



U.S. Department of Justice

Lolo

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

December 20, 2017

Carl V. Dominguez
Director
Guam Bureau of Statistics and Plans
P.O. Box 2950
Hagåtña, GU 96932

Re: Civil Rights Responsibilities for State Administering Agencies

Dear Mr. Dominguez:

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), United State Department of Justice (USDOJ) has received the written updated Methods of Administration (MOA) that were submitted on behalf of the Guam Bureau of Statistics and Plans (BSP) on November 3, 2017, in accordance with the special conditions of selected current grant awards. The OCR has reviewed this MOA and related documents, and has determined that it substantially complies with the guidance regarding the required elements of a MOA provided on OCR's website, at <https://ojp.gov/funding/Explore/SolicitationRequirements/CivilRightsRequirements.htm>. Accordingly, BSP has satisfied the relevant special conditions for this grant cycle.

Your submission satisfies the MOA requirement contained as a special condition for any subsequent grants that BSP receives from the Department of Justice for a three-year period from the date of this letter. During this three-year period, it is not necessary that BSP re-submit the approved MOA to the OCR. At the end of this period, BSP will be required to provide an updated MOA to OCR to ensure continued compliance with civil right regulations.

If you have any questions regarding this matter, please contact OCR's paralegal, Basil Utter at (202) 616-3524.

Sincerely,

X *Michael L. Alston*

Michael L. Alston
Director
Signed by: MICHAEL ALSTON



8/13/18



Methods of Administration


for

**Ensuring that Office of Justice Programs Subrecipients Comply with
Applicable Federal Civil Rights Laws**

Updated for the Period of:

September 2016 to September 2019

Approved by the Office for Civil Rights on December 20, 2017



Guam Bureau of Statistics and Plans
513 West Marine Corps Drive
Hagatna, GU 96910
Date: November 03, 2017

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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 (34 U.S.C. §§ 10228(c) and 10221(a), the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. § 11182(b)), and the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)), the Violence Against Women Act of 1994 (34 U.S.C. § 12291(b)(13), the DOJ implementing regulations (as applicable), and the DOJ regulations on Partnerships with Faith-Based and Other Neighborhood 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, sex, gender identity, and sexual orientation in the delivery of services and employment practices, and prohibit recipients from using federal financial assistance to engage in explicitly 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 as expanded to address compliance, as applicable, with the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, the Juvenile Justice and Delinquency Prevention Act of 1974, the Victims of Crime Act of 1984 (as applicable), the Violence Against Women Act of 1994, and the regulations on Partnerships with Faith-Based and Other Neighborhood 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

As the State Administering Agency (SAA) for the Edward Byrne Justice Assistance Grant Program, the Paul Coverdell Forensic Science Improvement Grant, the Residential Substance Abuse Treatment for State Prisoners Grant, and Prison Rape Elimination Act Reallocation Program Funds, a detailed description of its written policies or procedures for addressing any complaint of discrimination that violates a federal civil rights law from employees and clients, customers, or program participants of subrecipients implementing funding from the DOJ (as applicable) is provided and incorporates 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.

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, consumers and employees 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.

These procedures are to ensure employees of BSP, clients, customers, program participants, consumers or of a subrecipient will not be excluded, denied benefits to, or otherwise discriminate against any person in the admission to, participation in or receipt of services or benefits or in employment practices on the basis of race, color, national origin, religion, sex, age or disability, set forth in federal law regarding the specific program area. The following grants are affected by this policy:

1. Byrne Justice Assistance Grant
2. Residential Substance Abuse Treatment
3. Coverdell Forensic Science Grant
4. Prison Rape Elimination Act
5. Other federal grant programs

