

Civil Rights Responsibilities for an Effective District Conservationist

Two Parts:

1. Title VI - Program Delivery - includes:

- Program Delivery
- Public Notification
- Data Collection
- Outreach
- Environmental Justice
- Tribal Governments

Two Parts:

2. Title VII – Equal Employment Opportunity –

- EEO
- Sexual Harassment Prevention

Title VI
Civil Rights Compliance in
Program Delivery

General Manual 230,
Part 405

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Agency Resources

- ◆ NRCS Civil Rights Web Page - <http://www.nrcs.usda.gov/about/civilrights/>
- ◆ USDA Civil Rights Web Page – <http://www.ascr.usda.gov/>



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National NRCS

Enter Keywords



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Other Related Links



Equity



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Welcome to the Office of the Assistant Secretary for Civil Rights (ASCR)

Spotlights

USDA Partnership with Land Grant Institutions

USDA partners with the 1890 Land Grant Institutions (Historically Black Colleges and Universities) and the 1994 Land Grant Institutions (Tribal Colleges) to provide programs, scholarships, internships, and other activities that enhance educational excellence and contribute positively to the fulfillment of USDA's mission. Learn more about the programs coordinated by ASCR.

[USDA/1890 National Scholars Program](#)

[USDA Land Grant Institutions \(Tribal Colleges\) Program](#)

USDA-Wide Conference Coordination Initiative

Invite USDA to participate in your organization's conference. The Conference Coordination Initiative is an outreach activity sponsored by USDA agencies and coordinated through ASCR. Under this initiative, USDA agencies participate in annual national conferences of organizations representing limited resource communities and underserved populations. [Learn more.](#)

See Also

- [Frequently Asked Questions](#)

I Want To...

- [File a Program Discrimination Complaint](#)
- [File an Equal Employment Opportunity Complaint](#)
- [Learn About Internships and Scholarships](#)

Newsroom

- [Latest Releases](#)
- [ASCR's Video Archive](#)

Upcoming Events

◦

Media Help

- To view PDF files you must have [Adobe Acrobat Reader](#) installed on your computer.

USDA Non-discrimination Statement

- ◆ "The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer."

Right to file a complaint

- Clients have the right to file a complaint
 - Provide client contact info found on “For Justice for All” poster or on Nondiscrimination statement
 - Inform your supervisor – give a heads up
- We must be sure that there is no reprisal against complainer

Basic Civil Rights Principle:

Equal Access for all

in

Federally Assisted

&

Federally Conducted Programs

Recipients of Federal Financial Assistance

Recipients include: Third parties such as Conservation Districts, RC&D Councils, TSPs, and grantees of agreements and contracts, etc

We are to provide guidance to help recipients voluntarily comply with civil rights responsibilities.

Federally Conducted Programs

NRCS Day to Day Operations -
Technical & Financial Assistance
Programs & Services

DCs need to ensure that FO
operations follow Civil Rights laws
and USDA Civil Rights Regulations
and policies and procedures.

Financial or Technical Assistance

The DC's role is to create a productive work environment that respects all people to assure no:

- Discrimination,
- Disparate Treatment, or
- Disparate Impact

What does discrimination look like?

- Person is denied benefits due to their status
- We provided services or applied rules differently/ different manner
- The clients of a certain status are segregated or are experiencing disparate treatment
- Client is restricted from enjoying benefits enjoyed by others

Disparate Treatment

Different treatment for different people or groups.



Disparate Impact

Neutral policy or practice but
disproportional affects on
protected group

Public Notification

- Use the nondiscrimination statement on all NRCS material distributed at the FO. See “Nondiscrimination Statement” word document.
- Place “And Justice for All” poster in a prominent location with easy access to clients (near entrance so clients can easily access information on posters and not feel intimidated).
- Providing alternative means of communication to those who request it.

Limited English Proficiency (LEP)

- Language can be a barrier in accessing services

Executive Order 13166 (Aug 2000)

- Improving access to services for persons with LEP
- Requires agencies to ensure LEP access to Federal programs and services

LEP

- ◆ DCs need to understand:
 - Services & benefits of LEP programs
 - Assure that there are no unreasonable delays in accessing LEP services
 - That clients have a right to receive free interpreter services

Accessing Language Services

<http://www.LEP.gov>

<http://www.gsa.gov>

Data Collection & Tracking

The background is a solid teal color. In the bottom right corner, there is a silhouette of a mountain range with several peaks of varying heights, rendered in a slightly darker shade of teal.

