

Annual Civil Rights Training



OFFICE OF RESEARCH COMPLIANCE



Outline

- ▶ What are Civil Rights?
- ▶ Civil Rights Definitions and Related Laws
- ▶ Civil Rights training Topics
 - Collection & use of REG data
 - Public Notification
 - Reasonable Accommodation (RA)
 - Limited English Proficiency (LEP)
 - Title IX (Sex Harassment)
 - Customer Services and Conflict Resolution



What are Civil Rights?

- **Definition:** *The nonpolitical rights of a citizen;*
“the rights of personal liberty” guaranteed by the 13th and 14th Amendments to the U.S. Constitution and by Acts of Congress and to their fair and equitable treatment of all customers and employees.

*There are numerous Civil Rights Acts and Laws
that were enacted over the course of the last 50 years . . .*



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Why Civil Rights Training?

Statutory Authority

Title VI of the Civil Rights Act of 1964, as amended, 42 USC 2000d, and USDA's implementing regulations for that title at 7 CFR part 15.

Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC 794, and USDA's implementing regulations for that title at 7 CFR part 15b

Title IX of the Education Amendments Act of 1972, et. Seq., and USDA's implementing regulations at 7 CFR part 15a

The Age Discrimination Act of 1975, 42 USC 601 et. Seq., and its implementing regulations at 45 CFR part 90

The Americans with Disabilities Act of 1990, 42 USC 12101 et. Seq., and its implementing regulations at 28 CFR part 35



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Civil Rights Laws

Examples:

Title IX of the Education Amendments of 1972 addressed the issue of **sex discrimination** while Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibited discrimination based on a disability.

In 1975, Congress enacted the Age Discrimination Act which prohibited discrimination based on age.

It began with **Title VI of Civil Rights Act of 1964**. This act led the way and addressed **discrimination in relation to race, color and national origin** in programs and activities that received federal financial assistance.

The Civil Rights Restoration Act of 1987 clarified the intent of Congress as it related to the scope of Title VI of the Civil Rights Act of 1964, again prohibiting **discrimination based on race, color and national origin**.

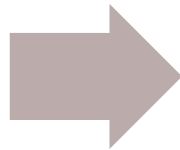
The Americans with Disabilities Act of 1990: Non-discrimination on the basis of Disability.



Civil Rights Key Terms

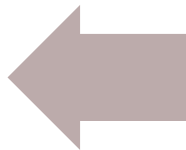
Discrimination

The act of distinguishing one person from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on their protected class.



Protected Class

Any person or group of people who have a characteristic for which discrimination is prohibited based on a law, regulation or an executive order.



Protected Classes

Race

Color

National Origin

Sex

Age

Disability



Goals of Civil Rights

- To eliminate barriers that prevent or deter people from receiving benefits of a government-sponsored or funded program.
- To provide equal treatment to all in the delivery of programs and services to all applicants, participants and beneficiaries of a federal program.
- To ensure that all applicants and participants understand their rights and responsibilities.
- To show respect and dignity to all.



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Purpose of Civil Rights Training

- To ensure that all individuals involved in all levels of administration of programs that receive federal financial assistance understand *federal laws, regulations, instructions, policies, and other federal guidance* related to Civil Rights.

Focus: Preventing Discrimination

Administer programs so that they are accessible to eligible participant regardless of their race, color, national origin, sex, age, or disability .



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Objectives of Civil Rights Training

To give faculty/staff a general overview of Civil Rights.

To educate faculty/staff on their rights and responsibilities as overseers of USDA-NIFA programs.

To provide informational resources to faculty/staff.

To increase the understanding of the several **Civil Rights topics** and to eliminate the instances of Civil Rights violations.



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Civil Rights: AAMU-Responsibility

AAMU is expected to provide annual training to all faculty, staff and student workers to be in compliance with Civil Rights Laws. All employees must have an understanding of their responsibilities to ensure that the civil rights of all program/project participants are protected. These responsibilities include:

1. The collection and use of racial/ethnic/gender (REG) data.
2. The development of an effective public notification system.
3. A plan for equal access to programs.
4. The requirements for reasonable accommodation (RA) of persons with disabilities.
5. A reasonable accommodation for language assistance (LEP).
6. A plan for conflict resolution which includes the development of a complaint procedure.



Civil Rights Training Topics

Include but not limited to:

- Collecting and use of data
 - ✓ Race/Ethnicity data
- Compliant procedures,
- Compliance review techniques,
- Resolution of noncompliance,
- Requirements for reasonable, modifications for persons with disabilities,
- Requirements for language assistance (Limited English Proficiency),
- Conflict resolution, and
- Customer service.