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, religion, sex, age or disability. All employees and applicants of BSP's subrecipients shall be treated equally regardless race, color, national origin, age, 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 (Title VI) of 1964**, as amended, 42 U.S.C. § 2000d, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpts. C & D (prohibiting discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits);
- **Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968**, as amended, 34 U.S.C. §§ 10228(c) & 10221(a), and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpts. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion) & E (requiring certain DOJ-funded programs subject to the administrative provisions of the statute to prepare, maintain, and submit an Equal Employment Opportunity Plan (EEO));
- **Section 504 of the Rehabilitation Act (Section 504) of 1973**, as amended, 29 U.S.C. § 794, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. G (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits);
- **Title IX of the Education Amendments (Title IX) of 1972**, as amended, 20 U.S.C. § 1681, and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpt. D & pt. 54 (prohibiting

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.

discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);

- **Title II of the Americans with Disabilities Act of 1990**, as amended, 42 U.S.C. § 12132, and the implementing regulation at 28 C.F.R. § 35.171(a)(1)(i), (3)(i) (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits);
- **Age Discrimination Act (Age Act) of 1975**, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits);
- **Juvenile Justice and Delinquency Prevention Act (JJJPA) of 1974**, as amended, 34 U.S.C. § 11182(b), and the DOJ implementing regulations, 28 C.F.R. §§ 31.202, 403 & pt.42, subpt. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion);
- **Victims of Crime Act (VOCA) of 1984, as amended**, 34 U.S.C. § 20110(e) and the regulation implementing the Victim of Crime Act Victim Assistance Program, 28 C.F.R. § 94.114 (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability); and
- **Executive Order 13,559**, amending Executive Order 13,279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits).

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

- a. ‘Complaint Coordinator’ means the person who is responsible for coordinating the series of actions found in the complaint procedures.
- b. ‘Complainant’ means the person who files a complaint.
- c. ‘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.
- d. ‘OCR’ means the Office for Civil Rights, Office of Justice Programs, DOJ.
- e. ‘EEOC’ means the U.S. Equal Employment Opportunity Commission.
- f. ‘Subrecipient’ means any organization or agency to which BSP administers DOJ funds.

IV. Complaint Procedures

Services discrimination

The following procedures will 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. Under the BSP process, any individual may file a complaint of discrimination generally within 180 days or 1 year from the date of the alleged discrimination, depending on the terms of the

relevant statute. Any employee of BSP who receives a complaint of services discrimination subject to this policy should send the complaint to the BSP Complaint Coordinator within 15 working days of receiving the complaint. The BSP Complaint Coordinator is Terry Cuabo and his contact information is as follows:

Location: Bureau of Statistics and Plans
P.O. Box 2950, Hagatna, GU
96932
Phone: 671-472-4201/2/3
Fax: 671-477-1812
Email: terry.cuabo@bsp.guam.gov

2. Potential complainants filing a complaint of services discrimination must be as specific as possible in providing the following information:
 - Date(s) and time(s) of the discrimination;
 - Name(s) and contact information of the alleged discriminatory actor(s);
 - Name(s) and contact information of witness(es) to the discrimination;
 - Name(s) and contact information of similarly situated individuals of a different race, sex, or other protected class who received preferential treatment;
 - Records or other documentary evidence; and
 - A detailed accounting of the discrimination in the order in which it took place.
3. 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. If the services discrimination cannot be resolved through mediation, then the BSP Complaint Coordinator will refer that complaint to OCR for investigation. In addition, OCR will be notified of the complaint(s) regardless of which agency conducts the investigation. The BSP Complaint Coordinator will then follow up with the original complainant regarding the outcome of the complaint.
4. 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, consumers and employees that file directly with them. These procedures should include:
 - a. Investigating the complaint internally, or forwarding the complaint to BSP's Complaint Coordinator or to the Office for Civil Rights (OCR);
 - b. Notifying the BSP Complaint Coordinator of any discrimination complaint that is not referred to the OCR;
 - c. Notifying the complainant that he/she may file a complaint directly with the BSP Complaint Coordinator or the OCR;

- d. Subrecipients must provide public notice of these complaint procedures, such as by posting signage in places of public contact and referencing the procedures in program materials; and
- e. Staff is trained on civil rights policies to ensure that civil rights protections are in effect for their clients and employees.