Collect RESNOD

NRCS is required to collect data to be able to assess that agency is providing equal access to our programs. We largely use SCIMS as our database to track this information

- Race
- Ethnicity
- Sex
- National Origin
- Disability

CAN NOT ASK THE PRODUCERS

RESNO Definitions

- White Male Hispanic
- White Male Non-Hispanic
- White Female Hispanic
- White Female Non-Hispanic
- Black Male Hispanic
- Black Male Non-Hispanic
- Black Female Hispanic
- Black Female Non-Hispanic

RESNO Definitions Cont.

- American Indian Male Hispanic
- American Indian Male Non-Hispanic
- American Indian Female Hispanic
- American Indian Female Non-Hispanic
- Asian/Pacific Islander Male Hispanic
- Asian/Pacific Islander Male Non-Hispanic

RESNO Definitions Cont.

- Asian/Pacific Islander Female Hispanic
- Asian/Pacific Islander Female Non-Hispanic
- Other Male Hispanic
- Other Male Non-Hispanic
- Other Female Hispanic
- Other Female Non-Hispanic



Parity for Compliance

- ◆ Parity Analysis is one way to analyze participation data.
- ◆ Parity is defined as:
 - providing service to minority groups within 10 percent of service provided to White, non-Hispanic males.

Our Policy

GM 230 Part 405.7 Data Collection and Reporting

- ◆ A. The 28 C.F.R. Part 42.406 authorizes agencies to collect information on race, sex, national origin, and disability (RSNOD), as appropriate, to determine compliance in program delivery.
- ◆ B. Each STC will be responsible for collecting and reporting participation and eligibility data from each NRCS program office. The data will be analyzed each year to measure delivery of program benefits in order that the benefits and services delivered to protected groups can be documented, evaluated, and compared to benefits delivered to non-minority groups. The analysis shall be used to determine disparities in delivery or program benefits by RSNOD categories and to identify areas of outreach efforts, provide status reports at the field office level, and measure progress made regarding program delivery on a nondiscriminatory basis.

Parity Analysis

- Parity Analysis
 - Use of Agricultural Census demographic data for the county you serve
 - When service to white non hispanic males is 10% or more, parity with other groups becomes a concern
 - Need to assess what is happening, develop outreach strategy,...

PRS Reports – Who we serve

3.1 – Brief Technical Assistance

3.2 – Instances of Assistance by
Customer Type

3.3 – Instances of Assistance by
Demographics

3.4 – Parity Report

3.5 – Parity Report by Demographics

Protracts Reports – Who we serve

- ◆ Participant Summary
- ◆ Query Feature

Can use this report to manually conduct parity analysis of applicants and recipients of financial assistance programs.

PRS Parity Report 3.4

- ◆ Look at the national and your state's 2008 parity analysis using PRS report 3.4
 - Please note how organized:
 - ◆ Ag Census Stats (2002 census)
 - ◆ Number of individual customers serviced
 - ◆ Percent of white non-hispanic white males serviced – **Is the percent serviced 10% or more?**
 - ◆ Number and percent serviced of other categories relative to the white non-hispanic males

Parity Report

- See how the report provides some visual analysis
 - ◆ If service to white non-hispanic males is less than 10%, the disparity is shaded in gray or if service to other categories is greater than that of white male, shade is brown.
 - ◆ If service to white non-hispanic males is 10% or greater, disparity is noted by pink shade.
- What conclusions can you draw regarding the parity report for the National level and your state?

Parity Report

- ◆ Now query the national and state's PRS parity report for EQIP
 - What differences do you see?
 - What does the parity look like for your service area?
- ◆ Now download a Protracts Participant summary Report for your service area for 2008
 - Analyze the make up of the applicants vs recipients.
 - ◆ Do you think any changes are needed in your outreach or processes to be sure all have equal access to our programs?

DC's Role on Board Representation

- Since Districts are recipients of Federal Financial Assistance, Board membership should represent constituents they serve.
- DCs cannot tell a board who to have on their board; but, they can
 - **Encourage** board members to look at their membership and consider diversifying
 - **Support** district board and staff with providing demographic data, giving them potential names to consider,...
 - **Train** board members in Diversity and recruitment
 - **Assist** board members in discussions, analysis,...

