



U.S. Department of Agriculture  
National Institute of Food and Agriculture  
Washington, DC 20250

---

# **CIVIL RIGHTS COMPLIANCE REVIEW GUIDE**

*Equal Employment Opportunity Compliance  
Review in the Cooperative Extension Service  
Cooperating with the U. S. Department of  
Agriculture and County Governments.*

## **Civil Rights Compliance Review Guide<sup>1</sup>**

*This civil rights compliance review guide is for use of NIFA-USDA equal opportunity specialists in conducting State Extension Reviews. The guide, also serves as the primary document to help Extension administrators, faculty and staff prepare for a civil rights review. Equally important, the guide serves as an educational document that reminds us of what is necessary to assure that we are working in compliance with equal opportunity policies in the implementation of our Extension programs, that every customer and colleague is treated with fairness, equality, and respect, and that we are inclusive and have adequate diversity. Compliance reviews are regular, systematic, inspections required by USDA and the Department of Justice civil rights regulations.*

*NIFA Equal Opportunity Specialist will use the guide as the basis for a Civil Rights review. Additional information, data and/or documentation will be requested as needed. State partners should not send program information and data prior to an on-site review without consulting with the Director of NIFA-Equal Opportunity staff.*

---

<sup>1</sup>The review guide was developed with input, direction, guidance, and technical assistance from State land-grant universities faculty members and administrators, including representatives from ECOP.

# **EXTENSION SERVICE EMPLOYMENT COMPLIANCE REVIEW**

## **PREAMBLE**

The employment review is a component of the Civil Rights Review conducted by the United States Department of Agriculture, National Institute of Food and Agriculture (NIFA) Equal Opportunity Office. The Employment review will determine whether the Extension Director and/or 1890 Administrator are fulfilling his/her obligations of nondiscrimination and affirmative action in Extension employment. NIFA Civil Rights Employment reviews are conducted consistent with the following major statutes and Departmental Regulations:

- ❖ Title VI of the Civil Rights Act of 1964
- ❖ Title VII of the Civil Rights Act of 1964
- ❖ The Age Discrimination Act of 1967, as amended
- ❖ Title IX of the Education Amendments of 1972
- ❖ The Equal Pay Act of 1963, as amended
- ❖ The Rehabilitation Act of 1973
- ❖ American with Disabilities Act of 1990
- ❖ The Civil Rights Act of 1991
- ❖ Other pertinent Federal laws and regulations.

The equal employment opportunity review is intended as part of a proactive effort, to determine how well Extension employment policies and practices are ensuring that all employees and job applicants have equal access and opportunities in every aspect of Extension employment activities. These activities include but not limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Employment policies, procedures and activities will also be reviewed as they relate to the delivery of Extension programs. The review will examine the equal employment opportunity efforts of all persons responsible for employment decisions. It will determine whether employment decisions are based on any employee or applicant's race, color, religion, sex, national origin, age, or disability.

# **EXTENSION SERVICE ITEMS FOR TITLE VII COMPLIANCE REVIEW**

## **1. MANAGEMENT ORGANIZATION**

- ❖ Current Organizational Charts
  - CES Organizational chart
  - University organization chart identifying CES
- ❖ Latest Directory of Personnel
- ❖ State map (include Regions/Districts)

## **2. STAFFING PROFILE**

List of all current Extension Service Employees<sup>2</sup> separately for each employment category showing:

- ❖ Last Name (alpha sort)
- ❖ First Name
- ❖ Race
- ❖ Gender
- ❖ Ethnicity (Hispanic/Non-Hispanic)
- ❖ Employment Status (full-time, part-time, temporary, post-doctoral personnel, etc.)
- ❖ Full-Time Equivalent (FTE)
- ❖ Tenure Status (tenured, tenure-track, non-tenure track, N/A)
- ❖ Unit or Department
- ❖ Initial Hire Date
- ❖ Current Generic Job Title (Example: Professor, Assistant Professor, Agent, Educator, Program Specialist)
- ❖ Current Functional Job Title (If applicable. Example: 4-H Youth Development Specialist, SNAP-Ed Educator, Horticulture Agent, Family and Consumer Science Assistant)
- ❖ Current EEO Group/Category (Executive/Managerial/Administrator, Faculty, Professional, Technical, Skilled Trade/Craft, Maintenance, etc.)
- ❖ Current Position Start Date
- ❖ Personnel action resulting in current job title (ex. new hire, transfer, promotion, demotion, etc.)
- ❖ Current Job Category (ex: Classified, Salaried, etc.)
- ❖ Salary Grade (or equivalent, if applicable)
- ❖ Salary (Annualized or Hourly) – NOTE: Please provide the employee’s entire salary amount that is received from all funding sources.
- ❖ Other Monetary Compensation (ex. bonus, merit pay, etc.)
- ❖ Percent time of employment for employees who have split appointments (ex: %Extension, %Research, %Teaching, % Other)

---

<sup>2</sup>This will include a list of employees hired by a county, city or other entities assigned to the local Extension office.

- ❖ County Employee (Yes/No)
- ❖ Percentage of salary paid by county funds (if applicable)
- ❖ On/Off Campus Work Location
- ❖ Geographic Work Location (ex.: County, City)
- ❖ District, Region, Territory (where applicable)
- ❖ Education Level (high school diploma, associate, bachelor, master, doctoral)
- ❖ Birth Date
- ❖ Disability (Y/N)

### 3. **NEW HIRES**

List all new hires, separately for each employment category for the past two (2) years showing:

- ❖ Last Name
- ❖ First Name
- ❖ Race
- ❖ Gender
- ❖ Ethnicity (Hispanic/Non-Hispanic)
- ❖ Initial EEO Group/Category Hired Into
- ❖ Initial Job Title Hired Into,
- ❖ Initial Hire Date,
- ❖ Current EEO Job Group/Category,
- ❖ Current Job Title,
- ❖ Date Hired in Current Job Title,
- ❖ Salary at Date of Hire,
- ❖ Current Salary,
- ❖ Disability (Y/N),
- ❖ Percentage of Time - Teaching,
- ❖ Percentage of Time - Research,
- ❖ Percentage of Time - Extension Work,
- ❖ Percentage of Time - Academic Support
- ❖ Employment Status
- ❖ Full Time Equivalent

### 4. **PROMOTIONS**

List of all promotions separately for each employment category for the past two (2) years showing:

- ❖ Last Name
- ❖ First Name
- ❖ Gender
- ❖ Race
- ❖ Ethnicity (Hispanic/Non-Hispanic)
- ❖ Previous EEO Category/Group
- ❖ Previous Job Title
- ❖ Current EEO Category/Group
- ❖ Current Job Title

- ❖ Promotion Date

## 5. **SEPARATIONS/RETENTION**

List separately each type of separation for the past two (2) years showing:

- ❖ Last Name
- ❖ First Name
- ❖ Race
- ❖ Ethnicity (Hispanic/Non-Hispanic)
- ❖ Gender
- ❖ Job Title
- ❖ EEO Category/Group
- ❖ Separation Date
- ❖ Voluntary/Involuntary Separation
- ❖ Reason for Separation

## 6. **RECRUITMENT AND HIRING STRATEGY**

List separately each position advertised and/or filled for the past two (2) years showing:

- ❖ Requisition Number (or equivalent)
- ❖ Job Title
- ❖ Hire Date
- ❖ EEO Group/Category
- ❖ District/Region
- ❖ Unit
- ❖ County
- ❖ City/Town
- ❖ Steps of the Hiring Process (Example: Applications Received, Applicants Who Met Basic Qualifications, Applicants Interviewed, and Applicants Hired)
- ❖ Number of White
- ❖ Number of Black/African American
- ❖ Number of Asians
- ❖ Number of Native Hawaiian/Other Pacific Islander
- ❖ Number of American Indian/Alaskan Native
- ❖ Number of Two Or More Races
- ❖ Number of Race Unknown
- ❖ Number of Males
- ❖ Number of Females
- ❖ Number of Gender Unknown
- ❖ Number of Hispanic
- ❖ Number of Non-Hispanic

