

Ready Access Civil Rights and Diversity File

University of Nebraska-Lincoln
Cooperative Extension Division

January 2004

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West Central Research & Extension Center
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308/532-3611, Ext. 123

University of Nebraska-Lincoln Ombudsperson

Faculty Ombudsperson 402/472-2573
Academic Senate, 1227 R Street, (0210)

Staff Ombudsperson
Administration 407, (0438) 472-3101

Student Ombudsperson
Administration 124, (0423) 472-9292

Employee Assistance Program

Department of Human Resources 402/472-3107
700 North 16 (Outside of Lincoln) 800/755-2655
Lincoln, NE 68588-0444
web site: <http://222.unl.edu.unlhr/eap.html>

UNL Equity, Access & Diversity Office

Equity, Access & Diversity Office 402/472-3417
Administration 127
Lincoln, NE 68588-0437

Civil Rights Laws

Civil Rights Acts of 1866, 1875, 1957, 1963

Civil Rights Act of 1964 (Titles I, II, III, IV, V, VI, VII, VIII)

 Title VI, Nondiscrimination in Federally assisted programs

 Title VII, Fair Employment Practices (nondiscrimination on the basis of race, color, religion, sex or national origin)

The Age Discrimination in Employment Act of 1967

Title IX, Educational Amendments of 1972 (nondiscrimination on the basis of sex)

Rehabilitation Act of 1973, Section 501 and 504 (nondiscrimination on the basis of handicap)
(<http://dol.gov/dol/esa/public/regs/statutes/ofccp/ofcp503.htm>)

Age Discrimination Act of 1975

Americans with Disabilities Act of 1990 (<http://hi-tec.twc.state.tx.us/medical/ada.htm>) (ADA Home Page--<http://www.usdoj.gov/crt/ada/adahom1.htm>)

Civil Rights Act of 1991 (<http://hi-tec.twc.state.tx.us/general/civilrt.htm>)

Rehabilitation Act of 1992 (<http://www.icdi.wvu.edu/files/File20.htm>)

Summaries of Legislation

Civil Rights Legislation

Since the 1960's, Congress has enacted legislation that seeks to preclude, wherever possible, discrimination in our society. For Cooperative Extension, the major areas impacted are employment and program delivery. The legislation also addresses the workplace, professional development opportunities, and other aspects of equality of treatment.

The legislation originally placed people into protected classes based on race, color, religion, sex, or national origin. Later amendments added age and handicap to these categories. In general, a person within a designated class is to be treated in the same fashion as other people without regard to the discriminatory factor. The laws were not designed to give preferential treatment to the designated classes; however, affirmative steps often are required to ensure securing applications of qualified candidates in employment searches, participation in educational programs, and involvement in program advisory/leadership roles.

The following section gives brief summaries of pertinent civil rights legislation. The full text of these laws are available at the offices of the five District Directors and the Director of Extension Human Resources.

Title VI

Title VI of the Civil Rights Act of 1964 requires that University of Nebraska Cooperative Extension develop and maintain a data base that identifies eligible populations and monitors the extent to which programs and services are delivered to minority individuals. Various court rulings have held that merely certifying that a nondiscriminatory policy is in effect is insufficient. Positive, affirmative steps must be taken to ensure participation by minorities and women.

Title VII

Title VII of the Civil Rights Act of 1964, as amended, is the federal law that prohibits employment discrimination based on race, color, religion, sex, or national origin. Title VII was extended to cover federal, state, and local public employers and educational institutions by the Equal Employment Opportunity Act of 1972.

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

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

Rehabilitation Act of 1973 and ADA

The Rehabilitation Act of 1973 and the 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. This includes providing access for the physically challenged and signs for the visually impaired in buildings in which the employment, services, and programs are offered, and providing auxiliary aid and services to individuals with vision or hearing impairments or other disabilities so they have the Opportunity to participate in programs. In addition, employers must reasonable 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.

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 section of the 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.

The law is designed to promote employment of older persons on the basis of ability rather than age and to help employers and workers find ways to resolve problems arising from the impact of age on employment opportunities.

Civil Rights Act of 1991

This act allows women, religious minorities, and citizens with handicaps to seek monetary damages in cases of intentional discrimination.

