

(7) *Freedom of Information Act (FOIA) Advice Disclosure.* The Department may disclose records to the Department of Justice and the Office of Management and Budget if the Department concludes that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA.

(8) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, executive order, rule, regulation, or order issued pursuant thereto.

(9) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c) and (d) of this routine use under the conditions specified in those paragraphs:

- (i) The Department of Education, or any component of the Department; or
- (ii) Any Department employee in his or her official capacity; or
- (iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee;
- (iv) Any Department employee in his or her individual capacity where the agency has agreed to represent the employee; or
- (v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard-copy form filed in standard lockable file cabinets, or on electronic files in which case document disks are kept in lockable file cabinets.

RETRIEVABILITY:

Records are indexed under the names of institutions against which individuals are alleging violations of FERPA.

SAFEGUARDS:

Direct access is restricted to FPCO staff; main files are left in locked file cabinets when not in use.

RETENTION AND DISPOSAL:

Inquiry records are maintained a minimum of three years; complaint and investigative records are maintained a minimum of five years after the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2W100, Washington, DC 20202-4056.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURES:

If you wish to gain access to a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

The information in this system is obtained from incoming correspondence, responses and material obtained during the course of any investigation.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-05-04

SYSTEM NAME:

Discrimination Complaints Records System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Equal Employment Opportunity Group, Office of Management, U.S. Department of Education, 400 Maryland

Avenue SW, Room 2W228, Washington, DC 20202-4550.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on individuals—employees as well as applicants for employment—or groups of individuals who have filed Equal Employment Opportunity (EEO) complaints of discrimination on the basis of race, color, religion, sex (including sexual harassment or sexual orientation), national origin, age, disability, or reprisal for having engaged in a prior EEO activity.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of records concerning the Department's formal complaints of discrimination processes, including counselor reports, the initial allegations and efforts at resolution, letters or notices to the individual or class agent, materials placed into the record to support or refute the decision or determination, statements to witnesses, investigative reports, instructions about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2000e; 29 U.S.C. 633a; Executive Order 11478; 29 CFR 1614.

PURPOSE(S):

The Equal Employment Opportunity Group uses the information contained in this system to adjudicate complaints or appeals, to provide a basis for a corrective action related to the discrimination situation and as a data source for management information for production of descriptive statistics and analytical studies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department (Department) may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Act, under a computer matching agreement.

(1) *Disclosure to OMB, MSPB and EEOC.* The Department may disclose records to the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), or the Equal

Employment Opportunity Commission for the purpose of carrying out their functions.

(2) *Congressional Member Disclosure.* The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

(3) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event of litigation where one of the parties listed below is involved in litigation or ADR, or has an interest in litigation ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c) and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department, or any component of the Department; or

(ii) Any Department employee in his or her official capacity; or

(iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee; or

(iv) Any Department employee in his or her individual capacity where the agency has agreed to represent the employee; or

(v) The United States where the Department determines that the litigation is likely to directly affect the Department or any of its components.

(b) *Disclosure to the DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to litigation or ADR, the Department may disclose those records as a routine use to the DOJ.

(c) *Administrative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, an individual or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the administrative litigation, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) *Parties, counsels, representatives and witnesses.* If the Department determines that disclosure of certain records to a party, counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation, the Department may disclose those records as a routine use to the party, counsel, representative or witness.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in file folders and binders inside a file room centrally situated within the EEOG office.

RETRIEVABILITY:

The records are indexed by formal complaint case numbers, and cross-referenced by a separate log identifying the names of the individuals or class agents on whom they are maintained.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require access. Physical security of the file room and entire office area involves lockable entry doors with off-the-master keys.

RETENTION AND DISPOSAL:

The complaint cases of discrimination may be retired to the Federal Records Center three years after their final disposition through the administrative (and judicial, as applicable) processes.

SYSTEM MANAGERS AND ADDRESS:

Director, Equal Employment Opportunity Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-4550.

NOTIFICATION PROCEDURE:

If you wish to determine if a record exists regarding you in this system of records, contact the system manager at the address listed above. You should include your name, date of birth, Departmental principal office in which the situation arose, the approximate date, and the type of action taken. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURES:

If you wish to gain access to records regarding you in this system of records, follow the procedures described above under Notification Procedure. You should also reasonably specify the record contents being sought. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest information contained in this system of records, you

should contact the system manager at the address listed above. You should reasonably identify the record and specify the information to be contested. Your request should satisfy the requirements of the regulations at 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from individuals to whom the record pertains, Department officials or other officials, statements from employees or other witnesses, official documents pertinent to the complaint and correspondence from specific organizations or persons.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-05-05

SYSTEM NAME:

Grievances Filed Formally Under the Administrative Grievance Procedure.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Human Resources Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2E200, Washington, DC 20202. See the Appendix at the end of this system notice for additional locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on non-bargaining unit employees of the Department regardless of type of appointment, who individually or as a group, request personal relief in a matter of concern or dissatisfaction which is subject to the control of Department management. This includes former employees of the Department for whom a remedy can be provided as well as applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information or documents relating to the grievance and personal relief sought, materials used in consideration of the grievance, and correspondence related to disposition of the grievance, including but not limited to the formal grievance, fact finder's report, final decision, and all other related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302.

PURPOSE(S):

The information contained in this system is to consider and settle matters of dissatisfaction or concern of covered individuals.