DC responsibilities with District

- Review MOU –civil rights responsibilities with District Board
- Once annually
- Document in CD minutes
- Assist / advise / recommend CD on board diversity
- Document the effort & results

CD responsibilities

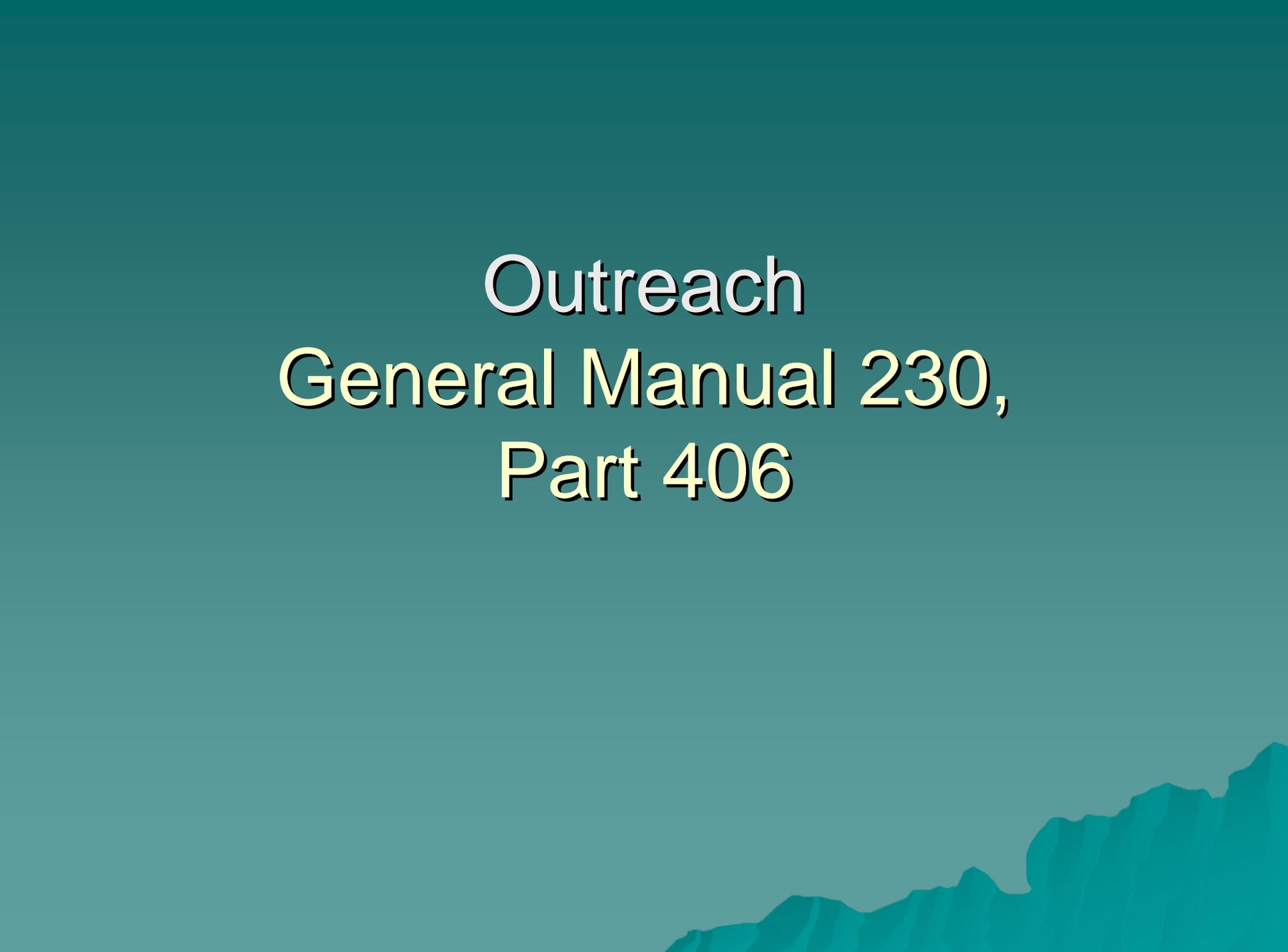
As recipients of federal financial assistance, conservation districts are encouraged to voluntarily comply with CR responsibilities such as:

- Assuring that meetings are open to public
- Assuring that meetings are in accessible facilities
- Providing advance notice for meetings
- Responding to requests for disability accommodations
- Have an outreach program
- Document the process.