Proving Nondiscrimination

Statistics that show the absence of or disproportionate exclusion of one of the designated classes from employment or program delivery set up a prima facie case of discrimination. In such a case, it is not necessary to show an intent to discriminate, only that there exists a disproportionate exclusion of the class in question. The burden of proof then shifts to the organization to show nondiscrimination.

University of Nebraska Equal Opportunity and Affirmative Action Guidelines

University of Nebraska human resources work is conducted under employee friendly guidelines. They are a key component of the UNL Faculty Handbook. These guidelines also are printed in full in the Appendix of the Civil Rights and Diversity Plan for quick reference to underscore that they are the policy base for this Plan and are readily accessible to faculty, staff, and clientele.

Age Discrimination in Employment Act of 1967. as amended [29 U.S.C. S621, et seq.] An employer is prohibited from refusing to hire or to discharge any individual because of such individual's age. The act covers employees 40 years of age or older. Any notice or advertisement relating to employment may not indicate a preference based on age unless certain narrow exceptions apply.

Americans with Disabilities Act of 1992. [42 U.S.C. 12101]. Public Law 101-336. This legislation builds upon and extends protections granted under the Civil Rights Act of 1964 and Rehabilitation Act of 1973. The law prohibits discrimination on the basis of disability, and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. The law also requires covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

The Civil Rights Act of 1866. [42 U.S.C. S1981 and S1983]. Enacted following the Civil War, the Civil Rights Act attempted to ensure racial equality and provide the full benefit of all laws to the emancipated slaves. Section 1981 applies to private employers, whereas 1983 prohibits public employers from depriving any citizen of the rights, privileges, or immunities secured by the Constitution and other laws.

Title VI of the Civil Rights Act of 1964. Requires that a data base be developed and maintained that identifies eligible populations and monitors the extent to which programs and services are delivered to minority individuals. Various court rulings have held that merely certifying that a nondiscriminatory policy is in effect is insufficient. Positive, affirmative steps must be taken to ensure participation by minorities and women.

Title VII of the Civil Rights Act of 1964. [42 U.S.C. S2000e-2(a), et seq.cb]. It is an unlawful employment practice for an employer to refuse to hire or discharge any individual on the basis of race, color, religion, sex, or national origin. An employer is further prohibited from discriminating against an employee with respect to compensation, terms, conditions, or privileges of employment based on these factors.

Civil Rights Act of 1991. [42 U.S.C. 1981 S1745]. Public Law 102-166. This legislation makes major revisions to Title VII, and overturns seven U.S. Supreme Court decisions that were decided in 1989 through 1991. The most significant change for victims of discrimination is that general damages for emotional distress and punitive damages are now permitted under Title VII, whereas previously only back pay was permitted to be recovered. There is, however, a cap based on the number of employees the employer has. This act extends coverage of Title VII to American-owned or controlled companies that operate overseas.

Equal Employment Opportunity Act of 1972. Extended Title VII of the Civil Rights Act of 1964 to cover federal, state, and local public employers and educational institutions.

Title IX, Education Amendment. Provides for equal opportunity to education.

Glass Ceiling Act of 1991. This legislation is contained in Title II of the Civil Rights Act of 1991. The purpose of Title II or “The Glass Ceiling Act” is the establishment of a Glass Ceiling Commission to examine issues raised by the Glass Ceiling Initiative (e.g. underrepresentation in line functions, lack of access for qualified women and minorities to critical career opportunities, and the elimination of artificial barriers to the advancement of women and minorities to management and decision-making positions in business.)

Discrimination Based on Religion. [42 U.S.C. S2000e-(j)(cb)]. An employer may not discriminate on the basis of religion unless the employer is unable to reasonably accommodate an employee’s religious observances, practices, or beliefs without undue hardship on the conduct of the employer’s business.

Sex Discrimination. [42 U.S.C.S2000e(a)(cb). It is an unlawful employment practice to classify a job as male or female unless sex is a bona fide occupational qualification for that particular job. Policies that restrict the employment of married women, without providing analogous limitations on married men, constitute discrimination based on sex.

The Pregnancy Discrimination Act of 1978. [ob]42 U.S.C. S2000e(k)(cb)]. The prohibition against sex discrimination in Title VII includes discrimination on the basis of pregnancy, childbirth, or related medication conditions. Pregnancy related disabilities should not be treated differently from other temporary disabilities.