Through its subrecipient monitoring process, BSP will also ensure that subrecipients notify their clients, customers, program participants, consumers and employees of prohibited discrimination and the procedures for filing a services discrimination complaint. BSP will also notify its clients, customers, program participants, consumers and employees of prohibited discrimination and its procedures for filing a services discrimination complaint by posting the policy on the Bureau of Statistics and Plans website at <http://bsp.guam.gov>.

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 within 15 working days of receiving the complaint. The BSP Complaint Coordinator is Terry Cuabo and his contact information is as follows:

Location: Bureau of Statistics and Plans
P.O. Box 2950, Hagatna, GU
96932

Phone: 671-472-4201/2/3

Fax: 671-477-1812

Email: terry.cuabo@bsp.guam.gov

2. Potential complainants filing a complaint of employment discrimination must be as specific as possible in providing the following information:
 - Date(s) and time(s) of the discrimination;
 - Name(s) and contact information of the alleged discriminatory actor(s);
 - Name(s) and contact information of witness(es) to the discrimination;

- Name(s) and contact information of similarly situated individuals of a different race, sex, or other protected class who received preferential treatment;
 - Records or other documentary evidence; and
 - A detailed accounting of the discrimination in the order in which it took place.
3. 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> or refer to Attachment D and mail 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.

Since August 30, 2012, BSP disseminated these procedures to agency employees by providing a copy of the procedures to existing employees during the training sessions and distributing the procedures to all new employees. These procedures are also posted on the agency website at <http://bsp.guam.gov>.

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

Notifying Subrecipients of Civil Rights Requirements

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 Utilization Report (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, organizations must comply with the following EEOP reporting requirements:

If your organization is a medical institution, educational institution, nonprofit organization or Indian tribe; or received an award for less than \$25,000; or has less than 50 employees, regardless of the amount of award; your organization is exempt from the EEOP requirements. However, your organization must complete Section A of the EEOP Certification Form and must be submitted to BSP within 10 days so BSP can electronically submit the Certification Form to the Office for Civil Rights EEO Reporting Tool for review at <https://ojp.gov/about/ocr/eeop.htm> The certification form can be found at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

All other organizations are required to complete the EEOP Certification Form and prepare an EEOP Utilization Report and submit it to BSP within 45 days so BSP can electronically submit the EEOP Utilization Report to the Office for Civil Rights EEO Reporting Tool for review at <https://ojp.gov/about/ocr/eeop.htm>. Please refer to Attachment C for the table on EEOP reporting requirements.

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 “Partnerships with Faith-Based and Other Neighborhood Organizations”. 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/partnerships.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, national origin, age, religion, and disability, your organization must submit a copy of the findings to the Office for 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 (34 U.S.C. §§ 10228(c) and 10221(a)), 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 programs on civil rights compliance issues accessible at <http://www.ojp.gov/about/ocr/assistance.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, subrecipients 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. These documents can be found in Attachment A.

BSP also notifies subrecipients of federal civil rights obligations through its Administrative Manual for Subrecipients that address the Edward Byrne Memorial Justice Assistance Grant (JAG), the Paul Coverdell Forensic Science Improvement Grant Program, the Residential Substance Abuse Treatment (RSAT) for State Prisoners Grant Program and the Prison Rape Elimination Act (PREA) Reallocation Program Funds. In the 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 request for proposals (RFP) for the JAG Program, BSP includes 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

BSP adopted OCR's Federal Civil Rights Compliance Checklist on May 15, 2012, as the Bureau's Federal Civil Rights Compliance Checklist Monitoring Tool (Attachment B).

This responsibility is accomplished by conducting reviews of subrecipients. The purpose of the review is to ensure subrecipients provide equal access and do not discriminate on the basis race, color, national origin, age, religion, disability, sex, gender identify and sexual orientation.

