FEAR Act also requires Federal agencies to post summary statistical data of employment discrimination complaints filed against the agency (29 CFR Part 1614) and provide training biennially for all employees on their rights, protections, and remedies under antidiscrimination and whistleblower protection laws, rules, and regulations, and the agency's Policy for Preventing and Eliminating Harassing Conduct in the Workplace available at <https://usnrc.sharepoint.com/sites/ochco-hub/PDF/Harassment/eliminating-harassment.pdf>.

B. Civil Rights Program Manager (CRPM)

1. Oversees the development, implementation, maintenance, and evaluation of the agency's administrative employment discrimination complaint process, including informal EEO counseling, the ADR Program, investigations, hearings, appeals, and adjudication.
2. Ensures compliance with applicable NRC and Federal personnel and EEO laws, rules, regulations, and Executive Orders (EOs), involving informal and formal complaints of discrimination filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII); the Age Discrimination in Employment Act of 1967, as amended (ADEA); the Rehabilitation Act of 1973, as amended (Rehab Act); the Equal Pay Act of 1963, as amended; and Title II of the Genetic Information Nondiscrimination Act of 2008.
3. Ensures fair and equitable treatment in NRC-conducted and Federal financially assisted programs and activities and adherence to, and compliance with, various civil rights statutes and regulations under Title VI of the Civil Rights Act of 1964, Title IX of the Higher Education Act, EOs, White House Initiatives on Educational Excellence, related provisions of the Energy Policy Act of 2005 (EP Act), and other internal/external regulatory requirements.
4. Ensures the timely processing of complaints, including the development of fair, impartial, and sufficient factual records upon which to make findings on the claims raised in written complaints.
5. Recommends, as appropriate, to the Director and Deputy Director of SBCR, and to OGC, the processing and disposition of complaints, including settlements and final agency decisions.
6. Recommends to the Director and Deputy Director of SBCR, changes in program policy, practices, and operating procedures based on analysis of applicable new and updated NRC and Federal personnel and EEO laws, rules, regulations, and EOs.

7. Provides guidance, direction, and training for NRC civil rights specialists and Collateral-Duty EEO Counselors to keep them abreast of applicable NRC and Federal personnel and EEO laws, rules, regulations, guidance, and EOs required to perform their duties and responsibilities.
8. Ensures employees receive information on the discrimination complaint process, including ADR, and their rights and responsibilities in that process.
9. Ensures compliance with the No FEAR Act, which requires Federal agencies to be accountable for violations of antidiscrimination and whistleblower protection laws, to post summary statistical data pertaining to complaints of discrimination filed against the agency, and to provide biennial training for all employees, including managers and supervisors.
10. Provides periodic reports to the Director and Deputy Director of SBCR, on complaint activity and recommends modifying or eliminating policies, practices, or procedures that create or have the potential of creating a discriminatory work environment.
11. Prepares standard and ad hoc reports or statistical data required by Congress, EEOC, Office of Personnel Management (OPM), Department of Justice, or any other appropriate authority.
12. Provides input, including CRP reports and materials, to the agency's semiannual briefing to the Commission on the status of SBCR programs.

II. AFFIRMATIVE EMPLOYMENT AND DIVERSITY MANAGEMENT (AEDM) PROGRAM

A. General

1. Affirmative employment is exemplified in outreach activities designed to (1) encourage protected groups to apply for positions and (2) remove any improper nonmerit and artificial barriers to subsequent employment and advancement. The NRC has incorporated these principles (i.e., diversity management principles) in the agency's Inclusive Diversity Strategic Plan Fiscal Year 2021—2026 ([ML21011A268](#)).
2. The NRC has committed to affirmative employment guiding principles.
 - (a) These affirmative employment principles include—
 - (i) Creating a working environment that is free of discrimination, including harassment and retaliation, and is accessible to individuals with disabilities;
 - (ii) Ensuring that agency policies, processes, procedures, and practices provide all employees, regardless of race, color, national origin, religion, gender, disability, age, genetics, sexual orientation, or any other nonmerit factor, the

opportunity to participate in mission accomplishments, and to compete fairly and equitably for career enhancement and advancement;

(iii) Employing a competent and highly skilled workforce, consistent with the national labor market, and enabling employees to accomplish the agency's mission by providing support, tools, and a positive, open, collaborative, and discrimination-free work environment; and

(iv) Recognizing, appreciating, and valuing diversity, thereby establishing trust, respect, and concern for the welfare of all employees within the agency.