Pause... take a break



Outreach
General Manual 230,
Part 406



Outreach in Dictionary

- To reach out
 - To extend
 - Go Beyond
 - Surpass
- 

Policy

- Serve diverse clientele
- Inform and educate existing and **potential** customers (understand & working knowledge)
- Outreach tracking
- Engage partners in outreach

Outreach is not

- Civil Rights issues
- New or separate program
- A minority issue
- One time effort
- Something one does 3 months before Program Review

It is the way we do business with all our customers all the time, with a special emphasis on underserved customers, socially disadvantaged farmers, beginning farmers & Limited Resource Farmers

Effective Outreach takes:
Leadership Time (both staff
hours & duration) **Commitment**
& **Trust** of the community

Getting started:

Understand the demographics

Know your community

Develop a short/long term strategy

Incorporate in your business plan

Use the Ag Census Data to help
you understand your county
demographics

www.nass.gov

Lack of Participation by LRF or Underserved Customers could be

- Lack of awareness
- Financial inability
- Mistrust of government
- Language
- Access to us

Historically Underserved

- ◆ See the recent National bulletin 440-9-6 for definitions of historically underserved groups

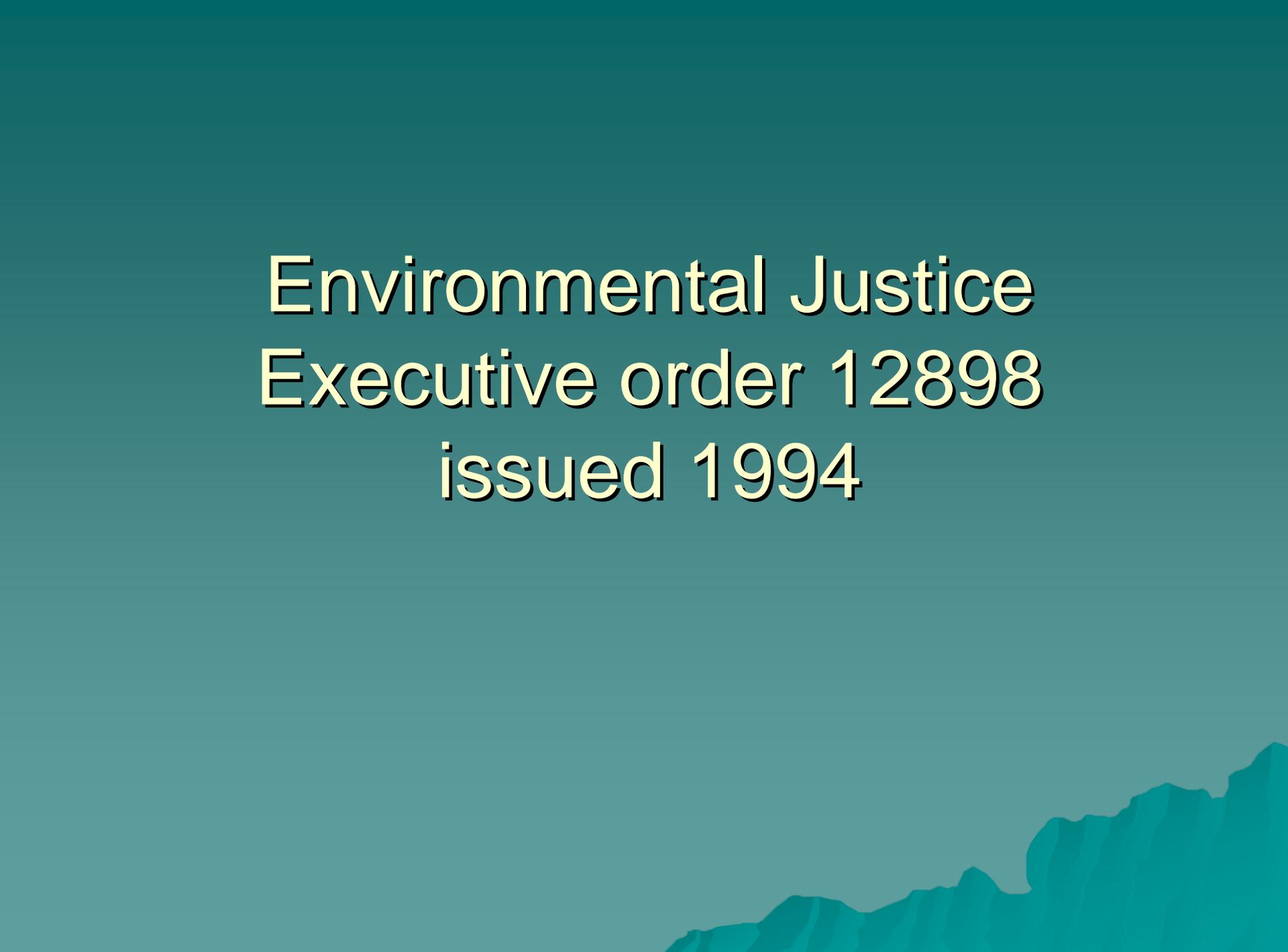
Some Reasons for not doing Outreach

- Lack of time/staff; already too busy
- Don't know who they are or where they are
- Don't have translators
- Program too complicated
- Inability to think outside the box

Tools