- a. The following procedures will be used to conduct the monitoring review:
 1. Subrecipients are identified and notified of the monitoring review for compliance with Civil Rights Requirements.
 2. The Grant Manager will schedule a review with the subrecipient, which will either be an on-site or desk review.
 3. A review checklist is provided to the subrecipient prior to the review and utilized during the on-site or desk review. The review checklist contains questions regarding compliance with applicable civil rights requirements. Copies of the on-site checklist are available by contacting the Grant Coordinator or on the BSP website at www.bsp.guam.gov.
 4. After the on-site review is completed, a Letter of Findings is provided to the authorized official.
 5. The Letter of Findings includes the completed on-site checklist with results of each review standard. If violations of the standards exist, corrective action is required and a corrective action plan will be developed by the subrecipient and approved by the Grant Manager. This process culminates when the required corrective actions are completed and validated.

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

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 complete the online Civil Rights Training at <http://www.ojp.gov/about/ocr/assistance.htm>. Subrecipients are required to complete 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. The 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:

- **Title VI of the Civil Rights Act (Title VI) of 1964**, as amended, 42 U.S.C. § 2000d, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpts. C & D (prohibiting discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits);
- **Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968**, as amended, 34 U.S.C. §§ 10228(c) & 10221(a), and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpts. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion) & E (requiring certain DOJ-funded programs subject to the administrative provisions of the statute to prepare, maintain, and submit an Equal Employment Opportunity Plan (EEOP));
- **Section 504 of the Rehabilitation Act (Section 504) of 1973**, as amended, 29 U.S.C. § 794, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. G (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits);
- **Title IX of the Education Amendments (Title IX) of 1972**, as amended, 20 U.S.C. § 1681, and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpt. D & pt. 54 (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);
- **Title II of the Americans with Disabilities Act of 1990**, as amended, 42 U.S.C. § 12132, and the implementing regulation at 28 C.F.R. § 35.171(a)(1)(i), (3)(i) (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits);
- **Age Discrimination Act (Age Act) of 1975**, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits);
- **Juvenile Justice and Delinquency Prevention Act (JJJPA) of 1974**, as amended, 34 U.S.C. § 11182(b), and the DOJ implementing regulations, 28 C.F.R. §§ 31.202, 403 & pt.42, subpt. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion);
- **Victims of Crime Act (VOCA) of 1984, as amended**, 34 U.S.C. § 20110(e) and the regulation implementing the Victim of Crime Act Victim Assistance Program, 28 C.F.R. § 94.114 (prohibiting discrimination in programs funded under the statute, both in employment and in

the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability); and

- **Executive Order 13,559**, amending Executive Order 13,279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits).

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 certifies that, if required to formulate and Equal Employment Opportunity Plan (EEOP) Utilization Report, 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 a medical institution, educational institution, nonprofit organization or Indian tribe; or received an award for less than \$25,000; or has less than 50 employees, regardless of the amount of award; your organization is exempt from the EEOP requirements. However, your organization must complete Section A of the EEOP Certification Form and must be submitted to BSP within 10 days so BSP can electronically submit the Certification Form to the Office for Civil Rights EEO Reporting Tool for review at <https://ojp.gov/about/ocr/eeop.htm>. The certification form can be found at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

All other organizations are required to complete the EEOP Certification Form and prepare an EEOP Utilization Report and submit it to BSP within 45 days so BSP can electronically submit the EEOP Utilization Report to the Office for Civil Rights EEO Reporting Tool for review at <https://ojp.gov/about/ocr/eeop.htm>.

SUBMITTED BY:

Signature of Authorized Official:	Date:
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Name of Authorized Official:	Title:
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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) and in accordance with Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons. Meaningful access may entail providing language assistance services, including oral interpretation and written translation of vital documents.