■ **Effective Public Notification System**

- **Informing the Public:** USDA's form AD-475 ("And Justice For All") poster.
- **Non-Discrimination Statement:** Included on all program materials.
- **Appropriate Speech:**
 - ✓ USE "Person with a disability", NOT "Disabled person".
 - ✓ Speaking in terms of a person's heritage, NOT color ["African American" "Caucasian"].
 - ✓ USE "chair person", NOT "chairman"



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COLLECTION/USE OF REG DATA



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Collection/Use of Racial & Ethnic Data

Racial Categories:

1. American Indian or Alaskan Native
2. Native Hawaiian or Other Pacific Islander
3. Asian
4. Black or African American
5. White
6. Two or More Races

Ethnic Categories:

1. Hispanic or Latino
2. Non Hispanic or Latino

Gender Categories:

1. Male
2. Female
3. Other



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Collection/Use of Racial & Ethnic Data

- ✓ Annually Program/Project Director must compare the racial, ethnic & gender makeup of the participants to the racial, ethnic & gender makeup of the area from which participants are drawn.
- ✓ If necessary, the Program/Project Director takes action to eliminate barriers to program/project participation or to outreach to un-served/underserved or underrepresented populations.

PIs must have a system to collect the racial, ethnic and gender data of program participants in accordance with USDA-NIFA policy. The data are used to determine how effectively programs are at reaching potential eligible participants and to help identify areas where additional outreach is needed.



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PUBLIC NOTIFICATION

& REPORTING DISCRIMINATION



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Public Notification

- ✓ All project directors who operate a Federal funded project/program, like USDA-NIFA programs, must notify the public of their participation in the program.
- ✓ In addition, notification to applicants and participants must include information regarding program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint.



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Public Notification

The public notification system must include:

- 1. Public Release:** Sponsors must take specific actions to inform the public of their program rights and responsibilities and the steps necessary for participation.
- 2. Display the “And Justice for All” poster:** The poster provides the USDA address and phone numbers that the public can use to file a complaint if they think their civil rights have been violated. Applicants and participants must be advised of their right to file a discrimination complaint, how to file a complaint and the complaint procedures.
- 3. Nondiscrimination Statement:** All informational materials including websites used by PIs to inform the public about Federal funded programs, like the USDA-NIFA projects/programs, must contain the nondiscrimination statement.



Current USDA nondiscrimination poster must be displayed in a visible and readable location where program participants have access.

Must be at least the 11" x 17" format





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Public Notification

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992



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Public Notification

Submit your completed form or letter to USDA by:

(1) **mail:** U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410.

(2) **Fax:** (202) 690-7442; or

(3) **Email:** program.intake@usda.gov

This institution is an equal opportunity provider.

The shorter statement “This institution is an equal opportunity provider” may be used if the material is too small to permit the long statement. However, the print size should be no smaller than the text of the document.

- **Convey the message of equal opportunity in photos and other graphics that are used to promote program information to applicants or participants. For example, show participants of different races and gender attending or utilizing the services.**



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Complaints of Discrimination

May be written,
verbal, or
anonymous

USDA Discrimination
Complaint Form
(AD-3027)

Any person or representative
alleging discrimination based on a
protected class has the right to file
a complaint within 180 days of the
alleged discriminatory action.

USDA Complaint Form English:

<https://www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf>

USDA Complaint Form Spanish:

https://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf






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REASONABLE ACCOMMODATION (RA)



Overview of Applicable Laws & Protections

- Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (ADA)
- Prohibit discrimination
- Ensure equal access to programs
 - ✓ Integration mandate
 - ✓ Effective communication
 - ✓ Reasonable accommodation (RA)
-  Protect from retaliation





What does disability mean?

- The ADA defines disability as:
 - A **physical or mental** impairment that substantially limits one or more **major life activities**,
 - A person who has a history or record of such an impairment, or
 - A person who is perceived by others as having such an impairment.





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How to create an inclusive environment for individuals with disabilities

- Program planning with an inclusive lens.
- Establish an inclusive environment.
- Create accessible materials.
- Include RA statement on all materials.
- How to respond to RA requests.





Program planning with an inclusive lens

- Embedding accessibility considerations throughout the program planning process reduces the need for individuals to request accommodations.

Establish an
inclusive
environment

Create
accessible
materials

Include **RA**
statement in
outreach
materials

Provide
reasonable
accommodations





Establish an inclusive environment

Accessibility is more than physical access to get in the door; look at program delivery in context of major life activities:

- Most integrated setting possible
- Honor their identity
- Accessible facilities & transportation
- Clear signage
- Consider possibility of reserved space
- Share information ahead of time
- Recognize different ways to learn.





Create accessible materials

- Use plain language
- Use simple and intuitive webpage and document designs that are screen reader-friendly.
- Use strong color contrasts and avoid pattern backgrounds
- Use an easily legible font and size with lots of white space
- Use lists that are bulleted or numbered
- If tables are necessary, use informative column and row headings
- Caption videos.





Include RA Statement on All Materials

“We value inclusion and access for all participants. If you need a reasonable accommodation to attend this event, please contact (*name, event host/coordinator*) at (*phone number/email*). All reasonable accommodation requests should be made no less than (*insert number here*) weeks before the event.”



