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## Boy Scouts

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of America where the collaboration would result in discrimination contrary to DANR policy, or the collaboration would result in endorsement of the Boy Scouts' policies."

Cooperation with the Boy Scouts is possible only when it would NOT result in discrimination against individuals based on sexual orientation, or when the collaboration would NOT be seen as an endorsement of BSA policy. For example, materials developed by an advisor that are made available to everyone may be distributed to the BSA so long as no one else is denied access to the materials. As another example, if there was a large community project involving many youth groups including the BSA, 4-H participation in the project could not be seen as an endorsement of BSA policy.

However, where resources are finite (such as an advisor's time, spaces at a campground), such resources cannot be used by the BSA as their usage would necessarily exclude those resources being used by individuals in a protected class. For example, say there is a 4-H camp with 20 spaces available, and the local BSA troop leader wants to reserve 15 spaces for his troop. This would be impermissible, as reserving those spaces for the group could exclude non-heterosexual kids from using the camp (whether there are other spaces available is irrelevant).

This is not to say that an advisor, on his or her own time, can not be a Boy Scout leader or give advice to a Boy Scout troop. Individuals who happen to be of BSA may still receive individual advice from advisors, for example towards agriculturally related merit badges, and members of the BSA may still participate, as individuals, in 4-H.

It is also permissible to deal with the Boy Scouts in arm's length transactions, such as purchasing curriculum or renting time at a campground owned by the Boy Scouts. However any connection with the BSA should be minimized. Any printed materials should have Boy Scout symbols or identification removed, and if it is still identifiable as BSA material a disclaimer should state that use of such materials does not constitute an endorsement of Boy Scout policies. Any notices about a camping trip to a BSA camp should emphasize that this is NOT a Boy Scout event and point out that the UC disclaimer states no one will be discriminated against based on sexual orientation.

Also, if a local troop is willing to state on the record that they do not discriminate based on sexual preference, then we can collaborate with that troop. However, this is one instance where the advisor cannot attest that they do not discriminate; they must put their money where their mouth is and openly state that they do not follow the national

BSA policy.

Application of this rule may be difficult, and often the decision will have to be made on a case-by-case basis. If you have any concerns about whether cooperation with the BSA is legitimate, contact David Dumble at 510-987-9345 or at [david.dumble@ucop.edu](mailto:david.dumble@ucop.edu). Generally speaking, when in doubt, err on the side of deciding NOT to collaborate with the BSA. The BSA has established that they have a policy that prohibits the University of California from cooperating with them, and while they have that right, we must enforce the federal laws that limit our contact with them.

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Inquiries regarding the University's nondiscrimination policies may be directed to the Affirmative Action/Staff Personnel Services Director, University of California, Agriculture and Natural Resources, 300 Lakeside Drive, 6th Floor, Oakland, CA 94612-3550 (510) 987-0096.

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## Lisa DeStefano-Loos Joins the Affirmative Action/Staff Personnel Services Office

Eugene Britt

I am pleased to announce that Lisa DeStefano-Loos joined the office of Affirmative Action and Staff Personnel Services in May, as a Staff Personnel Specialist reporting to Sally Philbin. Lisa will be the direct contact for Staff Personnel Services matters relating to Sally. Lisa is located in cubicle 6027 at the 300 Lakeside Drive, (Kaiser Bldg) address, her phone number is 510 987-9792.

Lisa is a Cal graduate with a degree in economics. She spent almost a year and one-half as an Investment Research Assistant with BioScience Securities, focusing primarily on agricultural biotechnology stocks.

### Updates to the Resource Center for Diversity

Linda Harris

The following item has been added to the Statewide Resource Center for Diversity and is available to County offices on a loan basis. **Being Hmong Means Being Free** is a 60 minute television documentary that explores Hmong customs, rituals and traditions. It is accompanied by a teacher's guide that covers the history of the Hmong people, their culture, music, language, etc., and their resettlement after fleeing Laos, into Thailand and eventually making their way to the United States.