Sexual Harassment. [ob]42 U.S.C. S2000e-2(e)(cb)]. The prohibition against sex discrimination in Title VII includes unwelcomed sexual harassment in the form of sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that has the effect of unreasonable interfering with work performance and creating an intimidating, hostile, or offensive work environment.

The Immigration Reform and Control Act of 1986. [8 U.S.C. S1324b(a)(cb)]. This act prohibits discrimination on the basis of national origin or citizenship status. Employers must verify that every job applicant is either a U.S. citizen or authorized to be employed in the United States by examining certain documents specified in the statute.

The Employee Polygraph Protection Act of 1988. (29 U.S.C. S2001, et seq.0. This statute prohibits most private employers from discharging or disciplining an employee based on the results of a polygraph test. The act provides for certain exceptions from employers engaged in national defense or other security operations.

The Occupational Safety and Health Act. (OSHA). (29 U.S.C. S651, et seq.). OSHA regulates the safety and health of employees in the workplace and provides a comprehensive scheme of safety standards.

The Rehabilitation Act of 1973. [(29 U.S.C. S701, et seq.)]. The Rehabilitation Act of 1973 prohibits discrimination against individuals with disabilities by employers who receive federal financial assistance or participate in contracts with the federal government in excess of \$2,500.

Affected employers must reasonable accommodate the needs of handicapped employees and take other affirmative action to advance such employees.

Discrimination Based on AIDS. The definition of handicapped individual in both federal and state statutes includes any person with AIDS, since this disease constitutes a physical or mental impairment which substantially limits one or more major life activities.

The Bankruptcy Code. [911 U.S.C. S5250]. No private or public employer may discharge or discriminate against an employee who has filed for bankruptcy.

Privacy Act of 1974. [Title V of U.S.C. S552]. Applies to agency records which are maintained within a system of records. Protects personal privacy by limiting the disclosure of the records without prior written consent of the subject of the record.

“Hatch Act” of 1939 and 1993. This legislation limits political activities of federal employees. Among the restrictions, employees may not use their official authority or influence to interfere with an election, collect political contributions, engage in political activity while on duty, or in any government office, may not distribute campaign material and may not be candidates for public office in partisan elections.

NONDISCRIMINATION STATEMENTS

USDA NONDISCRIMINATION STATEMENT

The United States Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (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 the USDA Office of Communications at 202-720-5881 (voice) or 202-720-7909 (TDD).

To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, DC, or call 202-720-7327 (voice) or 202-720-1127 (TDD). USDA is an equal employment Opportunity employer.

UNL NONDISCRIMINATION STATEMENT

It is the policy of the University of Nebraska-Lincoln not to discriminate based on gender, age, disability, race, color, religion, marital status, veteran's status, national or ethnic origin, or sexual orientation.

Explanation

The University of Nebraska-Lincoln is a public university committed to providing a quality education to a diverse student body.

This policy is applicable to all University administered programs including educational programs, financial aid, admission policies, and employment policies.

This policy is enacted in accordance with University of Nebraska Regent's policy and with various federal and state discrimination laws including Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

Inquiries regarding discrimination issues may be directed to the Office of Affirmative Action and Diversity Programs, 127 Administration Building, (402) 472-3417. You may also contact other entities such as the Nebraska Equal Opportunity Commission and the Department of Education, Civil Rights Division.

UNL COOPERATIVE EXTENSION ABBREVIATED NONDISCRIMINATION STATEMENT

The UNL Affirmative Action and Diversity Office also has approved the use of the following statement on Cooperative Extension publications and program announcements:

University of Nebraska Cooperative Extension educational programs abide by the nondiscrimination policies of the University of Nebraska-Lincoln and the United States Department of Agriculture.

Reminder

The abbreviated statement notwithstanding, the more comprehensive nondiscrimination statement of UNL is always the expectation for our personal and organizational conduct in employment, program planning, citizen leadership, program delivery, and individual professional interaction with Nebraska residents.

AN ACCOMMODATION STATEMENT FOR EMPLOYMENT ANNOUNCEMENTS

We assure reasonable accommodation under the Americans with Disabilities Act; contact (for each search, insert the search chair's name, address, and phone number) for more information.

