

Guam Bureau of Statistics and Plans

Methods of Administration

for

Ensuring that Office of Justice Programs Subrecipients Comply with

Applicable Federal Civil Rights Laws

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Overview

All State Administering Agencies (SAAs) have a responsibility to monitor their subrecipients to ensure that the subrecipients are complying with the federal civil rights laws that are applicable to recipients of federal financial assistance. In accordance with 28 C.F.R. §§ 42.105(d)(2), 42.504(a), 42.725, and 54.115, SAAs must establish and implement written Methods of Administration for ensuring their subrecipients' compliance with the prohibition against race, color, and national origin discrimination contained in Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) and the U.S. Department of Justice (DOJ) regulations at 28 C.F.R. pt. 42, subpt. C; the prohibition against disability discrimination contained in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and the DOJ regulations at 28 C.F.R. pt. 42, subpt. G; the prohibition against age discrimination contained in the Age Discrimination Act of 1975 (42 U.S.C. § 6102) and the DOJ regulations at 28 C.F.R. pt. 42, subpt. I; and the prohibition against sex discrimination in education programs contained in Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) and the DOJ regulations at 28 C.F.R. pt. 54.

These Methods of Administration are the reasonable assurance that SAAs provide to the DOJ that they are ensuring the civil rights compliance of their subrecipients. An SAA's expansion of its written Methods of Administration to include the prohibitions of nondiscrimination contained in the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d(c)), the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. § 5672(b)), and the Victims of Crime Act of 1984 (42 U.S.C. § 10604(e)) and the DOJ implementing regulations (as applicable), and the DOJ regulations on the Equal Treatment for Faith-Based Organizations (28 C.F.R. pt. 38), will be considered strong evidence of the SAA's fulfillment of its responsibility to ensure subrecipients' compliance with these laws. These laws prohibit discrimination based on race, color, national origin, disability, religion, and sex in the delivery of services and employment practices, and prohibit recipients from using federal financial assistance to engage in inherently religious activities.

The Methods of Administration, as required under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972, or expanded to address compliance with the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, the Juvenile Justice and Delinquency Prevention Act of 1974, and the Victims of Crime Act of 1984 (as applicable), and the regulations on the Equal Treatment for Faith-Based Organizations, must be in writing and must contain the following elements:

- Policy for Addressing Discrimination Complaints
- Notifying Subrecipients of Civil Rights Requirements
- Monitoring Compliance with Civil Rights Requirements
- Training Subrecipients on Civil Rights Requirements

Policy for Addressing Discrimination Complaints

Summary of Specific Method of Administration Requirement: A narrative description of the SAA's written policies or procedures for addressing complaints alleging discrimination from employees and clients, customers, or program participants of subrecipients implementing funding from the DOJ (as applicable). Each document should include the following eight elements:

1. Designating a coordinator who is responsible for overseeing the complaint process;
2. Notifying employees and subrecipients of prohibited discrimination in the SAA's programs and activities and the SAA's policy and procedures for handling discrimination complaints;
3. Establishing written procedures for receiving discrimination complaints from employees and clients, customers, or program participants of the SAA (as applicable) and from employees and clients, customers, or program participants of subrecipients implementing funding from the DOJ (as applicable);
4. Investigating each complaint internally, or referring each complaint to the appropriate agency for investigation and resolution, such as the U.S. Equal Employment Opportunity Commission, a local or state human rights commission, or the Office for Civil Rights (OCR), Office of Justice Programs. If the complaint is referred to the OCR for investigation, the OCR will work with the SAA to resolve the complaint;
5. Notifying the complainant that the complainant may also file a complaint with the OCR by submitting a written complaint to the following address: Office for Civil Rights; Office of Justice Programs; U.S. Department of Justice; 810 Seventh Street N.W.; Washington, DC 20531.
6. Training SAA staff on their responsibility to refer discrimination complaints, or potential discrimination issues, to the SAA's complaint coordinator for processing as soon as the alleged discrimination comes to their attention;
7. Notifying employees and clients, customers, and program participants of prohibited discrimination and the procedures for filing a complaint of discrimination, and ensuring that subrecipients do the same; and
8. Ensuring that subrecipients have procedures in place for responding to discrimination complaints that employees and clients, customers, and program participants file directly with the subrecipient.