**Being Hmong Means Being Free** is produced by Newist/CESA 7 and Wisconsin Public Television and distributed by Newist.

## 4-H Training

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ployment must follow a different process.

The point that was emphasized was that no one should feel any reluctance about referring someone with a complaint to the Affirmative Action/Staff Personnel Services Office. The mere fact that our office is contacted will not be seen as a black mark against you, and in fact would demonstrate that even if there is a problem, at least you are familiar with the proper grievance procedures. If the grievance is not legitimate, often the mere fact that the complaining parent will have someone else to complain to will act as a safety valve for their pent up anger.

What has happened in the past, is that calling the Affirmative Action/Staff Personnel Services Office (or even just being told they can call the Affirmative Action/Staff Personnel Office) will dissipate the complainant's anger and no formal complaint will be filed. Or sometimes we can explain that complaints can only be based on discrimination for one of the reasons listed in the UC non-discrimination statement, and that the 4-H judges just not liking their child is not a valid grounds for a complaint.

As for the segment on the Boy Scouts, see the article elsewhere in this newsletter.

Hopefully these training sessions helped 4-H advisors, program representatives and volunteers understand some of these affirmative action issues. If anyone who attended these training sessions has any

follow-up questions, please feel free to contact David Dumble at 510-987-9345 or at [david.dumble@ucop.edu](mailto:david.dumble@ucop.edu).

Pamphlets on Volunteers and the University of California Affirmative Action Non-Discrimination Policy for 4-H, Master Gardener and Master Food Preservers are available for your perusal on the Affirmative Action/Staff Personnel Services website at <http://danr.ucop.edu/aa>. You may also contact Josy Eckel for a limited number of copies at [Josylene.eckel@ucop.edu](mailto:Josylene.eckel@ucop.edu) or via phone at (510) 987-0097.



### Language Regarding Interaction With The Boy Scouts

David Dumble

As was noted in the Fall 2000 Affirmative Action/Staff Personnel Services Newsletter, the decision of the Boy Scouts of America (BSA) to go to the Supreme Court to preserve their right to discriminate on the basis of sexual orientation has led to problems regarding the University of California's obligation not to cooperate with groups that discriminate. Our office has received requests to clarify what language should be used when disseminating our policy to the public.

Therefore, the following statement is offered as the most accurate statement that can be made regarding interacting with the BSA:

"The University of California [or insert program name, like "4-H"] cannot cooperate with the Boy Scouts

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## Statewide Conference

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discussion with Eugene Britt about the ADA. The Affirmative Action/Staff Personnel Services Office now has a budget of **\$30,000** to deal with “emergency” accommodations for persons needing assistance. This is for one-time circumstances (like needing to hire a signer) and not for permanent augmentation to facilities (making a bathroom handicapped accessible). There was also some information on the recent Supreme Court decisions regarding the ADA (see article elsewhere in this issue).

Overall the meeting was very productive, and hopefully there can be a more extended discussion of affirmative action issues at the next DANR Conference in 2003.



### Supreme Court Ruling on ADA will Have No Impact on DANR

David Dumble

**O**n February 21, the US Supreme Court, in a 5-4 decision in the case *University of Alabama v. Garrett*, severely limited the ability of individuals to sue a state for discrimination under the Americans with Disabilities Act. The decision said that the 11<sup>th</sup> Amendment protection of a state’s sovereign immunity overrode Congress’ attempt to impose liability on states through a statute. This decision was anticipated due to a similar decision in earlier saying that individuals could not sue a state for violating the Federal Age Discrimination Act.

This decision should have NO impact on DANR. For one thing, federal regulations that govern the actions of entities receiving federal monies

are virtually identical to the protections established by the ADA. Also, the University of California is not, technically, the “state” for legal purposes. UC enjoys a semi-autonomous status that puts us outside the scope of the 11<sup>th</sup> amendment protections the Supreme Court relied on in denying relief in the *Garrett* case.

