

Civil Rights Laws and Executive Orders



THE OHIO STATE UNIVERSITY

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Laws and Titles Important to OSU Extension and OARDC



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United States Department of Agriculture

National Institute of Food and Agriculture



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About Us

Equal Opportunity

The mission of the Equal Opportunity Staff (EOS) is to provide national leadership and guidance to ensure that NIFA and its state land-grant university partners receiving NIFA funds comply with federal nondiscrimination laws and related USDA departmental rules and regulations. Specifically, EOS ensures NIFA that state land-grant university partners comply with [Title VI of the Civil Rights Act of 1964](#), which prohibits discrimination in federally assisted programs, and [Title VII of the Civil Rights Act of 1964](#), which prohibits discrimination in federal employment practices.

Through on-site compliance reviews at state land-grant universities and collection of program and employment data, EOS ensures that recipients of research and extension programs have equal access to all program services. The compliance review produces information needed for EOS to submit civil rights reports to NIFA administration and U.S. Department of Justice on a regular basis. EOS also manages complaints filed by citizens who believe they have been discriminated against based on Title VI of the Civil Rights Act of 1964 in the application of state programs funded by NIFA. This complaint management may involve EOS staff serving as primary liaisons with the USDA Civil Rights Office.

Related Links

- [Civil Rights Accountability Policy and Procedures](#)
- [Civil Rights Operating Requirements](#)
- [Program Discrimination Complaints](#)
- [Policy Guidance and Program Evaluation](#)
- [Reporting Civil Rights Compliance](#)
- [Civil Rights Training](#)
- [Special Emphasis Programs](#)
- ["...And Justice for All" poster \(order here\)](#)



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<http://www.csrees.usda.gov/about/offices/equalop.htm> |



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About Us

Civil Rights Operating Requirements

The Equal Opportunity Staff (EOS) ensures that state employees who implement programs funded by NIFA are aware of employment opportunities and decisions, and that citizens served by these programs have equal access to all program services. The following are Civil Rights policy statements, laws, and departmental regulations that apply to state land-grant universities.

Civil Rights Policy Statements

- [USDA Civil Rights Policy—Secretary Vilsack](#)
- [NIFA Civil Rights Policy Statement](#)
- [NIFA's Harassment Policy Statement](#)
- [NIFA's Equal Employment Opportunity Statement](#)
- [NIFA's Sexual Harassment Policy Statement](#)

Civil Rights Laws, Authorities, and Regulations

- [Americans with Disabilities Amendments Act of 2008](#)
- [Civil 02/11/20134 Title VI](#)
- [Civil Rights Act of 1964 Title VI](#)
- [Civil Rights Act of 1991](#)
- [Title XI, Education Amendments of 1972](#)
- [The Americans with Disabilities Act of 1990, Titles I and V](#)
- [Rehabilitation Act of 1973](#)
- [Age Discrimination Act of 1967](#)

Civil Rights Agencies and Programs

- [USDA Civil Rights](#)
- [Secretary's Diversity Advisory Council](#)
- [U.S. Department of Justice Civil Rights Division](#)
- [Equal Employment Opportunity Commission](#)
- [U.S. Department of Education, Office of Civil Rights](#)
- [U.S. Commission on Civil Rights](#)
- [U.S. Department of Labor, Office of Disability Employment Policy](#)



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http://www.csrees.usda.gov/about/offices/equalop_require.html

Protected Classes

Classes that are protected against discrimination under legislation

- Race, color, national origin
 - African American, Latino, Asian/Pacific Islander, American Indian, white
- Sex
 - Males and females
 - Sexual orientation and gender identity and expression are protected under Ohio State policy, and Executive Order 13160
- Disability
- Age
 - Those over 40
- Religion



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- Policies of The Ohio State University prohibit discrimination against all protected classes. Ohio State and any employee of the university will not discriminate against individuals based on sexual orientation, veteran status, or gender identity or expression.



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- Establish and sustain the criteria of equal opportunity in hiring; and providing educational programs, information, and other services on a non-discriminatory basis.



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- To detect and eliminate any elements of discrimination which may be found to exist.



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- For 4-H clubs, gender-neutral names are a must.
- Names must not be based on sex stereotypes.



- **The Civil Rights Act of 1964**
 - Has VII titles
 - Title VII is of significant importance



Civil Rights Act of 1964

- Title I - voting rights
- Title II - desegregation of public accommodations
- Title III - desegregation of public facilities
- Title IV - desegregation of public education
- Title V - Civil Rights Commission
- Title VI - illegal for federally funded programs to discriminate
- Title VII - prohibits discriminatory hiring practices



- In **1978**, Title VII was amended to include **the Pregnancy Discrimination Act**, which requires employers to treat pregnancy and pregnancy-related medical conditions the same as any other medical disability in the administration of employment practices and employee health benefits.



- **Title IX of the Education Amendments of 1972**
prohibits sex discrimination against students and employees in federally-assisted education programs or activities.



Sexual Harassment

- Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature when it meets any of the following:

<http://hr.osu.edu/public/documents/policy/policy115.pdf?t=2014817123238>



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- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual.
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive environment for working, learning or living on campus.

<http://hr.osu.edu/public/documents/policy/policy115.pdf?t=2014817123238>



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Sexual harassment can occur between any individuals associated with the university,

e.g., an employee and a supervisor; coworkers; faculty members; a faculty, staff member or student and a customer, vendor or contractor; students; or a student and a faculty member.

<http://hr.osu.edu/public/documents/policy/policy115.pdf?t=2014817123238>



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- The **Rehabilitation Act of 1973** and **Americans with Disabilities Act of 1990** prohibit discrimination against individuals with disabilities. The intention of both acts is to extend employment, services, and programs to citizens with disabilities.
- <http://www.eeoc.gov/laws/statutes/ada.cfml>



- Disability - a disability is defined as a physical or mental impairment that substantially limits one or more of an individual's major life activities.