SUBMITTED BY:

Signature:	Date:
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Name:	Title:
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Agency:



STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including 2 C.F.R. Part 2800 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards by the Department of Justice), and Ex. Order 12372 (intergovernmental review of federal programs). 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 Government Accountability 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 2 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. § 469a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subrecipients or contractors to comply) with any applicable nondiscrimination provisions, 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 Violence Against Women Act (42 U.S.C. § 13925(b)(13)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); 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). It will also comply with Ex. Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations; Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations; and the DOJ implementing regulations at 28 C.F.R. Part 38.
7. 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: _____

ATTACHMENT B

Federal Civil Rights Compliance Checklist

Federal Civil Rights Compliance Checklist

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

Yes No

If yes, on what date did the subrecipient prepare the EEO Plan?

2. If the subrecipient is required to submit an EEO Utilization Report to the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) in accordance with 28 C.F.R. §§ 42.301-.308, has the subrecipient done so?

Yes No

If yes, on what date did the subrecipient submit the EEO Utilization Report?

3. Has the subrecipient submitted a Certification Form to the OCR certifying compliance with the EEO requirements?

Yes No

If yes, on what date did the subrecipient submit the Certification Form?

4. How does the subrecipient notify program participants and beneficiaries that it does not discriminate on the basis of race, color, national origin, religion, sex, disability, age, and, if a recipient of funding authorized by the Violence Against Women Act of 1994 (VAWA) or its subsequent enactments, sexual orientation and gender identity, in the delivery of services (e.g., posters, inclusion in brochures or other program materials)?

Comments:

5. How does the subrecipient notify employees that it does not discriminate on the basis of race, color, national origin, religion, sex, disability, and, if a VAWA recipient, sexual orientation and gender identity, in employment practices (e.g., posters, dissemination of relevant orders or policies, inclusion in recruitment materials)?

Comments:

6. Does the subrecipient have written policies or procedures in place for notifying employees how to file complaints alleging discrimination by the subrecipient?

Yes No

If yes, an explanation of these policies and procedures:

7. Does the subrecipient have written policies or procedures in place for notifying program participants and beneficiaries how to file complaints alleging discrimination by the subrecipient, including how to file complaints with the Bureau of Statistics and Plans and the OCR?

Yes No

If yes, an explanation of these policies and procedures:

8. If the subrecipient has 50 or more employees and receives DOJ funding of \$25,000 or more, has the subrecipient 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 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 program participants, beneficiaries, employees, applicants, and others that the subrecipient does not discriminate on the basis of disability.

Yes No

Comments:

- 9. If the subrecipient operates an education program or activity, has the subrecipient 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 subrecipient does not discriminate on the basis of sex in its education programs or activities.

Yes No

Comments:

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

Yes No

Comments:

11. What steps has the subrecipient 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 subrecipient has developed a written policy on providing language access services to LEP persons:

12. Does the subrecipient conduct any training for its employees on the requirements under federal civil rights laws?

Yes No

Comments:

13. If the subrecipient conducts religious activities as part of its programs or services, does the subrecipient 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

Comments:

- 14. If the subrecipient receives VAWA funds, does it serve male victims of domestic violence, dating violence, sexual assault, and stalking?

Yes No

Comments:

- 15. If the subrecipient receives VAWA funds, does the subrecipient provide sex-segregated or sex-specific services?

Yes No

If yes, describe how services are sex-segregated or sex-specific:

If yes, has the subrecipient determined that providing services that are sexsegregated or sex-specific is necessary to the essential operation of the program?

Yes No

If yes, describe how the subrecipient determined that providing sex-segregated or sex-specific services is necessary to the essential operation of the program:

EEOP Reporting Requirements

If Then	Does the recipient need to submit a Certification Form to OCR?	Does the recipient need to develop an EEOP?	Must the recipient submit an EEOP Utilization Report to OCR?
Recipient is a Medical or Educational Institution, Indian Tribe, or Nonprofit	YES	NO	NO
Largest individual grant received is less than \$25,000	YES	NO	NO
Recipient has less than 50 employees	YES	NO	NO
None of the above	YES	YES	YES

Prepare and Submit EEOP and Certification at
<https://ojp.gov/about/ocr/eeop.htm>

ATTACHMENT D

Complaint Verification Form
Identity Release Statement

COMPLAINT VERIFICATION INFORMATION

Your name, address, and telephone number(s):

Name, address, and telephone number(s) of person(s) who discriminated against you:

Name, address and telephone number(s) of agency or organization involved in your complaint:

Are there other persons or organizations involved in this discrimination case? _____

If YES, please give the names, addresses and telephone numbers below:

NAME	ADDRESS	TELEPHONE
_____	_____	_____
_____	_____	_____

Which of the following describes the nature of the discrimination involved?