(b) The agency's IDSP is a document that promotes strategies to increase NRC's organizational capacity, guides decisions and practices that impact equal opportunity, and promotes the principles of diversity management. The IDSP serves as a roadmap for the agency to create and sustain policies and practices that ensure all employees are valued and have an equal chance to succeed. The goals of the IDSP are to recruit diverse employees at all levels, develop and retain diverse employees, and increase the diversity of employees in senior and management positions.

3. Diversity management means creating a workforce where differences in heritage, background, style, tradition, and views are valued, respected, and used to increase organizational capacity and promote an open, collaborative, discrimination-free work environment. Organizational capacity refers to the combination of leadership, staff, culture, structures, systems, and processes that support individual and collective abilities to perform functions, solve problems, and set and achieve objectives. The goal of diversity management is to enable all employees to reach their full potential in pursuit of the organization's mission regardless of race, color, national origin, gender, religion, age, disability, genetics, sexual orientation, or any other nonmerit factor. The principles of diversity management are embedded in the agency's key planning systems: Strategic Plan, Organizational Values, Performance Plan, Senior Executive Service Performance Management System, Affirmative Employment Plan, and the Human Capital Strategic Plan.

B. Affirmative Employment and Diversity Management (AEDM) Program Manager

1. Develops, implements, and manages the agencywide AEDM Program.
2. Assesses compliance with EEOC's MD 715, "Federal Agency Annual Equal Employment Opportunity Program Status Report," Federal Equal Opportunity Recruitment Program (FEORP) Plan, and other applicable NRC and Federal EEO affirmative employment and diversity management laws, rules, regulations, and EOs.

3. Develops plans and procedures for the implementation of the IDSP, in coordination with the Chief Human Capital Officer or their designee and evaluates the agency's progress in achieving affirmative employment and diversity management goals.
4. Provides periodic reports to the Director and Deputy Director of SBCR on the status of the AEDM Program and the progress of office directors and regional administrators in achieving IDSP goals.
5. Advises and assists the Director and Deputy Director of SBCR on AEDM Program matters.
6. Guides and assists managers to develop and implement plans, programs, and initiatives to expand and advance affirmative employment and diversity.
7. Serves as the agency liaison for the NRC EEO Advisory Committees and Diversity Management Advisory Committees (DMACs) and develops general operating procedures, guidance for committee membership, and roles and responsibilities of committee members.
8. Provides, in coordination with OCHCO, guidance and training to NRC EEO Advisory Committees and DMAC members and employees who serve as mentors in the agency's Mentoring Program.
9. Ensures the agency's EEOC MD 715 Report and FEORP Plan properly identify and address systemic barriers and areas of low participation of underserved communities, people of color, women, members of the Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex, and Asexual (LGBTQIA)+ community, parents, caregivers, people who require religious accommodations at work, persons with disabilities, first-generation professionals and college students, English language learners, immigrants, veterans, and military spouses to meet diversity management objectives and address identified barriers.
10. Provides a forum for employees, supervisors, and managers to address specific concerns and issues related to the employment and advancement of underserved communities, people of color, women, members of the LGBTQIA+ community, parents, caregivers, people who require religious accommodations at work, persons with disabilities, first-generation professionals and college students, English language learners, immigrants, veterans, and military spouses to meet diversity management objectives and address identified barriers.
11. Serves as the lead in coordinating information for the semiannual EEO Commission briefings on the progress of the agency's civil rights programs, affirmative employment and diversity management programs, and other SBCR programs and initiatives.