Further, the case also provides no protection for counties, or for state entities violating state disability acts. So, we will still be required to make “reasonable accommodations” for those seeking our services who have a disability. As was mentioned at the Affirmative Action Breakfast session at the DANR Conference in Riverside, funds are available through the Affirmative Action Office (working in conjunction with the Regional Directors) for one-time “emergency” accommodations, such as hiring a signer on short notice (of course, one reason for asking individuals with disabilities to contact the office in advance is to avoid such “emergencies” and failure to give sufficient notice may make providing an accommodation unreasonable).

So continue to provide services to individuals with disabilities, and if you have any questions about what constitutes a “reasonable accommodation” feel free to contact David Dumble at 510-987-9345 or at [david.dumble@ucop.edu](mailto:david.dumble@ucop.edu).



David Dumble

**M**ost of you connected to 4-H are no doubt aware of the two

day training sessions that have taken place around the state (Davis, Riverside, and Fresno). In addition to learning about youth development issues and accounting and legal requirements, a half hour was devoted to affirmative action issues. The issues discussed were the Americans with Disabilities Act, grievance procedures, and dealing with local units of the Boy Scouts of America.

The focus of the ADA discussion was the reminder that, since 4-H is a UC operated program, it was up to UC to pay for accommodations that were required to permit someone with a disability to participate. For the first time, this year’s budget contains a \$30,000 appropriation of funds that can be used to pay for dealing with unplanned accommodation requests. This money is available only for one-time events, and cannot be used for building modifications or other permanent changes to facilities. Also, this is only for unplanned accommodations; if a 4-H program should anticipate drawing enrollees with disabilities, that expense should be factored into its budget.

The section of the training on grievance procedures ran down the basic elements of how someone could go about filing a grievance because of discrimination based on race, creed, color, national origin, religion, gender or sexual orientation. These procedures are outlined in section 515 and 516 of the 4-H Handbook, and in section 604 of the DANR Administrative Handbook. These procedures are for complaints regarding program delivery; complaints regarding em-

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## Census Data

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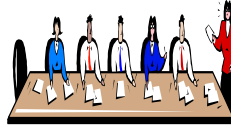
The Affirmative Action/Staff Personnel Services Office, after analyzing the California census data, has determined that for our reporting purposes it would be acceptable for the 2000 Census data to be adjusted by assuming everyone identifying themselves as being of Hispanic ethnicity was of the racial group “Hispanic.” Less than 3% of those identifying themselves as “Hispanic” also identified themselves as being Black, Asian, or Pacific Islander, and the numbers indicate that probably the vast majority of those identifying themselves as Hispanic/White identified themselves as Hispanic if they participated in the 1990 Census.

So, to convert the 2000 Census data for your county, first take the entire population that said they were of Hispanic ethnicity and consider them Hispanic. Then take the numbers for Non-Hispanic White, Non-Hispanic Black, Non-Hispanic Asian, and Non-Hispanic Native American. There will be a few people lost in the mix, but these numbers should be accurate enough for the purposes of establishing your CASA baseline. Even though the numbers will be slightly “off,” they will be far more accurate than continuing to use the 1990 Census figures.

If you have any questions, please contact David Dumble at (510)987-9345 or at [david.dumble@ucop.edu](mailto:david.dumble@ucop.edu).

## Affirmative Action Panel at DANR Statewide Conference

David Dumble



Thanks to everyone who eventually found their way to the Affirmative Action Breakfast Panel at the DANR Statewide Conference in lovely Riverside, California. Once we finally got settled in the DeAnza South room outside the main ballroom, we had a good discussion of several affirmative action issues. The following are the highlights of the topics discussed at the meeting, as well as several conversations I had afterwards with some of those who attended.

The planned area for discussion was on reducing the work necessary to report on CASA. One problem that has been noticed is the tendency to treat CASA as if it were a measure of all work effort. That task has now fallen to the new Effort module on DANRIS. All that needs to be reported on CASA is an advisor’s contacts with their clientele (except for 4-H advisors) and outreach efforts aimed at increasing the number of contacts with members of underrepresented groups.