Guam Bureau of Statistics and Plans (BSP or Bureau) Response:

Guam Bureau of Statistics and Plans Procedures for Addressing Complaints Alleging Discrimination from Employees, Clients, Customers, or Program Participants of the Guam Bureau of Statistics and Plans and from Employees, Clients, Customers or Program Participants of Subrecipients Implementing Funding from DOJ.

I. Purpose

The purpose of this document is to establish written procedures for employees of the Bureau of Statistics and Plans (BSP) to follow when they receive a complaint that alleges the following:

1. Services discrimination against clients, customers, program participants, or consumers of BSP or of a subrecipient implementing funding from DOJ or
2. Employment discrimination from an employee or applicant of a subrecipient implementing funding from DOJ.

II. Policy

Recipients of financial assistance from OJP, OVW, and COPS must comply with the federal statutes and regulations that prohibit discrimination in federally assisted programs or activities. All individuals have the right to receive services or benefits through programs and activities operated by BSP and subrecipients regardless of race, color, national origin, sex, religion, disability, and age. All employees and applicants of BSP's subrecipients shall be treated equally regardless of race, color, national origin, sex, religion, and disability.¹

BSP will ensure that its subrecipients comply with all applicable federal laws regarding nondiscrimination and are aware of the following statutes and regulations:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of **race, color or national origin** in programs or activities funded by OJP, the Office on Violence Against Women (OVW), or the Office of Community Oriented Policing Services (COPS) (42 U.S.C. § 2000d), and the DOJ implementing regulations of 28 C.F.R. part 42, Subpart C;
- The Omnibus Crime Control and Safe Streets Act of 1968, as amended, which prohibits discrimination on the basis of **race, color, national origin, religion, or sex in the delivery of services and employment practices** in programs or activities funded by OJP, OVW, or COPS (42 U.S.C. § 3789(c) (1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
- Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of **disability in delivery of services and employment practices** in programs or activities funded by OJP, OVW, or COPS (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. part 42, Subpart G;
- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of **disability in the delivery of services and employment practices** in programs or activities funded by OJP, OVW, or COPS (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of **sex in education programs** funded by OJP, OVW, or COPS (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54);

¹ BSP is subject to the Personnel Rules and Regulations of the Guam Department of Administration, which contains an employment nondiscrimination policy and procedures for resolving discrimination complaints in employment. The Bureau is also subject to the Guam Office of the Governor's Executive Order No. 2006-16, which reestablished Guam's Equal Employment Opportunity Program.

- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of ***age in the delivery of services*** in programs or activities funded by OJP, OVW, or COPS (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. part 42, Subpart I; and
- The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which ***prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding for inherently religious activities*** (28 C.F.R. Part 38; see also Executive Order 13279 and Executive Order 13559).

These laws prohibit BSP and subrecipients from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

III. Definitions

- ‘Complaint Coordinator’ means the person who is responsible for coordinating the series of actions found in the complaint procedures.
- ‘Complainant’ means the person who files a complaint.
- ‘Discrimination’ means to act on the basis of (i) race, color, national origin, sex, religion, disability, or age in programs and/or activities or (ii) race, color, national origin, sex, religion, or disability in employment.
- ‘OCR’ means the Office for Civil Rights, Office of Justice Programs, DOJ.
- ‘EEOC’ means the U.S. Equal Employment Opportunity Commission.
- ‘Subrecipient’ means any organization or agency to which BSP administers DOJ funds.