12. Develops and maintains outreach and liaison efforts with Federal, State, and local governments; professional organizations; colleges and universities; and congressional committees to promote cooperative actions that will increase recruitment, hiring, and other employment opportunities for underserved communities, people of color, women, members of the LGBTQIA+ community, parents, caregivers, people who require religious accommodations at work, persons with disabilities, first-generation professionals and college students, English language learners, immigrants, veterans, and military spouses to meet diversity management objectives and address identified barriers.
13. Submits standard and ad hoc reports required by the EEOC, OPM, and other applicable oversight agencies.
14. Reviews and analyzes NRC employment data on the participation and utilization of women, minorities, and individuals with disabilities. Identifies barriers to participation by individuals in these groups, and recommends changes to eliminate these barriers.
15. Assists OCHCO in the proactive recruitment and advancement of women, minorities, and individuals with disabilities to meet diversity management objectives or to address identified barriers.
16. Guides and assists in developing and presenting Special Emphasis Programs (SEPs) and activities that promote an appreciation of diversity within the NRC.
17. Guides and assists advisory committees in their efforts to advance EEO for their respective groups.
18. Represents the agency on affirmative employment and diversity management matters with internal and external stakeholders and customers.

C. EEO Advisory Committees and Diversity Management Advisory Committees

1. Overview

- (a) SBCR has oversight responsibilities for the EEO Advisory Committees and DMACs in headquarters and the regions. EEO Advisory Committees in headquarters are comprised of employee volunteers approved by the Director of SBCR and the employee's office director or their designee. The DMAC in headquarters is comprised of the chair and co-chair of each EEO Advisory Committee. The DMAC members in the regions are comprised of employee volunteers approved by the Director and Deputy Director of SBCR, and the regional administrator or their designee. The DMAC in each region is chaired by the regional administrator or their designee.

- (b) The EEO Advisory Committees and DMACs assist the agency by participating in activities to create an open, collaborative work environment and by making recommendations or proposals that will further equal employment opportunity for all employees and reduce the potential of creating a discriminatory work environment.
- (c) Each committee seeks to participate in activities to enhance equal employment opportunities and remedy low participation of employees represented by their respective committee and ensure that discrimination or any other nonmerit factor is not a barrier in employment decisions relevant to current or prospective employees. Each committee monitors existing NRC short- and long-term goals designed to ensure full equal employment opportunity consistent with the intent of the IDSP and applicable EEO laws, rules, regulations, guidance, and EOs.

2. Goals of the Advisory Committees

The general goal of the advisory committees is to assist the agency in its efforts to create an open, collaborative work environment, enhance equal employment opportunities, and implement policies, procedures, and practices to ensure a discrimination-free work environment, by recommending changes to—

- (a) Improve NRC affirmative employment strategies included in the IDSP.
- (b) Eliminate discriminatory practices and patterns that give rise to discrimination or have the potential for creating a discriminatory work environment.
- (c) Expand the diversity of applicants.
- (d) Improve recruitment strategies to attract underserved communities, people of color, women, members of the LGBTQIA+ community, parents, caregivers, people who require religious accommodations at work, persons with disabilities, first-generation professionals and college students, English language learners, immigrants, veterans, and military spouses to meet diversity management objectives and address identified barriers.
- (e) Increase participation of underserved communities, people of color, women, members of the LGBTQIA+ community, parents, caregivers, people who require religious accommodations at work, persons with disabilities, first-generation professionals and college students, English language learners, immigrants, veterans, and military spouses to meet diversity management objectives and address identified barriers.
- (f) Implement career development measures that improve job-related knowledge, enhance skills and job performance, and increase opportunities for advancement of all employees, including underserved communities, people of color, women,

members of the LGBTQIA+ community, parents, caregivers, people who require religious accommodations at work, persons with disabilities, first-generation professionals and college students, English language learners, immigrants, veterans, and military spouses to meet diversity management objectives and address identified barriers.