In addition to the aforementioned, Extension entities must also submit the following:

- ❖ Position Descriptions for Major Job Category

- ❖ Recruitment Committee Guidelines
- ❖ Recruitment Committee Makeup (race/sex)
- ❖ Recruitment Activities for Minorities and Women Showing:
  - Institutions visited, personnel involved, and the number of contacts by race and sex for the last two (2) years
  - Policy guidelines for recruitment requirements
  - Advertising

**7. EQUAL OPPORTUNITY POLICIES AND DIRECTIVES**

- ❖ All Civil Rights Policy Directives Issued by the State
- ❖ EEO/Affirmative Action Plan
- ❖ Internal Compliance Review Policy
- ❖ Copies of Compliance Review Reports
- ❖ Organizational directives on Civil Rights and Affirmative Action

**8. STAFF DEVELOPMENT AND TRAINING**

- ❖ Civil Rights
- ❖ Prevention of Sexual Harassment
- ❖ American's With Disabilities Act
- ❖ Diversity

**9. COMPLAINTS AND EEO COUNSELING**

- ❖ Guidelines for Handling Complaints of Discrimination
  - Number of Civil Rights Complaints with Names of Complaints, Resolution, etc. (formal and informal)
  - File(s) on Complaints of Discrimination
- ❖ EEO Counselors
  - Guidelines
  - Members Race/Sex
- ❖ Awards and Recognition
  - Procedures and Criteria
  - Name of Award
  - Recipient of Race and Sex
  - Committee by Race and Sex

**10. COMMITTEES**

- ❖ Advisory/Diversity Committee
  - Guidelines
  - Members Race/Sex

**11. SALARY ADMINISTRATION**

All guidelines and procedures for:

- ❖ Salaries
- ❖ Promotion
- ❖ Performance appraisals
- ❖ Awards
- ❖ Merit pay

- ❖ COLA
- ❖ Bonuses
- ❖ Salary analyses

**12. SPECIAL PROGRAMS**

- ❖ Intern Program
- ❖ Agent-In-Training
- ❖ Diversity Initiatives

**13. TITLE IX COMPLIANCE RELATED TO SEXUAL HARASSMENT/VIOLENCE**

**Procedural requirements pertaining to sexual harassment and sexual violence**

**A. Publish and disseminate a notice of nondiscrimination**

- ❖ Includes Title IX coordinator contact information.
- ❖ Non discrimination policy includes sexual harassment and sexual violence
- ❖ Designates a Title IX Coordinator as compliance officer to coordinate efforts and comply with and carry out responsibilities under Title IX.
- ❖ Adopts and publishes grievance procedures providing for prompt and equitable resolution of student and employee sex discrimination complaints.
- ❖ Procedures may include informal mechanisms and administrative hearings as described in the Dear Colleague Letter.
- ❖ Provides employee training on reporting of/responding to harassment/violence to appropriate university officials.
- ❖ Student conduct process includes off campus conduct when reported.
- ❖ University implements initial remedies for victims of on and off campus sexual misconduct to protect from further sexual harassment or retaliation from the alleged perpetrator or his/her associates.
- ❖ Reports about harassment/violence are promptly, thoroughly and impartially investigated and action steps determined.
- ❖ University informs and obtains consent from the complainant (or the complainant parents if the complainant is under 18) before beginning an investigation. If the complainant requests confidentiality or asks that the complaint not be pursued, the university takes reasonable steps to investigate and respond (but ability to respond may be limited).
- ❖ If the complainant continues to ask that his/her name or other identifiable information not be revealed, the university evaluates the request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. The university informs complainant if it cannot ensure confidentiality.

**B. Provide adequate, reliable and impartial investigation of all complaints**

- ❖ The complainant will be notified of the right to file a criminal complaint.
- ❖ University investigates independently of city police.
- ❖ University takes immediate steps to protect the victim and assure his/her well-being.