IV. Complaint Procedures

Services discrimination

The following procedures was implemented by the Director on August 16, 2012 and should be used when responding to a complaint of services discrimination from a client, customer, program participant, or customer of BSP or of a subrecipient:

1. Any employee of BSP who receives a complaint of services discrimination subject to this policy should send the complaint to the BSP complaint coordinator, ***Terry Cuabo***, within 15 working days of receiving the complaint; and
2. Within 15 working days of receiving a services discrimination complaint subject to this policy, BSP complaint coordinator will seek to resolve a services discrimination complaint filed against BSP before referring it to OCR in collaboration, if the services discrimination cannot be resolved through mediation then the complaint coordinator will refer that complaint to OCR.

Within 15 working days of a complaint referral, the complaint coordinator will provide written notice to a complainant that BSP received the complaint and forwarded it to OCR. Through its subrecipient monitoring process, BSP will ensure that subrecipients have procedures in place for responding to discrimination complaints that clients, customers, program participants, or

consumers file directly with them. If a subrecipient receives a complaint alleging services discrimination, the subrecipient may investigate the complaint and respond directly to the complaining party in writing or refer the complaint to OCR and notify the complainant and BSP of the referral. Through its subrecipient monitoring process, BSP will also ensure that subrecipients notify their clients, customers, program participants, and consumers of prohibited discrimination and the procedures for filing a services discrimination complaint. BSP will also notify its clients, customers, program participants, and consumers of prohibited discrimination and its procedures for filing a services discrimination complaint by posting the policy on the Bureau of Statistics and Plans website.

Examples of discrimination in the delivery of services

An example of discrimination in the delivery of services based on disability would be the failure of a funded correctional facility to provide interpreter services to hearing-impaired inmates. An example of discrimination in the delivery of services based on race would be a funded police department's practice of stopping and interrogating, without cause, all Hispanic males driving on a particular highway.

Employment discrimination

The following procedures should be used when responding to a complaint of employment discrimination from an employee or applicant of a subrecipient:

- 1) Any employee of BSP who receives a complaint of employment discrimination subject to this policy should send the complaint to the BSP complaint coordinator, **Terry Cuabo**, within 15 working days of receiving the complaint; and
- 2) Within 20 working days of receiving an employment discrimination complaint subject to this policy, the complaint coordinator will refer that complaint to the EEOC and the Government of Guam Department of Administration (DOA) Human Resource Division (HRD) to conduct an external investigation of the complaint. Within 20 working days of a complaint referral, the complaint coordinator will provide written notice to the complainant that BSP received the complaint and forwarded it to EEOC and to the Government of Guam DOA HRD.

Through its subrecipient monitoring process, BSP will ensure that subrecipients have procedures in place for responding to discrimination complaints that employees or applicants file directly with the subrecipient. If a subrecipient receives a complaint alleging employment discrimination, the subrecipient may investigate the complaint and respond directly to the complaining party in writing or refer the complaint to EEOC and notify the complainant and BSP of the referral. Through its subrecipient monitoring process, BSP will also ensure that subrecipients notify their employees of prohibited discrimination and the procedures for filing an employment discrimination complaint.

Example of discrimination in employment practices

An example of discrimination on the basis of sex in the employment practices of a funded law

enforcement agency is having a policy preferring males over females in recruiting entry-level patrol officers.

V. Filing a Complaint with EEOC

A complainant may file a complaint of employment discrimination directly with EEOC at the EEOC Los Angeles District Office. The location, contact number, fax number, and TTY are as follows:

Location: Royal Federal Building
255 East Temple St., 4th Floor
Los Angeles, CA 90012

Phone: 1-800-669-4000

Fax: 213-894-1118

TTY: 1-800-669-6820

The procedures for filing a complaint with the EEOC's Los Angeles District Office are available at <http://www.eeoc.gov/field/losangeles/charge.cfm>.

