

National Aeronautics and Space Administration
Headquarters
Washington, DC 20546-0001



April 30, 2014

Reply to Attn of:

Office of Diversity and Equal Opportunity

Dr. Stephen Beckwith
Vice President for Research and Graduate Students
University of California
1111 Franklin Street
Oakland, CA 94607-5200

Dear Dr. Beckwith:

Thank you for your correspondence of March 20, 2014, providing comments in response to NASA's Federal Register Notice of Information Collection, NASA Assurance of Civil Rights Compliance (January 22, 2014). You stated in reference to the information NASA requests under Section 2 of NASA Form 1206 that the University of California (UC) is concerned that providing information pertaining to pending civil rights investigations "would compromise confidentiality of the parties involved and imperil the impartiality of the investigation itself." Moreover, UC does not agree that "the collection of pending proceedings information is within the scope of the statutes Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975." You request that as part of this collection request that NASA adjust its Form 1206 and delete the requirement to provide information on pending proceedings.

To address the first point, we understand your concern regarding protecting the privacy and confidentiality rights of individuals until the investigation is concluded and a decision is rendered. NASA lauds the UC for taking seriously allegations of discrimination and promptly conducting institutional investigations of those accusations. We wish to reassure you that NASA does not seek personally identifiable information on these pending matters; nor does NASA seek to intrude on UC's internal investigation process.

Form 1206 Section 2(a) does not request or require that recipients provide to NASA personally identifiable information on pending and completed proceedings. Before providing this information to NASA, recipients should redact all personally identifying information and/or any information that could be used to identify individuals in any way.

A satisfactory answer to this question would summarize the nature of the allegations (e.g., a graduate student in a specific engineering department at a specific UC University alleges that a male professor has never accepted a female graduate student in his lab despite numerous requests, and the status of the UC's actions). We are confident that this well-balanced approach protects the privacy rights of the accuser and the accused during the pending investigation and provides NASA with valuable information for its civil rights compliance activities.

To address the second point, you raised the concern that NASA Form 1206's collection of information on pending proceedings is beyond the scope of these statutes. NASA disagrees. A Federal agency has discretion to determine what information is relevant to request of a recipient in order to ensure civil rights compliance. NASA has determined that information on pending proceedings and complaints is relevant data critical for the Agency to ensure civil rights compliance. As discussed at length above, NASA is not seeking personally identifiable information on pending proceedings. Being notified of new and pending complaints and proceedings is furthermore consistent with both NASA and Department of Justice regulatory requirements (see 14 C.F.R §1250.105(b) and 28 C.F.R. § 42.406).

NASA appreciates your comments on NASA Form 1206 but declines to delete the requirement to provide information on pending proceedings.

Sincerely,



Brenda R. Manuel
Associate Administrator for
Diversity and Equal Opportunity