One thing many advisors do that just creates more work is including multiple clientele in their report. Most advisors should have one clientele, as defined by their job description. There is no need to sub-divide your clientele; for example, a nutrition program advisor

need only list her or his clientele as “all low-income residents of county” and not divide the clientele into EFNEP participants and FSNEP participants (a distinction might be made between youth clientele and adult clientele).

One thing that can simplify reporting is to consider large group meetings “outreach” instead of “contacts.” If you consider a large meeting “contacts”, then you must take a count of those present and estimate their ethnicity; if it is outreach, you can simply enter a “1” under “Community/Commodity groups,” “membership drive” or “meeting place,” and there is no reason to estimate racial data. Plus, the fact is that the larger the meeting, the more likely it is to be about expanding the participation of your clientele as opposed to providing programmatic services.

This leads to another point about outreach—it isn’t necessary to “pump up” the numbers. What matters for the categories “mass media” and “newsletters” is how many times you use that method, not how many people you reach. And don’t feel compelled to fit every type of outreach into one of the “big four” categories. For example, if you have an information booth at the county fair, it is probably more accurate to put that under “Community groups” or even “other” than to say there were 10,000 personal contacts based on fair attendance.

Other issues were discussed at the meeting. A question about including work with individuals with disabilities in CASA outreach reporting or affirmative action accomplishments led to an extended

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## Affirmative Action/ Staff Personnel Services Newsletter

Summer, 2001

Agriculture & Natural Resources

### CASA Reminder

David Dumble



This is a friendly reminder to those of you who have not been diligently inputting your contact and outreach data into CASA throughout the year. It is time to get out! This is your last chance to input your data into the CASA system. The system will not be open for its 2000-2001 accounting period on Friday, August 10, 2001 at 5:00 P.M. on Friday, August 10, 2001. Any data not input by this time will not be entered into your CASA report for the year.

County Directors will, as usual, have additional time to produce their countywide reports. CASA will shut down for County Directors on Friday, August 10, 2001. The CASA accounts for fiscal 2001-2002 will be open on Monday, July 16, 2001, for all of you eager beavers who can't wait to start inputting data.

There will be one significant change in CASA this year. In the past, advisors with cross-county assignments were forced to input all of

their data in their "home" county. This made the data unavailable to the County Directors in the non-home counties the advisors worked in, and caused advisors to create multiple clientele within the county; also, it was not always clear from the report to which county outreach efforts were being directed. The Affirmative Action/Staff Personnel Services Office is in the process of compiling a list of all advisors who have cross-county assignments of at least 25% of their time. Once this information is gathered, and then incorporated into CASA, the advisors will thereafter be given the option of choosing which county they would like to input their data to.

For those advisors with highly integrated cross-county programs (for example, a livestock advisor whose clientele just happens to spill over county boundaries), entries may continue to be made solely in their "home" county. Those advisors who have very distinct clientele from county to county can now track their contacts and outreach separately. When deciding whether to report data to the "non-home" county, the County Director there should be consulted to see if he or she would like access to the data through CASA.

If you have any questions about inputting data into CASA please contact David Dumble at 510-987-9345.

### Census Data for Counties

David Dumble

For those of you listing your baseline clientele as "all county residents" or "all adult county residents," you can now get 2000 census data to update your baseline data. The information is available by going to [www.census.gov](http://www.census.gov) and clicking on the link to 2000 Census data, or you may contact David Dumble at the Affirmative Action/Staff Personnel Services Office and he can access the data for you.

The data has to be "massaged" a little to fit into the CASA format. While CASA uses five racial categories, the 2000 census treated "Hispanic or Latino" as an ethnicity, of which any member of any race could belong. For example, Cameron Diaz, Sammy Sosa and Imelda Marcos could all be reported as Hispanic; however, one is White, one is Black, and one is Asian/Pacific Islander.

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