VI. Filing a Complaint with OCR

A complainant may file a complaint of discrimination against BSP or a subrecipient of DOJ funding directly with OCR. The procedures for filing a discrimination complaint with OCR are available at its Web site at <http://www.ojp.usdoj.gov/about/ocr/complaint.htm>. To file a civil rights complaint, complete a Complaint Verification Form and an Identity Release Statement, which are available at <http://www.ojp.usdoj.gov/about/ocr/complaint.htm>, and return both forms to OCR at the following address:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street, N.W.
Washington, D.C. 20531

If you believe that you have been the target of discrimination, you should file a complaint with OCR as soon as possible. In most circumstances, you may have no longer than one year from the date of the discriminatory incident to file a complaint. Additional tips for filing a complaint are available at <http://www.ojp.usdoj.gov/about/ocr/complaint.htm>.

VII. Training on Discrimination Complaint Procedures

BSP will provide periodic training for agency employees on prohibited discrimination and its services and employment discrimination complaint procedures, including an employee's responsibility to promptly refer to the complaint coordinator pertinent discrimination complaints from or potential discrimination issues involving BSP or a subrecipient.

Not later than August 30, 2012, BSP will disseminate these procedures to agency employees by posting the procedures on the agency website at bsp.guam.gov, providing a copy of the procedures to existing employees during the training sessions, and distributing the procedures to all new employees.

BSP will ensure, through its subrecipient monitoring process, that subrecipients receive a copy of these procedures.

Notifying Subrecipients of Civil Rights Requirements

Summary of Specific Method of Administration Requirement: A narrative description of how the SAA is ensuring that its standard assurances, subgrant agreements, and other documents that are binding on DOJ-funded subrecipients are notifying subrecipients of applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations, as outlined above.

BSP Response:

In order to receive DOJ funds, a successful applicant must sign a Memorandum of Understanding that contains the following provisions regarding civil rights laws:

1. Acknowledge that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302) that is approved by the Office for Civil Rights is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.

In accordance with Federal regulations or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full and part time employees but excluding political appointees), then it is required to prepare an EEOP and submit it to BSP within 45 days so BSP can submit the EEOP to the Office for Civil Rights for review.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to the Office for Civil Rights for review. Instead, your organization has to provide the EEOP to BSP to maintain on file and to make it available for review on request to the Office for Civil Rights. In addition, your organization has to complete Section B of the Certification Form and provide it to the Bureau to maintain on file. The certification form can be found at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirements. However, your organization must complete Section A of the Certification Form and provide it to the Bureau to

maintain on file. The certification form can be found at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

2. The subgrantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the U.S. Department of Justice regulation governing “Equal Treatment for Faith Based Organizations” (the “Equal Treatment Regulation”). The Equal Treatment Regulation provides in part that U.S. Department of Justice grant awards may not be used to fund any inherently religious activities, such as worship, religious instructions, or proselytization. Subrecipients may still engage in inherently religious activities; however, these activities must be separate in time or location from the federally assisted program and any participation in inherently religious activities by individuals receiving services from the subgrantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the U.S. Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary’s religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm.
3. In the event a federal or state court or federal or state administrative agency makes a finding of discrimination against your organization after a due process hearing on the grounds of race, color, religion, national origin, or sex, your organization must submit a copy of the findings to the Office of Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice and the Bureau of Statistics and Plans for review.
4. All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, which are audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.
5. Certify that limited English proficient (LEP) persons have meaningful access to the services and benefits under this program(s). National origin discrimination includes discrimination based on an individual’s LEP status. To ensure compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) and the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d(c)), recipients are required to take reasonable steps to ensure the LEP persons have meaningful access to their programs and activities.
6. For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the Web site www.lep.gov.

7. To have an LEP Policy and/or LEP Plan in place.
8. To attend the series of online training program on civil rights compliance issues accessible at <http://www.nij.gov/ocr-training-videos/video-ocr-training.htm> every two years at the beginning of the Fiscal Year. The subrecipient's equal employment opportunity officer, civil rights point of contact, administrators, and grants point of contact are required to attend and complete the online Civil Rights Training. In addition, no later than October 15 of each year, subrecipient must submit a list to the Bureau that consists of the names of those individuals who completed the training.