Race/Color National Origin Religion Sex Disability Age Sexual Orientation Gender Identity

Does your charge of discrimination involve:

a. Your job or seeking employment?

OR b. You using facilities or someone providing services/protection to you (or others)?

If yes, which of the following apply?

If yes, how?

- Hiring
- Work Assignment
- Promotion
- Demotion
- Discipline
- Layoff/Recall
- Retaliation
- Termination
- Other (Specify)

- Brutality
- Harassment
- Language
- Applying rules/laws differently
- Access to buildings/programs
- Retaliation
- Different standards/opportunities/programs
- Segregation
- Other (Specify)

Which month(s), day(s), and year(s) did the most recent discrimination against you take place?

Beginning: Month____ Day __ Year ____

Ending: Month____ Day __ Year ____

Explain in detail what happened and how you were discriminated against. State who was involved and show how other persons were treated differently from you. (Also, attach any written materials or documentation pertaining to your case.)

Has the opposite sex or have persons of other races, national origin, religions, or disabilities been treated differently from you in this particular matter? ____ If yes, please explain and identify:

Why do you believe this occurred?

What other information do you think might be helpful to our investigation?

If this complaint is resolved to your satisfaction, what remedy do you seek?

Please list below any persons (witnesses, fellow employees, supervisors, or others) whom we might contact for additional information to support or clarify your complaint:

Name	Address	Telephone Number
_____	_____	_____
_____	_____	_____
_____	_____	_____

Have you filed a case or complaint with any of the following? (Check the appropriate items.)

Civil Rights Division, U.S. Dept. Of Justice	State or local Human Relations Commission
U.S. Equal Employment Opportunity Commission	State Law Enforcement Planning Agency
Other Federal Agency	Attorney (Note the name and address above)
Federal or State Court	Other (specify)

For any item checked above, please provide the following information:

Name of Agency: _____

Date Filed: _____

Case or Docket Number: _____

Date of Trial or Hearing: _____

Location of Agency or court: _____

Name of Investigator _____

Status of Case: _____

Additional comments: _____

DATE: _____ SIGNED: _____

(Continue any question on additional sheets if necessary)

(Please also complete and submit the Identity Release Statement)

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

COMPLAINANT CONSENT/IDENTITY RELEASE FORM

Your Name: _____

Address: _____
_____ State _____ Zip _____

Complaint number(s): (if known) _____

Please read the information below, check the appropriate box, and sign this form.

I have read the Notice of Investigatory Uses of Personal Information by the Department of Justice (DOJ). As a complainant, I understand that in the course of an investigation it may become necessary for DOJ to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of DOJ to honor requests under the Freedom of Information Act. I understand that it may be necessary for DOJ to disclose information, including personally identifying details, which it has gathered as a part of its investigation of my complaint. In addition, I understand that as a complainant I am protected by DOJ's regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes enforced by DOJ.

CONSENT/RELEASE

CONSENT - I have read and understand the above information and authorize DOJ to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the Department of Justice (DOJ) to receive material and information about me pertinent to the investigation of my complaint. This release includes, but is not limited to, personal records and medical records. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.

CONSENT DENIED - I have read and understand the above information and do not want DOJ to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint and may result in the closure of the investigation.

SIGNATURE

DATE

NOTICE ABOUT INVESTIGATORY USES OF PERSONAL INFORMATION

NOTICE OF COMPLAINANT/INTERVIEWEE RIGHTS AND PRIVILEGES

Complainants and individuals who cooperate in an investigation, proceeding or hearing conducted by DOJ are afforded certain rights and protections. This brief description will provide you with an overview of these rights and protections.