- ❖ In the investigation and resolution, the standard of proof to assess complaints is a preponderance of the evidence standard
- ❖ Throughout the investigation and conduct process all parties have an equitable opportunity to participate and to present relevant witnesses and other evidence including having similar and timely access to any relevant information.
- ❖ In conduct proceedings, parties will be offered a separate room or other accommodations to avoid in-person confrontation and may be prevented from direct questioning of each other during the hearing, at the discretion of the Chair.
- ❖ An appeals process is provided for both the complainant (or alleged victim) and the respondent.
- ❖ Documentation of all proceedings is made, which may include written findings of fact, transcripts, or audio recordings.
- ❖ All persons involved in investigating and adjudicating grievance procedures will be comprehensively trained on sexual harassment and sexual violence cases.
- ❖ All investigation and hearing processes are impartial and devoid of conflicts of interest that would compromise the objectivity of the process.
- ❖ Due (or fair) process is provided to alleged perpetrators and alleged victims.

**C. Provide designated and reasonably prompt time frames**

- ❖ Grievance procedures specify time frames for 1) investigation of complaints (immediately, but full resolution of process within 60 calendar days unless a 10-14 day delay occurs to allow police to gather evidence, or other delay is agreed by all parties), 2) time when both parties will receive the report of the investigation and/or outcome, and 3) time frame for filing an appeal, if applicable.
- ❖ Parties are updated on the status of the investigation and process by the Coordinator or designee at regular intervals and/or upon request.

**D. Provide written notice of outcome**

- ❖ All parties are notified concurrently in writing about the outcome.
- ❖ University may publicly disclose results of disciplinary proceedings if the student is found to commit a crime of violence or a non-forcible sex offense.
- ❖ University complies with all Clery Act regulations.

**Steps to Prevent Sexual Harassment/Violence and Correct its Discriminatory Effects on Complainant or Others**

**E. Education and Prevention**

- ❖ University includes sexual harassment/violence education in 1) orientation programs for new students, faculty, staff, and employees; 2) training for resident assistants; 3) training for student athletes and coaches; 4) campus-wide awareness programs.
- ❖ Information is included in curriculum; to be implemented in general

education courses for all undergraduate students.

- ❖ In encouraging students to report incidents of sexual misconduct, university will not bring charges against complainants if they were involved with collateral alcohol and/or other non-violent violations of campus policy.
- ❖ University has specific sexual violence materials for policies, rules, and resources, including employee and student handbooks, protocols, website and brochures.
- ❖ Materials and implementation of policies and procedures will include information on what constitutes sexual harassment/violence, what to do and how to report, information for resources, how to contact Title IX coordinator, and measures the school will take.

#### **F. Remedies and Enforcement**

- ❖ University will take immediate action to eliminate hostile environments, prevent reoccurrence and address any effects on the victim and community.
- ❖ University will take immediate steps to protect complainants even before the final outcome of investigations, including prohibiting the alleged perpetrator from having any contact with the complainant. Steps should minimize the burden on the complainant while respecting (due process) rights of the accused individual unless there is a direct conflict, in which case Title IX protections control.
- ❖ Remedies for the complainant might include but are not limited to campus escort, ensuring complainant and alleged perpetrator do not attend the same classes if possible, moving either or both parties to a different residence hall, counseling services, advocacy, medical services, academic support services, course withdrawal without penalty, review of disciplinary actions.
- ❖ Remedies for campus student populations might include counseling services, on-call victim assistance, policy review, educational, awareness and prevention programs, Title IX coordinator training, school law enforcement Title IX training, and other employee Title IX training.
- ❖ University will have policies and procedures to protect against retaliatory harassment including how to report any subsequent problems.
- ❖ Provide notification and assistance in reporting to local law enforcement.
- ❖ Title IX coordinator reviews all evidence and sexual harassment/violence cases to ensure prompt and equitable remedies.
- ❖ University will create a committee to identify and implement education strategies.
- ❖ Issue and review policy statement and all faculty/staff/student grievance procedures to ensure equitable processes and compliance with Title IX.
- ❖ Investigations and reports are aligned with Title IX guidelines.
- ❖ Respond immediately to all grievances and allegations