In addition, the successful applicant must also sign the following documentation

In order to receive DOJ funds, a successful applicant also must sign (1) a "Civil Rights Requirements" form that includes information about the subrecipient's civil rights contact person, (2) a "Certification of Non-Discrimination" that (a) identifies applicable federal civil rights laws, (b) describes applicable Equal Employment Opportunity Plan requirements, and (c) explains a subrecipient's obligation to report pertinent findings of discrimination, (3) a "Limited English Proficiency Certification" that assures that a subrecipient will provide meaningful access to its services to LEP persons, and (4) a "Standard Assurances" form that identifies applicable federal civil rights laws. The additional documentation can be found in Attachment A.

BSP also notifies subrecipients of federal civil rights obligations through two Administrative Manuals for Subrecipients that separately address the Edward Byrne Memorial Justice Assistance Grant (JAG) and Residential Substance Abuse Treatment for State Prisoners Programs. In each Administrative Manual, the Bureau provides guidance on (1) civil rights nondiscrimination requirements, (2) civil rights compliance, (3) equal employment opportunity plans, and (4) limited English proficiency. In its most recent request for proposals (RFP) for the JAG program, BSP included a provision about applicable civil rights requirements.

For each subaward, BSP maintains on file a fully executed Memorandum of Understanding, "Civil Rights Requirements" form, "Certification of Non-Discrimination," "Limited English Proficiency Certification," and "Standard Assurances" form. BSP maintains these materials for three years after the grant is officially closed by the OCFO. The Bureau maintains on file its Administrative Manuals and RFPs for three years after the grant is officially closed by the OCFO.

Monitoring for Compliance with Civil Rights Requirements

Summary of Specific Method of Administration Requirement: A narrative explanation of the SAA's methods for monitoring whether subrecipients are complying with the applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations.

BSP Response:

BSP adopted OCR's Federal Civil Rights Compliance Checklist on May 15, 2012, as the Bureau's Federal Civil Rights Checklist Monitoring Tool (Attachment B). BSP will transmit the monitoring tool to subrecipients electronically through e-mail for completion and submission annually at the beginning of the fiscal year. The Bureau will review the subrecipients' responses to the monitoring tool, and based on the responses the Bureau will determine which agency will require an onsite monitoring visit. BSP will maintain copies of the completed checklists or monitoring forms at the Bureau for three years after the grant is closed.

If BSP is unable to provide guidance to its subrecipients on certain questions, it will seek technical assistance from OCR on those topic areas.

Training Subrecipients on Civil Rights Requirements
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Summary of Specific Method of Administration Requirement: A narrative description of the SAA's methods for training DOJ-funded subrecipients on their obligations to comply with the applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations.

BSP Response:

The Bureau does not have the capacity to conduct periodic training sessions for its subrecipients on civil rights requirements; however, the Bureau ensures that subrecipients receive training on their obligations to comply with applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations by requiring all subrecipients to attend the online Civil Rights Training at <http://www.nij.gov/ocr-training-videos/video-ocr-training.htm>. The subrecipients are required to attend the online civil rights training every two years at the beginning of the fiscal year.

OCR has developed this online civil rights training curriculum for recipients. This training, which consists of six segments and accompanying self-tests, is designed to provide recipients with an overview of applicable nondiscrimination laws and the general civil rights obligations that are tied to grants awarded by DOJ. OCR offers this online version of its training program to ensure that recipients who are unable to participate in an in-person training session can still receive valuable technical assistance.

The six training programs are:

1. What is the Office for Civil Rights and What Laws Does It Enforce?
2. What are the Standard Assurances and How Does the Office for Civil Rights Enforce Civil Rights Laws?
3. What are the Civil Rights Obligations of State Administering Agencies?
4. What Obligations Do Recipients of Justice Department Funding Have to Provide Services to Limited English Proficient (LEP) Persons?
5. What are the Civil Rights Laws that Affect Funded Faith-Based Organizations?