AN ACCOMMODATION STATEMENT FOR EDUCATIONAL PROGRAM AGENDAS

We assure reasonable accommodation under the Americans with Disabilities Act; for assistance, contact (for each program announcement, insert the program chair's name, address, and phone number) no later than (date).

APPENDIX

CIVIL RIGHTS--COMPLIANCE CHECK LIST-- COUNTY OFFICES
(Revised 1997)

LAWS AND POLICIES

- ____ 1. Summaries of Civil Rights Laws, (See Ready Access File):
 - a. Civil Rights Acts
 - Title VI, Nondiscrimination in Federally assisted programs
 - Title VII, Fair Employment Practices (nondiscrimination on the basis of race, color, religion, sex or national origin)
 - Title IX, Educational Amendments of (Nondiscrimination on the basis of sex)
 - b. The Age Discrimination in Employment Act
 - c. Rehabilitation Act (Nondiscrimination on the basis of handicap)
 - d. Age Discrimination Act
 - e. Americans with Disabilities Act

- ____ 2. Civil Rights Ready Access File stored at a front desk location known to all faculty and staff, containing:
 - a. List of Cooperative Extension and University of Nebraska-Lincoln EEO-Affirmative Action Counselors (Extension Administrators), addresses and phone numbers.
 - b. University of Nebraska-Lincoln Ombudsperson address and phone number.
 - c. Employee Assistance Program--address and phone number.
 - d. University of Nebraska Equal Opportunity and Affirmative Action Guidelines, complaint and grievance procedures, addresses and phone numbers of contact persons.
 - e. All pertinent Civil Rights Laws.
 - f. University of Nebraska Cooperative Extension Civil Rights and Diversity Plan (revised 1995).

- ____ 3. USDA Memorandum pertaining to civil rights, equal opportunity and affirmative action. (Current statement by USDA Secretary.)

- ____ 4. Text of all pertinent federal civil rights laws in nearest District Director's Office (address, phone number, and contact persons).

- ____ 5. University of Nebraska Cooperative Extension Civil Rights and Diversity Plan (see Ready Access File) includes:
 - a. Affirmative action strategies for employment and programming
 - b. Public notification action plans for educational programs
 - c. All Reasonable Efforts--Seeking balanced participation

POLICY STATEMENTS, PROCEDURES AND RESPONSIBILITIES

- ___ 6. Letter to all faculty and staff from the Dean and Director of Cooperative Extension pertaining to Civil Rights and Diversity.
- ___ 7. Statements describing community representation on Extension Committees and program advisory groups.
- ___ 8. Letter from the District Director designating an EPU contact person responsible for Civil Rights matters, including updating Civil Rights files.
- ___ 9. Letter to the District Director from the EPU Civil Rights contact person confirming the staff member in each Extension office within the EPU who is responsible for compiling pertinent Civil Rights data and update as staff changes dictate.
- ___ 10. Letters (stating nondiscrimination) from organizations receiving Extension educational programs. Number of letters _____, dates ranging from _____ to _____ (updated each three years or whenever a new group is involved in programming).
- ___ 11. Display of current federal posters in prominent office location ("Equal Employment Opportunity it the Law" and "And Justice for All."
- ___ 12. Display of current University of Nebraska nondiscrimination poster "Equality for Everyone Means Quality for All" in a prominent office location.

CURRENT POSITION DESCRIPTIONS

- ___ 13. Extension Educators
Number in the Unit _____
Number of descriptions on file _____
Dates _____
- ___ 14. Extension Assistants
Number in the Unit _____
Number of descriptions on file _____
Dates _____
- ___ 15. Extension Aides
Number in the Unit _____
Number of descriptions on file _____
Dates _____
- ___ 16. Support Staff
Number in the Unit _____
Number of descriptions on file _____
Dates _____

PLANS, REPORTS AND TRANSACTIONS

- ___ 18. County Affirmative Action Plan (local adaptation of the University of Nebraska Cooperative Extension Civil Rights and Diversity Plan) to include descriptions of multi-cultural communities targeted for special program emphasis.
- ___ 19. Samples from the past three years of "All Reasonable Efforts" approaches to reach undeserved audiences.
- ___ 20. Samples of media releases, clippings, brochures, scripts etc. of past three years.
- ___ 21. Use of nondiscrimination statements on newsletters, publications, and visuals (samples).
- ___ 22. Use of public access accommodation statement in educational program announcements (samples).
- ___ 23. Staff conferences--samples of minutes or notes of discussions of civil rights and diversity issues regarding employment, Extension Committee membership, advisory group participation in program planning and/or strategies for expanding program participation.
- ___ 24. Program outcomes: reports to Extension Administration--copies of accomplishment/progress reports shared with Extension Administration that include actions regarding Civil Rights and Diversity matters.