- Churches
- Newspapers
- Newsletters
- References from existing customers
- Farmer markets
- Internet
- Volunteers
- ◆ Other agencies
- ◆ Community based organizations

**Environmental Justice
Executive order 12898
issued 1994**

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The Intent of the Order:

Minority and Low income populations do not suffer disproportional high environmental effects by Government programs and activities

Environmental Justice

Executive Order:

- ◆ Provides opportunity to comment before decisions are made
- ◆ Example:
 - Impact of pest management specification on migrant worker

Pause – need another break?

Tribes & Tribal Governments

Why learn about Indian tribes?

Tribal Land Holdings

Tribal land holdings are as follows:

- >1,000,000 acres 21 tribes
- 500,000 – 999,999 acres 9 tribes
- 100,000 – 499,999 acres 33 tribes
- 50,000 – 99,999 acres 21 tribes
- 10,000 – 49,999 acres 43 tribes
- 1,000 – 9,999 acres 53 tribes
- 1 acres – 999 acres 102 tribes

- Landless tribes: 56

Indian Tribes

- Federally Recognized Indian Tribes: 562
- Total number of Reservations: 326
- Landless Tribes: 56
- Alaska Natives: 225 (46M acres)

Outreach to Tribes

2 items

Tribal member
and
Tribal government

A stylized silhouette of a mountain range in a darker teal color, located in the bottom right corner of the slide.

1. Individual

Tribal Members
Civil Rights issues (Title VI)

2. Government to Government

Tribes have sovereignty over
its people and territories

Tribes recognized as

“Domestic Dependent
Nations”