- A recipient may not force its employees to be represented by the recipient's counsel nor may it intimidate, threaten, coerce or discriminate against any employee who refuses to reveal to the recipient the content of an interview. An employee does, however, have the right to representation during an interview with DOJ. The representative may be the recipient's counsel, the employee's private counsel, or anyone else the interviewee authorizes to be present.

- The laws and regulations which govern DOJ's compliance and enforcement authority provide that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual because he/she has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing conducted under DOJ's jurisdiction, or has asserted rights protected by statutes DOJ enforces.

- Information obtained from the complainant or other individual which is maintained in DOJ's investigative files may be exempt from disclosure under the Privacy Act or under the Freedom of Information Act if release of such information would constitute an unwarranted invasion of personal privacy.

There are two laws governing personal information submitted to any Federal agency, including the Department of Justice (DOJ): The Privacy Act of 1974 (5 U.S.C. § 552a), and the Freedom of Information Act (5 U.S.C. § 552).

THE PRIVACY ACT protects individuals from misuse of personal information held by the Federal Government. The law applies to records that are kept and that can be located by the individual's name or social security number or other personal identification system. Persons who submit information to the government should know that:

- DOJ is required to investigate complaints of discrimination on the basis of race, color, national origin, sex, disability, age, and, in some instances, religion against recipients of Federal financial assistance. DOJ also is authorized to conduct reviews of federally funded recipients to assess their compliance with civil rights laws.

- Information that DOJ collects is analyzed by authorized personnel within the agency. This information may include personnel records or other personal information. DOJ staff may need to reveal certain information to persons outside the agency in the course of verifying facts or gathering new facts to develop a basis for making a civil rights compliance determination. Such details could include the physical condition or age of a complainant. DOJ also may be required to reveal certain information to any individual who requests it under the provisions of the Freedom of Information Act. (See below)

- Personal information will be used only for the specific purpose for which it was submitted, that is, for authorized civil rights compliance and enforcement activities. Except in the instances defined in DOJ's regulation at 28 C.F.R. Part 16, DOJ will not release the information to any other agency or individual unless the person who supplied the information submits a written consent. One of these exceptions is when release is required under the Freedom of Information Act. (See below)

- No law requires a complainant to give personal information to DOJ, and no sanctions will be imposed on complainants or other individuals who deny DOJ's request. However, if DOJ fails to obtain information needed to investigate allegations of discrimination, it may be necessary to close the investigation.

- The Privacy Act permits certain types of systems of records to be exempt from some of its requirements, including the access provisions. It is the policy of DOJ to exercise authority to exempt systems of records only in compelling cases. DOJ may deny a complainant access to the files compiled during the agency investigation of his or her civil rights complaint against a recipient of

Federal financial assistance. Complaint files are exempt in order to aid negotiations between recipients and DOJ in resolving civil rights issues and to encourage recipients to furnish information essential to the investigation.

- DOJ does not reveal the names or other identifying information about an individual unless it is necessary for the completion of an investigation or for enforcement activities against a recipient that violates the laws, or unless such information is required to be disclosed under FOIA or the Privacy Act. DOJ will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under FOIA, the Privacy Act, or otherwise required by law.

THE FREEDOM OF INFORMATION ACT gives the public access to certain files and records of the Federal Government. Individuals can obtain items from many categories of records of the Government - not just materials that apply to them personally. DOJ must honor requests under the Freedom of Information Act, with some exceptions. DOJ generally is not required to release documents during an investigation or enforcement proceedings if the release could have an adverse effect on the ability of the agency to do its job. Also, any Federal agency may refuse a request for records compiled for law enforcement purposes if their release could be an "unwarranted invasion of privacy" of an individual. Requests for other records, such as personnel and medical files, may be denied where the disclosure would be a "clearly unwarranted invasion of privacy."