Reasonable accommodations must be made in order to preclude discrimination.



ADA continued

- This includes providing access for the disabled and signage for the visually impaired in buildings in which the employment, services, and programs are offered; and providing auxiliary aids and services to individuals with vision or hearing impairments or other disabilities so they have equal opportunity to participate in programs.



ADA

- In addition, employers must reasonably accommodate the disability of qualified applicants or employees; unless an undue hardship would result, the acts stipulate corrective actions and penalties for those not meeting the requirements.



The Americans With Disabilities Act (ADA) Amendments Act Of 2008

- Signed on September 25, 2008
- Took effect January 1, 2009
- http://www.eeoc.gov/laws/statutes/adaaa_notice.cfm



Contact Information:

- L. Scott Lissner, ADA Coordinator

Address: ADA Coordinator's Office, The Ohio State
University, Ground Level; Hale Hall (Formerly Enarson Hall)
154 W. 12th Avenue
Columbus, OH 43210

- (Voice) Phone: 614-292-6207
- (TTY) 614-688-8605
(Fax) 614-688-3665

E-mail: ada-osu@osu.edu



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Age Discrimination

- A number of federal laws address age discrimination. These include **Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967, as amended; the Equal Pay Act of 1963, as amended; and sections of 501 of the Rehabilitation Act of 1973, as amended.** Collectively, these acts protect workers from arbitrary age discrimination in hiring, discharge, promotions, fringe benefits, and other aspects of employment.



Civil Rights Act of 1991

- The **Civil Rights Restoration Act of 1991** overruled several court decisions from the 1980s and allowed for people to file claims against their employers.



Executive Orders



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Executive Order 11246

- Solidifies a working relationship between the Equal Employment Opportunity Commission (EEOC) and the Department of Labor to ensure that there are no discriminatory practices in hiring practices within federal government and companies doing business with the federal government.



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Executive Order 11375

- Gender discrimination in federal government. This was signed in 1967, and added gender to the list of protected classes.



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Executive Order 11478

- Established each department of the federal government to develop an affirmative action plan and comply with AA/EEO laws.



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Executive Order 12250

- Reinforces non-discrimination in programs supported by federal dollars.
- This order makes the Attorney General responsible for monitoring compliance.



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Executive Order 13160

- Addresses sexual orientation and parental status
- Signed in 2000



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Executive Order 13166 LEP

The newest of the
Executive Orders

The Four LEP Factors

Number/proportion of LEP
persons

Frequency of Contact

Nature and importance of
program/activity

Available resources and costs



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LEP continued

- Ties into Title VI of the Civil Rights Act of 1964 prohibiting discrimination based on national origin by groups receiving federal funds.



- All programs, materials, services, etc. must be reasonably accessible for those whose first language is not English.



LEP Resources

- <http://www.usdoj.gov/crt/cor/Pubs/lepqa.htm>
- <http://www.pueblo.gsa.gov/multilanguage/multilang.htm>
- <http://www.usdoj.gov/crt/cor/13166.htm>



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LEP Resources continued

- Department of Justice Limited English Proficiency Guidance, Final Guidance on Limited English Proficiency Implementation, June 18, 2002.
www.justice.gov/crt/about/cor/lep/DOJFinLEPFRJun182002.php
- Federal Protections Against National Origin Discrimination, Department of Justice
- <http://www.justice.gov/crt/legalinfo/natorigin.php>



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Resources for LEP

<http://extensionenespanol.net/>

Extensión en Español
CSREES and state Extension services cooperating

Home | About EeE | Contacts | Search

Welcome to Extensión en Español
A national clearinghouse for Spanish-language educational resources operated by and for Extension professionals

Publication Spotlight

L5234/L5234s
On-site wastewater treatment systems-
Conventional septic tank/drain field/Sistemas
individuales para el tratamiento de aguas negras-
Fosa séptica convencional/campo de drenaje

[Suggest a Publication](#)



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Family & Medical Leave Act, 1993

- Provides unpaid leave for employees under specific conditions.
 - 12 workweeks during any 12-month period
 - Paid leave may be substituted for unpaid leave.



Why does all of this matter?



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Proving Nondiscrimination

- The burden of proof in an adverse impact case lies with the defendant to show non-discrimination.



Program Planning and Implementation

- Conduct program needs assessments
- Make use of county demographic information
- Ensure that program and advisory committees include all segments of the county
- Involve members of under-represented, underserved and non-traditional groups
- Select locations that are accessible to all
- Promote programs in a variety of ways



Public Notification

- Non-discrimination poster should be visible
- All publications, including correspondence should include the non-discrimination statement and a statement on who to contact if accommodations are needed



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- Promotional materials, photos, and other graphics must include diverse groups of people
- Extension cannot conduct programs with any organization or group that excludes any person because of race, color, religion, sexual orientation, national origin, gender, age, disability, or veteran status (signed form must be on file, see tools)



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All Reasonable Effort

- Use all available mass media
- Send personal letters
- Make personal visits



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Documentation of All Reasonable Efforts

- Document what you do - even if you do not get the intended results
- Record audience contacts



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- Record efforts and accomplishments to expand participation of clients in a protected class
- Record all reasonable effort activities



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Diversity and Civil Rights Resources Websites

- CFAES Diversity Resources
 - <http://cfaesdiversity.osu.edu>
- eXtension Diversity Across Higher Education
Community of Practice
<http://www.extension.org/diversity>
- U.S. Commission on Civil Rights <http://www.usccr.gov/>



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