- (g) Improve job structuring to provide for maximum utilization of employees, including underserved communities, people of color, women, members of the LGBTQIA+ community, parents, caregivers, people who require religious accommodations at work, persons with disabilities, first-generation professionals and college students, English language learners, immigrants, veterans, and military spouses to meet diversity management objectives and address identified barriers, and to facilitate upward mobility in all occupational areas.
- (h) Increase awareness of NRC programs of particular interest to underserved communities, people of color, women, members of the LGBTQIA+ community, parents, caregivers, people who require religious accommodations at work, persons with disabilities, first-generation professionals and college students, English language learners, immigrants, veterans, and military spouses to meet diversity management objectives and address identified barriers.
- (i) Raise awareness of civil rights and affirmative employment and diversity management programs and initiatives.

3. NRC EEO Advisory Committees

The NRC EEO Advisory Committees focus on the employment concerns of employees protected under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973. These groups include the following:

- (a) Advisory Committee for African Americans (ACAA),
- (b) Advisory Committee for Employees with Disabilities (ACED),
- (c) Asian/Pacific American Advisory Committee (APAAC),
- (d) Diversity Advisory Committee on Ageism (DACA),
- (e) Federal Women's Program Advisory Committee (FWPAC),
- (f) Hispanic Employment Program Advisory Committee (HEPAC),
- (g) Native American Advisory Committee (NAAC), and
- (h) Advisory Committee for Lesbian, Gay, Bisexual, and Transgender Employees (ACLGBT).

4. Additional information regarding EEO Advisory Committees and DMACs is available at <https://usnrc.sharepoint.com/teams/SBCR-EEO-Advisory-Committee>.

III. GLOSSARY

Affirmative Employment

A blueprint of strategies for improving the employment and advancement opportunities for employees, especially underserved communities, people of color, women, members of the LGBTQIA+ community, parents, caregivers, people who require religious accommodations at work, persons with disabilities, first-generation professionals and college students, English language learners, immigrants, veterans, and military spouses to meet diversity management objectives and address identified barriers. This includes outreach actions that are designed to encourage all employees regardless of race, color, religion, sex (including sexual orientation, gender identity and expressions, and pregnancy), national origin, age, disability, marital status, parental status, political affiliation, military service, and genetic information, or any other nonmerit factor, to apply for positions and to remove any improper, nonmerit, and artificial barriers to subsequent employment and advancement. The agency incorporates the affirmative employment guiding principles that embody the principles of diversity management in the IDSP.

Alternative Dispute Resolution (ADR)

A confidential, informal, non-adjudicative, and non-adversarial process for reaching mutually acceptable resolutions. In accordance with EEOC regulations (29 CFR Part 1614), SBCR established an ADR Program (<https://www.nrc.gov/about-nrc/alt-dispute-resolution.html>) to provide managers, supervisors, employees, former employees, and applicants for employment with the NRC a forum for resolving employment discrimination complaints. The agency uses mediation as its primary form of ADR to supplement the NRC's Employment Discrimination Complaint Process.

Inclusive Diversity Strategic Plan (IDSP)

A document that is designed to promote strategies to increase NRC's organizational capacity, guide decisions and practices that impact equal opportunity, and promote the principles of diversity management. The IDSP serves as a roadmap for the agency in its commitment and continued efforts to become an agency where all employees are valued and have an equal chance to succeed. The goals of the IDSP are to recruit diverse employees at all levels, develop and retain diverse employees, and increase the diversity of employees in senior and management positions. The IDSP is available in ADAMS ([ML21011A268](#)).

Diversity Management

An agencywide initiative designed to create a workforce where differences in heritage, background, style, tradition, and views are valued, respected, and used to increase organizational capacity and promote an open, collaborative, and discrimination-free work environment. The goal of diversity management is to enable all employees to reach their full potential in pursuit of the organization's mission regardless of race, color, national origin, gender, religion, age, disability, genetics, sexual orientation, or any other nonmerit factor. The principles of diversity management are embedded in the agency's key planning systems: Strategic Plan, Organizational Values, Performance Plan, Senior Executive Service Performance Management System, Affirmative Employment Plan, and the Human Capital Strategic Plan.