DOCUMENTATION

- ___ 25. Mailing Lists--identification of minorities with statement "All Caucasian except as noted;" date of last update _____ .
- ___ 26. Record of personal educational visits by gender and racial designation; sample notes to the file or letters pertaining to those visits. Sample of quarterly Cooperative Extension Accountability Report.
- ___ 27. Attendance records of group meetings, workshops, tours, etc. by race and gender.
- ___ 28. Composition of Extension Committees and program advisory committees by race and gender.
- ___ 29. Procedures followed in employment of support staff (refer to Civil Rights and Diversity Plan).

CIVIL RIGHTS--COMPLIANCE CHECK LIST--DISTRICT CENTERS/DEPARTMENTS
(Revised 1997)

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 - a. Civil Rights Acts
 - Title VI, Nondiscrimination in Federally assisted programs
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 - b. Title IX, Educational Amendments of (Nondiscrimination on the basis of sex)
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 - c. Employee Assistance Program--address and phone number.
 - d. University of Nebraska Equal Opportunity and Affirmative Action Guidelines, complaint and grievance procedures, addresses and phone numbers of contact persons.
 - e. All pertinent Civil Rights Laws.
 - f. University of Nebraska Cooperative Extension Civil Rights and Diversity Plan (revised 1995).

- ____ 3. USDA Memorandum pertaining to civil rights, equal opportunity and affirmative action. (Current statement by USDA Secretary.)

- ____ 4. Text of all pertinent federal civil rights laws in nearest District Director's Office (address, phone number, and contact persons).

- ____ 5. University of Nebraska Cooperative Extension Civil Rights and Diversity Plan (see Ready Access File) includes:
 - a. Affirmative action strategies for employment and programming
 - b. Public notification action plans for educational programs
 - c. All Reasonable Efforts--Seeking balanced participation

POLICY STATEMENTS, PROCEDURES AND RESPONSIBILITIES

- ___ 6. Letter to all faculty and staff from the Dean and Director of Cooperative Extension pertaining to Civil Rights and Diversity.
- ___ 7. Letter from the Dean and Director of Cooperative Extension designating a contact person responsible for Civil Rights matters, including updating files.
- ___ 8. Display of current federal posters in prominent office location ("Equal Employment Opportunity it the Law" and "And Justice for All."
- ___ 9. Display of current University of Nebraska nondiscrimination poster "Equality for Everyone Means Quality for All" in a prominent office location.

CURRENT POSITION DESCRIPTIONS (samples)

- ___ 10. Extension Specialist
Name _____
Date _____
- ___ 11. Extension Specialist
Name _____
Date _____
- ___ 12. Extension Specialist
Name _____
Date _____
- ___ 13. Extension Assistants
Number in the Unit _____
Number of descriptions on file _____
Dates _____
- ___ 14. Support Staff
Number in the Unit _____
Number of descriptions on file _____
Dates _____

REPORTS AND TRANSACTIONS

- ___ 15. Samples of media releases, clippings, brochures, scripts etc. of past three years.
- ___ 16. Use of nondiscrimination statements on newsletters, publications, and visuals (samples).
- ___ 17. Use of public access accommodation statement in educational program announcements (samples).
- ___ 18. Faculty meetings--samples of minutes or notes of discussions of civil rights and diversity issues regarding employment.
- ___ 19. Program outcomes: reports to Extension Administration--copies of accomplishment/progress reports shared with Extension Administration that include actions regarding Civil Rights and Diversity matters.
- ___ 20. Copies of previous Civil Rights and Diversity compliance reviews.
- ___ 21. Record of personal educational visits by gender and racial designation; sample notes to the file or letters pertaining to those visits. Sample of quarterly Cooperative Extension Accountability Reports from Specialists.