

CHAPTER 6. ANALYSIS AND PRELIMINARY REPORT

26. PURPOSE. A recipient has a right to know and correct voluntarily those areas which indicate apparent noncompliance with Title VI. Information collected during the course of a field visit may contain matters relative to Title VI noncompliance which were not apparent prior to or during the visit. Therefore, it is necessary that all data collected be analyzed and a preliminary report of facts, allegations, and supporting documentation be prepared. At the end of this process the recipient must be advised of all Title VI deficiencies identified by the Department.
- a. Analysis of Information. Title VI analysis of information is made to determine whether specific actions considered discriminatory by standards set forth in 24 CFR 1.4 have occurred, and to determine whether the material collected supports a conclusion of Title VI compliance or noncompliance.
 - b. Consequence of Analysis. After all information has been collected and analyzed, the results should lead to one of the following conclusions
 - (1) Substantial Compliance. The recipient has substantially complied with Title VI and its implementing Regulation;
 - (2) Apparent Noncompliance. The information indicates that the recipient has not complied with Title VI and its implementing Regulation; or
 - (3) Insufficient Evidence. There is insufficient evidence to support a conclusion of substantial compliance or noncompliance with Title VI and its implementing Regulation.
 - c. Preliminary Report. A preliminary report is developed to set out the basis for a determination as to the compliance status of a recipient. A preliminary report (a final DRAFT of the FIR) must be written before a recipient is informed of those areas of apparent Title VI noncompliance (if any) in the operation of its programs or activities.

- (1) Purpose. This practice will enable all staff (Central, Regional and Area Office, if needed) to understand the issues, supporting documentation, and rationale which led to the conclusion and recommendations of the investigator(s) as to the compliance posture of a HUD recipient; will make for easier preparation of the notice of apparent

noncompliance (See Chapter 7, section 1, paragraph 27a) and should enable staff to better explain deficiencies to an inquiring recipient.

- (2) Rationale. It is important that the final investigation report reflect all actions taken at the Regional level to achieve compliance. A recipient could drastically change its status of apparent noncompliance to compliance once given notice of Title VI deficiencies. Such recipient action should be incorporated in the final report.

NOTE: Final reports are subject to the requirements of the Freedom of Information Act (See Chapter 10). However, working papers and matters which have not been completed may not be required to be released. If a final compliance report is released to the public before compliance efforts are complete, the report may perpetuate inaccuracies. A preliminary report is finalized as directed in Chapter 8 of this handbook after efforts to secure voluntary compliance are completed.