Employment Discrimination Complaint Process

NRC's Employment Discrimination Complaint Process (<https://www.nrc.gov/about-nrc/civil-rights/crp/edc-process.html>) is administered by SBCR's Civil Rights Program in accordance with the EEOC regulations (<http://www.eeoc.gov>) as defined in [29 CFR 1614](#), "Federal Sector Equal Employment Opportunity," and is available to NRC employees, former employees, and applicants for employment with the NRC, who believe that they have been subjected to discrimination protected by the applicable civil rights statutes to pursue a claim. Additional information regarding NRC's Employment Discrimination Complaint Process, including the informal pre-complaint, formal complaint, and the alternative dispute resolution process, is available at <https://www.nrc.gov/about-nrc/civil-rights/crp/edc-process.html>.

Official Time Policy

NRC employees are entitled to receive official time when their presence is authorized or required by NRC or the EEO Commission (e.g., to meet with an EEO counselor or EEO investigator, testify at a hearing, etc.). Information regarding Official Time Policy during the EEO complaint process is available on the SBCR SharePoint office instructions website ([ML13206A315](#)).

Organizational Capacity

Refers to the combination of leadership, staff, culture, structures, systems, and processes that support individual and collective abilities to perform functions, solve problems, and set and achieve objectives.

Title II of Genetic Information Nondiscrimination Act of 2008 (GINA)

Title II of GINA, which took effect November 21, 2009, prohibits the use of genetic information in making employment decisions, restricts acquisition of genetic information by employers and other entities covered by Title II, and strictly limits the disclosure of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (that is, an individual's family medical history). Information regarding GINA is available at <http://www.eeoc.gov/laws/types/genetic.cfm>.

EXHIBIT 1 RELATED GUIDANCE

RELATED GUIDANCE	
NRC ISSUANCE	RELATIONSHIP TO THE CIVIL RIGHTS PROGRAM AND AFFIRMATIVE EMPLOYMENT AND DIVERSITY MANAGEMENT PROGRAM
<i>Plan(s)</i>	
Inclusive Diversity Strategic Plan Fiscal Year 2021- 2026 (ML21011A268)	Provides a blueprint for linking diversity and inclusion to NRC's mission and productivity, increased employee engagement, and healthy organizational culture transformation. Helps NRC's employees, supervisors, and managers remain committed to building, maintaining, and retaining a diverse, high-quality workforce where employees are recognized, and their talents are valued.
Cultural Diversity and Inclusion Practice Toolbox (CDIP)	Provides informational guidance on culture, diversity, and inclusion to support implementation of the IDSP.
NRC's Limited English Proficiency (LEP) Plan Implementing Executive Order 13166	Identifies the policies, procedures, and steps that the NRC will take to ensure that persons with LEP can meaningfully access and understand information about NRC conducted programs and activities. For further information, see management directive (MD) 3.11, "Conferences," and MD 3.12, "Handling and Disposition of Foreign Documents and Translations."
NRC's Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons	Assists recipients in fulfilling responsibilities to provide meaningful access to LEP persons under existing law.

U.S. NUCLEAR REGULATORY COMMISSION DIRECTIVE HANDBOOK (DH)