6. What Civil Rights Protections Do American Indians Have in Programs Funded by the Justice Department? What are the Obligations of Funded Indian Tribes?

The Bureau requires each subrecipient's equal employment opportunity officer, civil rights point of contact, administrators, and grants point of contact to attend and complete the online Civil Rights Training. No later than October 15 of each year, the subrecipients must submit a list to the Bureau that consists of the names of those individuals who completed the training.

ATTACHMENT A

Civil Rights Requirements
Certification of Non-Discrimination
Limited English Proficiency Certification
Standard Assurances

Bureau of Statistics and Plans

Civil Rights Requirements

USDOJ Grant Program: _____

Civil Rights Contact Person:

Title/Address:

Telephone Number:

Number of persons employed by the organizational unit:

Bureau of Statistics and Plans

Certification of Non-Discrimination

USDOJ Grant Program: _____

The subgrantee agrees that:

It will comply, with and will insure compliance by its subgrantees and contractors with the non discrimination requirements of the following statutes and regulations:

- Omnibus Crime Control and Safe Streets Act of 1968, as amended, and 42 U.S.C. 3789(d) which prohibits discrimination on the basis of race, color, national origin, religion, or sex in OJP funded programs or activities;
- Title VI of the Civil Rights Act of 1964, and 42 U.S.C. §2000d which prohibits discrimination on the basis of race, color or national origin in OJP funded programs or activities;
- Section 504 of the Rehabilitation Act of 1973, and 29 U.S.C. §794 which prohibits discrimination on the basis of disability in OJP funded programs or activities;
- Title II of the Americans with Disabilities Act (ADA) of 1990, and 42 U.S.C. §12132, as it relates to discrimination on the basis of disability in OJP funded programs or activities;
- Title IX of the Education Amendments of 1972, and 20 U.S.C. §1681 as it relates to discrimination on the basis of sex in OJP funded training or educational programs;
- The Age Discrimination Act 1975, and 42 U.S.C. §6102, as it relates to services discrimination on the basis of age in OJP funded programs or activities.

No person shall, on the grounds of race, color, religion, national origin, sex, or disability, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity funded in whole or in part with funds made available under this title from the U.S. Department of Justice through the Bureau of Statistics and Plans. The applicant agency also certified that, if required to formulate and Equal Employment Opportunity Plan (EEO), in accordance with 28 CFR 42.301 et seq., it will maintain a current one on file. Noncompliance with the discrimination regulations may result in the suspension or termination of funding.

In the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, national origin, sex, or disability against a recipient of Federal funds, or any subgrantee or contractor of that recipient, a copy of such findings must be forwarded to the Office for Civil Rights, Office of Justice Programs.

If your organization is required to develop an EEO and your organization has received a single award for \$500,000 or more in grant funds, whether directly from the Justice Department or indirectly from a state or local agency as a subrecipient, your agency must submit a copy of the subject EEO to the Bureau of Statistics and Plans for review and submission to the Office of Civil Rights for their review and approval.

SUBMITTED BY:

Signature of Authorized Official:		Date:
Name of Authorized Official		
Name of Organization:		
Address of Organization:		

Bureau of Statistics and Plans

Limited English Proficiency Certification

USDOJ Grant Program: _____

I certify that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of Limited English Proficiency (LEP). Meaningful access may entail providing language assistance services, including oral and written translation when necessary.

SUBMITTED BY:

Signature:	Date:
Name:	Title:
Agency:	



STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 28 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); *see* Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

If a governmental entity—

- a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b) it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

Signature Date

Date

ATTACHMENT B

Federal Civil Rights Checklist Monitoring Tool

Federal Civil Rights Compliance Checklist Monitoring Tool for Sub recipients

1. If the sub recipient is required to prepare an Equal Employment Opportunity Plan (EEOP) in accordance with 28 C.F.R. §§ 42.301-.308, does the sub recipient have an EEOP on file for review?

