

APPENDIX B



Alaska Digital Empowerment Capacity Grant Program

State of Alaska

*Department of Commerce, Community, and Economic
Development*

Alaska Broadband Office



CIVIL RIGHTS AND NON-DISCRIMINATION LAW COMPLIANCE CERTIFICATION FORM

As a condition of receipt of Alaska Digital Empowerment Capacity Grant Program funds from the State of Alaska, Department of Commerce, Community, and Economic Development, Alaska Broadband Office, applicant named below ("Applicant") provides the assurances stated herein ("Assurances"). The Assurances apply to all funds made available through the Department of Commerce, Community, and Economic Development as part of the Alaska Digital Empowerment Capacity Grant Program.

Applicant certifies that it will comply with and abide by all non-discrimination requirements set forth in the following legal authorities, to the extent applicable, and to acknowledge that failure to do so may result in the cancellation of any award of grant funds and/or the recoupment of grant funds already disbursed:

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and the Department of Commerce's implementing regulations, published at 15 C.F.R. Part 8, which prohibit discrimination on the grounds of race, color, or national origin under programs or activities receiving federal financial assistance;
2. Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.) which prohibits discrimination on the basis of sex under federally assisted education programs or activities;
3. The Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.) which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by Eligible Entity and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation;
4. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), and Department of Commerce implementing regulations published at 15 C.F.R. Part 8b, which prohibit discrimination on the basis of handicap under any program or activity receiving or benefiting from federal assistance;
5. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Department of Commerce implementing regulations published at 15 C.F.R. Part 20, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance;

6. Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., which provides that it is an unlawful employment practice for an employer to discharge any individual or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin. Note in this regard that Title VII, 42 U.S.C. § 2000e-1(a), expressly exempts from the prohibition against discrimination based on religion "a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities;" and

7. Any other applicable non-discrimination law(s). Application requirements, award terms, and conditions do not impose civil rights and nondiscrimination law compliance requirements on Indian Tribes or Native Entities beyond what would otherwise apply under federal law.

8. Applicant acknowledges and agrees that compliance with the Assurances constitutes a condition of continued receipt of Alaska Digital Empowerment Capacity Grant Program assistance and is binding upon Applicant and Applicant's successors, transferees, and assignees for the period in which such assistance is provided.

9. Applicant acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-7 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Applicant and the Applicant's, contractors, subcontractors, successors, transferees, and assignees: The contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

10. Applicant understands and agrees that if any real property or structure is provided or improved with the aid of Alaska Digital Empowerment Capacity Grant Program funds by the Department of Commerce, Community, and Economic Development, these Assurances obligate the Applicant, Applicant's, contractors, subcontractors, successors, transferees, and assignees, for the period during which the real property or structure is used for a purpose for which the Alaska Digital Empowerment Capacity Grant Program financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Applicant for the period during which it retains ownership or possession of the property.

11. Applicant shall cooperate in any enforcement or compliance review activities by the Department Commerce, Community, and Economic Development, the Alaska Broadband Office and/or any federal agency having jurisdiction over the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Applicant shall comply with information requests, on-site compliance reviews, inspections, and reporting requirements.
12. Applicant shall maintain a complaint log and inform the Department of Commerce, Community, and Economic Development, attention Alaska Broadband Office, on a quarterly basis of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Applicant also must inform the Department of Commerce, Community, and Economic Development if Applicant has received no complaints under Title VI.
13. Applicant must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other agreements between the Applicant and the administrative agency that made the finding. If the Applicant settles a case or matter alleging such discrimination, the Applicant must provide documentation of the settlement. If Applicant has not been the subject of any court or administrative agency finding of discrimination, please so state.

The State of Alaska, Department of Commerce, Community, and Economic Development has the right to seek judicial enforcement of the terms of these Assurances and nothing in this document alters or limits the state or federal enforcement measures that the State of Alaska, Department of Commerce, Community, and Economic Development or federal government may take in order to address violations of these Assurances or applicable federal and state law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) is authorized to sign this certification, has read and understood the Applicant's obligations as herein described, that any information submitted in conjunction with these Assurances is accurate and complete, and that the Applicant is in compliance with the aforementioned nondiscrimination requirements.

DATED: _____

By: _____

Print Name: _____

Title: _____

Organization: _____