US Government obligation to
honor and protect tribal
treaties

Trust Responsibilities

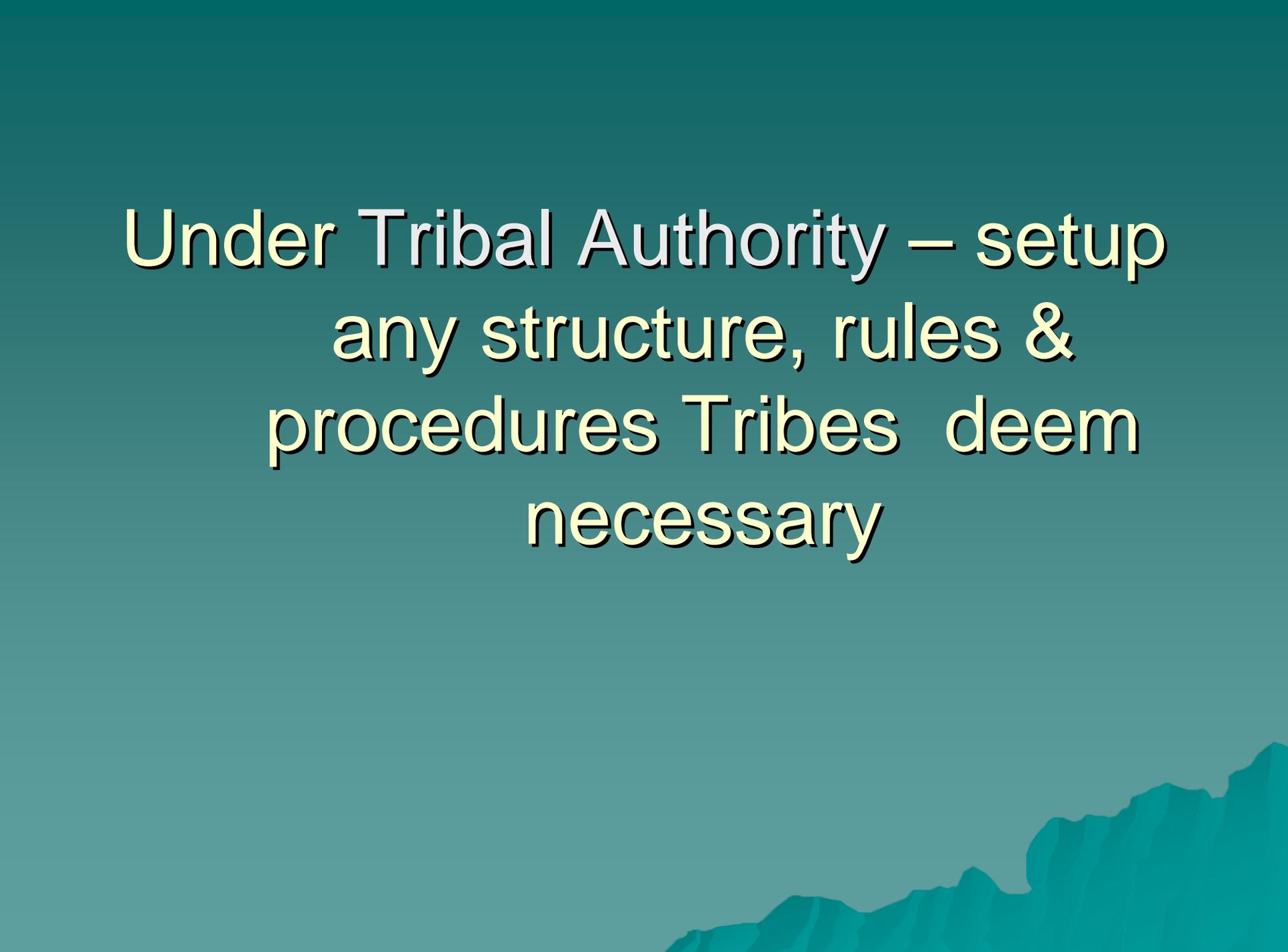
Required to consult with Tribes
before any decision on
anything that impacts tribes
sovereignty, treaty rights and
customs, culture and
traditions

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Tribal Conservation Districts

- Under existing State CD
- Form under State Law
- Form under Tribal Authority

Under Tribal Authority – setup
any structure, rules &
procedures Tribes deem
necessary

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Tribal Relations

Workshops

*Working Effectively With
American Indians and
Consultations with Tribal
Governments.*

Summary of Civil Rights Responsibilities

- Title VI – Program delivery
 - Title VII – EEO
- Both have complaint processes
- Your state's Deputy Equal Employment Opportunity (DEEO) Officer = STC

Document Civil Rights Activities such as:

- Staff meetings
- Training
- Recruitment
- Outreach activities
- Parity or participation analysis
- Outreach Plans

If not documented, didn't happen

Maintain Field Office Civil Rights Files

- 220-11 Environmental justice
- 230 – EEO (General)
- 230-11 Complaint system
- 230-12 EEO plan
- 230-13 FWP
- 230-14 HEP
- 230-15 Civil Rights in Program Delivery
 - 230-15-11 Community Outreach
 - 230-15-12 Delivery of Services
- 230-16 DEP
- DESPOSITION is 3 yrs

Review your
Civil Rights responsibilities in
your Position Description and
your performance standards.

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Be sure required posters are up

- “and Justice for all”
- Secretary’s Civil Rights Policy Statement
- EEO Counseling Poster
- Sexual Harassment Policy
- Chief’s Sexual harassment Policy

Check out:

Civil Rights Compliance Review Guide for
your state

The previous Civil Rights Compliance Review
conducted in your office

The previous Civil Rights Compliance Review
conducted in your state by National CR
Division

Check Out Key Items from Review:

- Non-discrimination statement on publications
- Accessibility (ADA) requirements of FO
- Efforts made on outreach
- Corrective actions for disparities
- Employee knowledge of Civil Rights
- Knowledge of Census data/customer base
- Field Office Civil Rights Files.
- Partners- make up of their board

Summary

- ◆ With the completion of this presentation you should be able to complete civil rights requirements for the area that you service.