<p>FY20 Affirmative Action Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities (Annual Disability Affirmative Action Plan)</p>	<p>Provides information pursuant to Section of 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791 (b)), which states that all Federal agencies must submit an affirmative action plan for the recruitment, hiring, advancement, and retention of persons with disabilities for EEOC review and approval, consistent with 29 CFR 1614.203(e).</p>
<p>NRC's Anti-Harassment Policy and Procedures for Preventing and Eliminating Harassing Conduct in the Workplace</p>	<p>Maintains an NRC work environment that is free from harassing conduct.</p>
<p><i>Procedures</i></p>	
<p>How to File an Equal Employment Opportunity (EEO) Complaint (Complaint Process)</p>	<p>Provides guidance on the complaint process, and contact information.</p> <ul style="list-style-type: none"> - SBCR's Civil Rights Team, - Agency's Collateral-Duty EEO Counselors, - SBCR's mailbox at EEOPrograms@nrc.gov, and/or - NRC's EEO eFile Portal.
<p>Website(s)</p>	<p>Provides guidance on SBCR Programs.</p> <ul style="list-style-type: none"> - SBCR Internal website - Affirmative Employment and Diversity Management (AEDM) Program - Civil Rights Program (CRP) - SBCR Public website

U.S. NUCLEAR REGULATORY COMMISSION DIRECTIVE HANDBOOK (DH)

<i>Programs</i>	
<u>Collateral-Duty EEO Counselors Program</u>	Provides information on SBCR use of Collateral-Duty EEO Counselors during the informal (pre-complaint) process.
<u>Alternative Dispute Resolution (ADR) Program</u>	Describes how NRC offers ADR during the pre-complaint stage and/or the formal complaint stage of the discrimination complaint process to NRC employees (current and former) and applicants for employment, as a means of resolving complaints related to EEO.
<u>Special Emphasis Programs</u>	<p>Demonstrates how the Special Emphasis Programs, which are part of NRC's affirmative employment and diversity inclusion efforts promote initiatives that ensure affirmative steps are made toward providing equal opportunity to minorities, women, and people with disabilities in all areas of employment.</p> <ul style="list-style-type: none"> - <u>EEO Advisory Committees/Affinity Groups/Resource Groups</u>.
<u>Minority Serving Institutions Program (MSIP)</u>	Establishes partnership programs with minority serving institutions (MSIs) and Historically Black Colleges and Universities (HBCUs) and efforts to help the Federal Government achieve its STEM workforce development and diversity and inclusion initiatives by assisting MSIs.
<u>Tribal Policy Statement (TPS) /Protocol Manual</u>	Requires that applicable documents be updated consistent with TPS guidance on Tribal involvement in activities under the NRC's jurisdiction. Individuals at the Senior Executive Service (SES) and Manager/Supervisor levels, and other employees who interact in any capacity with Tribes or Tribal members are required to take the Training Management System (TMS) training course ID 232144, "Cultural Sensitivity Training: Engaging Native Americans in the NRC's Mission."

U.S. NUCLEAR REGULATORY COMMISSION DIRECTIVE HANDBOOK (DH)

<i>Handbook(s)</i>	
29 CFR 1614(G) Procedures Under the Notification and Federal Employee Antidiscrimination Act (No FEAR Act) of 2002	Sets forth the basic responsibilities of Federal agencies and the EEOC to post certain information on their public website.
NUREG/BR-2185, "The U.S. Nuclear Regulatory Commission's External Complaint Processing and Investigation Procedures Manual"	Provides step-by-step instructions and guidance on processing, investigating, and resolving external complaints.
NUREG/BR-2186, "Compliance Review Guide: Procedural Processes for Conducting Pre-award Compliance Reviews and Post-award Compliance Reviews"	Describes the NRC mechanisms used (pre- and post-award compliance reviews, and investigations) to ensure equal opportunity and fair practices in the programs and activities of NRC award recipients.
<i>Management Directives (MDs)</i>	
9.24, "Organization and Functions, Office of Small Business and Civil Rights."	Serves as a guide for employees, supervisors, and managers on the programs and services of SBCR.
10.162, "Disability Programs and Reasonable Accommodation."	NRC policies and procedures related to disability and reasonable accommodation.
Diversity Management and Inclusion Council (DMIC) Charter (ML20178A142).	Provides visible leadership support, propose, and monitor the implementation and progress of NRC's strategies for diversity management and inclusion as outlined in the Inclusive Diversity Strategic Plan (IDSP). The DMIC also provide independent advice and recommendations to the Executive Director for Operations (EDO) relating to diversity and inclusion management.