Civil Rights Compliance and Outreach

2018

Objectives

The participant will have a better understanding of:

- Civil Right Laws

- Recognize and prevent discrimination based on any of the protected classes

- Civil Rights Compliance

- Why ANR Collects Data on Race, Ethnicity and Gender

- How to Collect Data

USDA Civil Rights

- Benefits of Programs are made available to all eligible participants in a non-discriminatory manner.

- ANR must implement Civil Rights requirements.

Civil Rights Laws

Civil Rights are the rights of individuals to receive equal treatment based on certain legally protected classes.

Civil Rights Laws

Title VI of the Civil Rights Act of 1964

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Civil Rights Laws

- Title VI of the Civil Rights of 1964
  - Race, Color, and National Origin

- Sections 503 & 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), & the ADA Amendments Act of 2008

  - Disability

- Title IX of the Education Amendments of 1972
  - Sex

- Age Discrimination Act of 1975

  - Age

Discrimination

- Different treatment or denial of benefits

- Either intentionally, by neglect or by the actions or lack of actions

- Based on the protected classes

Protected Class Categories

- Race/Ethnicity
- Color
- National Origin
- Religion
- Sex
- Gender
- Gender Expression
- Gender Identity
- Pregnancy

- Disability
- Medical Condition
- Genetic Information
- Ancestry
- Marital Status
- Age
- Sexual Orientation
- Citizenship
- Veteran

Cannot discriminate on the basis of a protected class

UC Non-Discrimination Statement

The University of California prohibits discrimination against or harassment on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy, physical or mental disability, medical condition (cancer related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, status as a protected veteran or service in the uniformed services.

Retaliation Prohibited

Retaliation prohibited against:

- Individuals who file complaints,

- Individuals for participating in any manner in an investigation or resolution of a complaint of discrimination or harassment or

- Anyone opposing discrimination.

Protected Activity

Retaliation Examples

Retaliation includes threats, intimidation, reprisals, and/or adverse actions.

- o Refusing to speak to a complainant
- o Badmouthing the complainant to others
- o Ridicule or humiliation of the complainant
- o Refusing to provide a recommendation

- o Excluding from participating in meetings or projects
- o Poor performance evaluation
- o Demotion
- o Termination/Forced resignation

Assure Nondiscrimination

Assure the same meaningful access to educational information and resources to everyone who participates in your programs.

COLLECTING DATA

University *of* California
Agriculture and Natural Resources

Why Collect Data

"Each recipient shall keep such records and submit to the Agency timely, complete and accurate compliance reports at such times, and in such form and containing such nformation, as the Agency may determine to be necessary to ascertain whether the recipient has complied or is complying ..."

In general, recipients should have available for the Agency racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs.

7 CFR 15.5 (b)

University *of* **California**
Agriculture and Natural Resources

Purpose of Data Collection

- To determine how effectively ANR programs are reaching eligible persons and beneficiaries.

- Purpose is to produce data on characteristics of population served and monitor compliance.

- It is a requirement for ANR to collect Race, Ethnicity and Gender (REG) Data annually.

- REG data may be checked during civil rights compliance reviews.

University *of* California
Agriculture and Natural Resources

Potential Clientele

In a given county or program, the potential clientele consists of all those individuals or organizations who have a need for, would benefit from, and who are eligible for participation in any educational activity that might be conducted. The demographic breakdown becomes the baseline for that particular clientele group.

The number and percent of persons eligible to participate in programs and related activities.

University *of* **California**
Agriculture and Natural Resources

Actual Clientele

Actual participants in the applied research and/or educational programs carried out in the accomplish-ment of the CE program's mission are the actual clientele contacts. The number of contacts (broken down by race, ethnicity and gender) are documented in Project Board. Enrollees in CE programs who are tracked in systems outside of Project Board (i.e. 4-H enrollees, EFNEP participants, Master Gardener or Master Food Preserver volunteers) are not counted as contacts in Project Board in most cases. (Call AA Office for clarification.)

Program Compliance

Program Compliance or compliance with federal requirements is achieved when:

1. **"Parity" is achieved**

2. **If parity is not achieved, then when "All Reasonable Effort" (ARE) is established**

Program Compliance

Parity

Parity or 'parity of participation' is defined by the USDA as when the percentage of each minority group making up your actual contacts comes to within 20% of their percentage in the baseline.

For example: Hispanics make up 10% of your potential or baseline. To have parity, Hispanics should make up at least 8% of your actual contacts in order for your program to be in parity for Hispanics.

Program Compliance

All Reasonable Effort (ARE)

ARE is the utilization of specific outreach methods in order to expand access and move toward or maintain parity of participation

--- Must minimally use 3 of 4 activities to reach potential clientele, moving toward or to maintain parity:

- All available mass media
- Newsletters, promotional materials/flyers
- Personal letters/invitations
- Personal, face-to-face invitations (or by phone)

University *of* **California**
Agriculture and Natural Resources

Ways to Collect Data

- It is <u>optional</u> for participants to provide Racial Ethnic, or Gender (REG) information.
- Self-identification by the applicant/participant is the preferred method.
- If they do not self identify, the breakdown of the <u>total</u> audience by REG may be made by visual observation.
- Staff may not "second guess," or in any other way change or challenge a self-declaration made by the applicant/participant.

University *of* **California**
Agriculture and Natural Resources

Do I need to Keep Records of Who Participates in My Program

❖ Yes, you should keep records of clientele who participate in your program

❖ There are various contact records you should keep that include the race, ethnicity and gender of the contact (should it be available)

❖ Phone and face-to-face meeting logs Emails, letters, correspondence

❖ Meeting attendance sign-in sheets

❖ Newsletter mailing lists

❖ Farmers' Markets or open-house "type" activities.

University *of* **California**
Agriculture and Natural Resources

Indicators of Non-Compliance

❖ Statistical data--percentage of participants by race, ethnicity are less than required for parity

❖ No outreach, or ARE not established

❖ No records on participants by race/ethnic group.

❖ Organization contacts--no contacts made in clientele groups defined as "organization"

Resources

More information on Affirmative Action, Civil Rights and Equal Opportunity can be found on the website of the Affirmative Action Office:

http://ucanr.edu/sites/anrstaff/Diversity/Affirmative_Action/

❖ David White, Affirmative Action Analyst, Title IX Investigator (530) 750 –1286, dewhite@ucanr.edu

University *of* **California**
Agriculture and Natural Resources

QUESTIONS !