☐ Yes ☐ No

If yes, on what date did the sub recipient prepare the EEOP?

2. Has the sub recipient submitted an EEOP Short Form to the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), if required by 28 C.F.R. §§ 42.301-.308? If the sub recipient is not required to submit an EEOP Short Form to the OCR, has it submitted a certification form to the OCR claiming a partial or complete exemption from the EEOP requirements?

☐ Yes (submitted an EEOP Short Form) ☐ Yes (submitted a certification) ☐ No

If the sub recipient prepared an EEOP Short Form, on what date did the sub recipient prepare it?

3. How does the sub recipient notify program participants and beneficiaries that it does not discriminate on the basis of race, color, national origin, religion, sex, disability, and age in the delivery of services (e.g. posters, inclusion in brochures or other program materials, etc.)?

Comments:

4. How does the sub recipient notify employees that it does not discriminate on the basis of race, color, national origin, religion, sex, and disability in employment practices (e.g. posters, dissemination of relevant orders or policies, inclusion in recruitment materials, etc.)?

Comments:

5. Does the sub recipient have written policies or procedures in place for notifying program beneficiaries how to file complaints alleging discrimination by the sub recipient with the Guam Bureau of Statistics and Plans, State Administering Agency or the OCR?

☐ Yes ☐ No

If yes, an explanation of these policies and procedures:

6. If the sub recipient has 50 or more employees and receives DOJ funding of \$25,000 or more, has the sub recipient taken the following actions:

- a. Adopted grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Section 504 of the Rehabilitation Act of 1973, found at 28 C.F.R. Part 42, Subpart G, which prohibit discrimination on the basis of a disability in employment practices and the delivery of services.

☐ Yes ☐ No

- b. Designated a person to coordinate compliance with the prohibitions against disability discrimination contained in 28 C.F.R. Part 42, Subpart G.

☐ Yes ☐ No

- c. Notified participants, beneficiaries, employees, applicants, and others that the sub recipient does not discriminate on the basis of disability.

☐ Yes ☐ No

- d. Comments:

7. If the sub recipient operates an education program or activity, has the sub recipient taken the following actions:

- a. Adopted grievance procedures that provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Title IX of the Education Amendments of 1972, found at 28 C.F.R. Part 54, which prohibit discrimination on the basis of sex.

☐ Yes ☐ No

- b. Designated a person to coordinate compliance with the prohibitions against sex discrimination contained in 28 C.F.R. Part 54.

☐ Yes ☐ No

- c. Notified applicants for admission and employment, employees, students, parents, and others that the sub recipient does not discriminate on the basis of sex in its educational programs or activities.

☐ Yes ☐ No

Comments:

8. Has the sub recipient complied with the requirement to submit to the OCR any findings of discrimination against the sub recipient issued by a federal or state court or federal or state administrative agency on the grounds of race, color, religion, national origin, or sex?

☐ Yes ☐ No

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Comments:

9. What steps has the sub recipient taken to provide meaningful access to its programs and activities to persons who have limited English proficiency (LEP)?

Comments, including an indication of whether the sub recipient has developed a written policy on providing language access services to LEP persons:

10. Does the sub recipient conduct any training for its employees on the requirements under federal civil rights laws?

☐ Yes ☐ No

Comments:

11. If the sub recipient conducts religious activities as part of its programs or services, does the sub recipient do the following:

- a. Provide services to everyone regardless of religion or religious belief.

☐ Yes ☐ No

- b. Ensure that it does not use federal funds to conduct inherently religious activities, such as prayer, religious instruction, or proselytization, and that such activities are kept separate in time or place from federally-funded activities.

☐ Yes ☐ No

- c. Ensure that participation in religious activities is voluntary for beneficiaries of federally-funded programs.

☐ Yes ☐ No

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Comments: