

Make or Break Points for NIFA Federal Civil Rights Reviews

ORGANIZATIONAL PERFORMANCE		
“MAKE OR BREAK POINTS” DATA		
Law or Regulation	Review Recommendation	Organizational “Breakpoint” (crisis, liability, or opportunity)
<i>7 Code of Federal Regulation (CFR) Part 15A §5 (b) ...collecting and receiving data on race, ethnicity and gender by federal agencies and recipients of federal financial assistance is an essential element in determining how well benefits and services are being delivered to customers.</i>	CES managers and staff must review program delivery methods to assure barriers do not exist that impede the participation of all eligible racial/ethnic minorities to participate in programs especially where data shows under-representation of eligible minorities.	Participants in programs don't reflect “who's out there.” Extension loses ground as the “go to” organization in the community.
<i>Title IX and 7CFR Subpart D§15a.31 covers nondiscrimination in programs based on sex, therefore necessitating data collection on the gender of program participants</i>	CES must train all staff on methods to collect race, ethnicity and gender data and how to use race, ethnicity and gender data for program planning.	Data on participants is collected and reported in some form, but is insufficient in terms of being collected and reported by race, ethnicity and gender at every level... Census or other “potential beneficiary pool” data is not compared: historical actual contact data is not utilized for program planning.
<i>7 Code of Federal Regulation (CFR) Part 15A §5 (b) ...collecting and receiving data on race, ethnicity and gender by federal agencies and recipients of federal financial assistance is an essential element in determining how well benefits and services are being delivered to customers.</i>	CES programs with large numbers and percentages of race/ethnic data not reported and/or listed as “not provided”, “undetermined” and/or “unknown” must be reviewed to ensure data is collected for assurance of nondiscrimination in programs.	Educators/ Agents/ Volunteers are not collecting and reporting race, ethnicity and gender of program participants.
A breakpoint provides leadership with a strategic choice to avoid risk or seize a positive opportunity.		

ORGANIZATIONAL PERFORMANCE

“MAKE OR BREAK POINTS” **POW**

Law or Regulation	Review Recommendation	Organizational “Breakpoint” (crisis, liability, or opportunity)
<p><i>Title VI, “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.”</i></p>	<p>CES should train Extension faculty on the four Department of Justice Criteria used to determine when to produce programs and materials in another language.</p>	<p>Educators are unsure about when to offer program accommodations for people with limited English proficiency.</p>
<p>same</p>	<p>CES must devise a comprehensive Limited English Proficiency Plan and a budgetary plan for LEP materials and program accommodation.</p>	<p>There is no institutional plan or procedure for handling translation and interpretation requests, including a proactive communication and public notification stance.</p>
<p>same</p>	<p>CES must devise a comprehensive Limited English Proficiency Plan and a budgetary plan for LEP materials and program accommodation</p> <p>All reasonable efforts are required to be documented of actions to include minorities in programs including data to confirm the level of minority involvement in programs.</p> <p>CES local offices must develop plans to include youth in programs were data suggests they are under-represented in 4-H programs.</p>	<p>Institutional resources are deemed insufficient to meet current demand for interpretation of programs and translation of materials.</p> <p>Program contact data indicates that Hispanic/Latino clientele are underserved in most program areas, even youth who are bilingual.</p>
<p>7 CFR Subtitle A §15.3 (c) <i>Where a primary objective of the Federal financial assistance is not to provide employment but discrimination on the grounds of race, color or national origin in the employment practices of the recipient... tends to exclude individuals from participation in, deny them the benefits of, or subject them to discrimination under any program or activity of the recipient...</i></p>	<p>U ____ should include in its administrative operation a system of reporting to assist in monitoring and evaluating applicant flow and personnel actions with a focus on the results of equal opportunity efforts to recruit and hire under-represented Hispanics.</p>	<p>There are no Latino Agents or Educators and only a few Hispanic nutrition assistants.</p> <p>A survey of committees and volunteers shows a very few Hispanic persons in those groups statewide.</p>
<p>Americans with Disabilities Act, and ADA Amendments Act of 2008, and 7 C.F.R. §15b.4 <i>“...Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards.”</i></p>	<p>U_ Director in accordance with US and USDA civil rights regulations must assure racial and ethnic minorities are not denied participation on advisory groups and staff must determine if barriers exist to the inclusion of individuals from <u>under-represented groups</u> on advisory boards.</p>	<p>Lack disabled advisors and volunteers.</p> <p>Organizational blind spot concerning wants and needs of persons with sensory disabilities.</p>
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<p>28 CFR Ch.1 §42.104 (b), (vii) and 7 CFR 15b, Subpart A, § 15.3 (b), (vii) “A recipient to which this subpart applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.”</p>	<p>CES should identify barriers to minority membership on advisory committees and take steps to diversify Area Advisory Committees and county-level committees, boards, and councils including Promotion and Expansion Committees.</p> <p>CES administrators and county staff must make efforts and/or develop plans to include women and racial and ethnic minorities on all advisory groups and work with groups to ensure minorities are represented on advisory committees and boards</p>	<p>Advisory bodies are not diverse; no new members or ideas; infighting or stagnation may characterize work.</p> <p>New community constituents are left out of Extension program plans.</p> <p>There is low to zero percent Latino representation on advisory bodies compared to the percentage represented in the population.</p>
<p>Title VI, “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.”</p>	<p>CES managers and staff must review program delivery methods to assure barriers do not exist that impede the participation of all eligible racial/ethnic minorities to participate in programs especially where data shows under-representation of eligible minorities</p>	<p>Historically underserved groups are still under-represented in some areas of Extension programming.</p> <p>In one large county there was a recent move to funnel funding to groups who have historically advocated for Black/ African American interests and away from Extension at the request of those citizens.</p> <p>Boys and Girls Clubs in your State receive large grant for after school programming.</p>
<p>Americans with Disabilities Act , and ADA Amendments Act of 2008, and 7 C.F.R. §15b.4 “No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving assistance from this Department.”</p> <p>Section 508, National Rehabilitation Act of 1973</p>	<p>CES must include information on how to secure accommodation (accessible contact information) for persons with disabilities on all program announcements. Program announcements should be in <i>formats</i> accessible to people with sensory disabilities. Where feasible, include information on how to obtain materials in other formats, and make websites accessible and link to websites popular with disabled clients.</p>	<p>The University has a legal action pending by students who use text reading applications to access online classes and course management software: they paid tuition and then couldn't access their courses because they are blind or partially-sighted and web-based delivery was not accessible.</p> <p>Extension Educators routinely notify the public of programs using print material in English.</p>
<p>7 C.F.R. §15b.4 “Despite the existence of separate or different aid, benefits, or services... a recipient may not deny a qualified handicapped person the opportunity to participate in such programs or activities that are NOT separate or different.”</p>	<p>N/A</p>	<p>A separate program or class is held for people/person with disabilities in order for an accommodation to be made</p>
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ORGANIZATIONAL PERFORMANCE
“MAKE OR BREAK POINTS” TRAINING

Law or Regulation	Review Recommendation	Organizational “Breakpoint” (crisis, liability, or opportunity)
<p><i>Staff knowledge of civil rights...as per the USDA Compliance Review Guide.</i> <i>All staff are expected to be knowledgeable and skilled in implementing equal opportunity requirements in Extension programs.</i></p>	<p>CES training should increase the practical knowledge of staff, specifically as to how to apply 7 CFR Part 15 in the Extension program delivery environment. Training should include relevant and meaningful day-to-day real-life examples and be continued on a regular basis to ensure compliance to Title VI by all Extension staff.</p>	<p>Program complaints from constituents.</p> <p>Faculty and staff lack knowledge or confidence to prevent problems: handle requests for reasonable accommodations; plan programs with provisions for immigrant populations, etc.</p>
<p><i>7 Code of Federal Regulation (CFR) Part 15A §5 (b) ...collecting and receiving data on race, ethnicity and gender by federal agencies and recipients of federal financial assistance is an essential element in determining how well benefits and services are being delivered to customers.</i></p>	<p>CES must train all staff on methods to collect race, ethnicity and gender data and how to use race, ethnicity and gender data for program planning.</p>	<p>Staff/ vols unable to describe fully how to collect, or to list reasons why they must collect, contact data.</p>
<p><i>Staff knowledge of civil rights...as per the USDA Compliance Review Guide</i></p> <p><i>All staff are expected to be knowledgeable and skilled in implementing equal opportunity requirements in Extension programs.</i></p>	<p>Training should include relevant and meaningful day-to-day real-life examples... increase the frequency of face-to-face (in-service trainings and other short formats) or webinar-meeting-type exposure to immediately applicable Title VI concepts such as “parity,” “disparate treatment,” “direct contact,” “accommodation statement,” “targeted program,” “sensory disability,” etc.</p>	<p>We have an internal compliance review process.</p> <p>We use blended learning to supplement online methods and give people a chance to interact with an instructor or experienced professional to reinforce concepts and ensure understanding and retention.</p>

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