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. 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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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.

4-H Training

continued from page 3

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.

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4-H Training

continued from page 3

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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.

Language Regarding Interaction With The Boy Scouts

David Dumble

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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 or via phone at (510) 987-0097.

4-H Training

continued from page 3

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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.

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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 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.

Supreme Court Ruling on ADA will Have No Impact on DANR

David Dumble

On 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 11th 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 11th 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.

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

continued on page 4
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.
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’s almost gone! This year you will have a few more days to get your data in, as the CASA system will not close its 2000-2001 accounts until 5:00 P.M. on Friday, July 6, a week after the usual ending date of June 30. Any data not input by then 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

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 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.