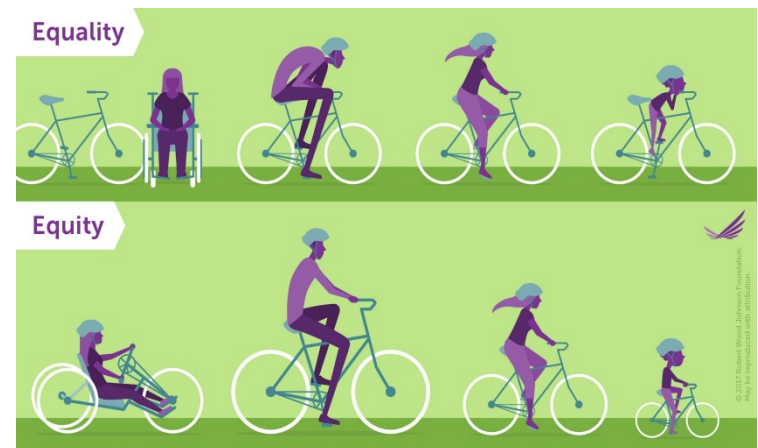


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How to Recognize & Respond to RA Requests

- Treat modification-related requests as RA requests whether or not the words "reasonable accommodation" are used
- Respond timely
- Use interactive process to find an effective and reasonable solution
- Focus on the individual's needs, not their diagnosis or disability.



Credit: Robert Wood Johnson Foundation





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LEP Awareness

English as a Second Language



Limited English Proficiency (LEP)

Organizations participating in Federal Funded Programs such as USDA-NIFA funded programs have a responsibility to take “reasonable steps” to ensure access to their programs and activities by those with LEP.

- ✓ Persons with Limited English Proficiency (LEP) are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.





Limited English Proficiency (LEP)

Utilize the following when determining the need for LEP services:

- The number and proportion of LEP persons served or encountered by the program;
- The frequency with which LEP individuals come into contact with program;
- Determine the importance to LEP persons of your program activities and services;
- Determine the resources available to the recipient and costs



For more information see USDA Memorandum SP 37-2016.



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TITLE IX

Sex Harassment



Title IX and AAMU Commitment

Title IX (1972): Federal law prohibits sex discrimination in educational institutions.

AAMU's policies prohibit sexual harassment and sexual violence of any kind.

- Committed to promoting a safe and secure academic environment for all members of AAMU campus community.
- All students, faculty, staff, and visitors are expected to maintain a working and learning environment free from harassment and discrimination.
- Sexual harassment, a form of sex discrimination, is illegal under federal, and state laws and not tolerated at AAMU.





Scope of Title IX Coverage

Title IX applies to:

- Any person registered, accepted or enrolled in any course, or program offered by AAMU, as well as faculty, staff and 3rd party providers.
- To all of CALNS' programs and activities, events, or circumstances over which the college exercised substantial control over the respondent including all locations on-campus or off-campus.



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Scope of Title IX Coverage

Gender-Based Harassment is:

Nonsexual, unwelcome conduct based on the student's actual or perceived sex (gender).

- ✓ This includes conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is serious enough to adversely affect your ability to participate in or benefit from an educational program.





What is Sex Harassment?

Sexual harassment is unwelcome conduct of a sexual nature that is sufficiently serious to adversely affect your ability to participate in or benefit from an educational program.

- ✓ It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.





Types of Sex Harassment

Title IX Regulations uses the umbrella term of “Sexual Harassment” to define acts of sexual misconduct and violence:

- Quid pro quo
- Sexual Harassment
- Sexual Violence
- Sexual Assault
- Domestic/Intimate Partner/ Dating Violence
- Stalking





Title IX Reporting

The purpose of reporting is to:

- Provide support and options to the individual
- Limit the effects of harassment on the educational environment.

Who can report?

- Any one with knowledge of an alleged violation of our Sexual Harassment policy can make a report.
- A report can be made at any time. There is no statute of limitations on allegations of a Title IX violation made through the University.





Where Can Someone Make a Reporting

- Title IX Coordinator
- Campus Safety
- Any AAMU employee, including Coaches
 - ✓ Faculty and staff who receive complaints of sexual harassment or sexual violence are **REQUIRED** to report complaints to the **Title IX Coordinator**.
 - ✓ The employee must report the name of the parties involved and all pertinent information.





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Civil Rights and Customer Services

PIs and program coordinators must provide equal access to project/program benefits to all eligible participants regardless of race, color, national origin, sex, age, or disability.

Allow equal access

Treat in the same
manner

Understand
differences

Use respectful
language





Conflict Resolution

Provide conflict resolution training

Can help prevent a complaint from escalating

Conflict resolution techniques

Some conflict resolution strategies include:

- Stay Calm
- Listen to understand
- Attack the problem, not the person
- Ask appropriate questions
- Keep the individual informed



Thank You !

***Click here to take the Quiz to get your
completion certificate***