

## § 7.2

## 24 CFR Subtitle A (4-1-04 Edition)

### § 7.2 Definitions.

*AE* means affirmative employment.

*Aggrieved individual* means a person who suffers a present harm or loss with respect to a term, condition, or privilege of employment for which there is a remedy. The terms “aggrieved individual” and “aggrieved person”, as used in this part, are interchangeable.

*Alternative Dispute Resolution (ADR)* means a variety of approaches used to resolve conflict rather than traditional adjudicatory or adversarial methods such as litigation, hearings, and administrative processing and appeals. The approaches used may include, but are not limited to: negotiation, conciliation, facilitation, mediation, fact-finding, peer review, mini-trial, arbitration, or ombudsman.

*Claim* means action the agency has taken or is taking that causes the aggrieved person to believe that he or she is a victim of discrimination. This term replaces the formerly used term “allegation” and is used interchangeably with the term “issue”.

*Comparable* means a person designated as head of an organizational unit that is analogous to that headed by an Assistant Secretary.

*Conflict-of-interest complaint* means an EEO complaint arising in the Department which names the Director of EEO or the Deputy Director of EEO, or both, as the responsible management officials.

*Director of Equal Employment Opportunity (EEO)* means the Director of HUD’s Office of Departmental Equal Employment Opportunity who is also designated as the Director of EEO in this part.

*Disability* means the same as the term “handicap” under EEOC’s regulations at 29 part 1614.

*Discrimination Complaint Manager (DCM)* means the designee, appointed by the Assistant Secretary (EEO Officer) or the Assistant Secretary’s comparable, who assists the EEO Officer in discharging his or her EEO responsibilities and is responsible for carrying out the EEO discrimination complaint process for the organizational unit pursuant to the applicable civil rights laws, the regulations at 29 CFR part 1614 and this part.

*Diversity Program Manager* means the designee appointed by the Assistant Secretary (EEO Officer) or the Assistant Secretary’s comparable who assists the EEO Officer in promoting appreciation of the contributions of women, minorities, and persons with disabilities, and in promoting the value of all Department employees.

*EEO* means equal employment opportunity.

*EEO Officer Pro Tem* means the Chief of Staff or an official at a neutral federal agency designated to process an EEO claim that would be a conflict of interest for the Director of EEO or the Deputy Director of EEO, or both.

*EEOC* and *Commission* mean the Equal Employment Opportunity Commission.

*Final action* means the Department’s issuance of a final decision or final order.

*Final decision* means HUD’s determination of the findings of fact and law on the merits or the procedural issues of an EEO complaint based upon the available record.

*Final order* means the Department’s final action which states whether the Department will fully implement the decision or order of an EEOC Administrative Judge, or both.

*Neutral* means an individual who mediates or otherwise functions to specifically aid the parties in resolving the issues, and has no official, financial, or personal conflict of interest with respect to the issues being disputed, unless such interest is fully disclosed in writing to all parties and all parties agree that the neutral may serve.

*Organizational unit* means the jurisdictional area of the Department’s program offices such as the Office of the Secretary, the Office of General Counsel, etc.

*Record* means all documents related to the EEO complaint as outlined in EEOC Management Directive 110.

*Reprisal* means the action taken against a current or former employee or applicant in retaliation for previous EEO participation in protected EEO activity or for opposing employment practice or policy illegal under EEO statutes. The terms “reprisal” and “retaliation” are used interchangeably.