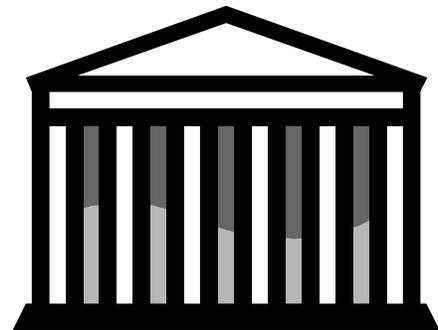


Civil Rights/Affirmative Action/Equal Employment Opportunity Resource Manual

This Civil Rights/Affirmative Action/Equal Employment Opportunity Resource Manual is intended for use by staff in the Purdue University Cooperative Extension Service. The information in this publication is designed to address questions related to Civil Rights, Affirmative Action, and Equal Employment Opportunity. The manual is divided into sections according to the titles and laws. These individual sections can be used in staff meetings, office conferences, and with volunteers to review existing Civil Rights laws and any updates that the system may share. The resource manual also contains excerpts of the various Civil Rights and Equal Employment Opportunity laws, and includes updates where applicable.

This manual is a companion piece to the video "Understanding Civil Rights Laws."



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Introduction

Overview

Members of the Ohio State University (OSU) Extension Human Resources team developed this manual in order to provide important resources relevant to Affirmative Action, Equal Employment Opportunity, and Civil Rights to The Ohio State University and Purdue University Cooperative Extension. The manual is a tool that provides information on existing Civil Rights Laws and expectations of compliance, in addition to any updates or amendments to Civil Rights Acts.

We encourage leaders of departments, program areas, county offices, and learning centers to use sections of this manual on an annual basis to remind employees of the various Affirmative Action, Equal Employment Opportunity, and Civil Rights laws. Updates will be done on an as-needed basis. When you receive these, please add them to the appropriate sections.

Purdue University is committed to Affirmative Action, Equal Employment Opportunity, and Civil Rights, and this is one way that we in Purdue University Cooperative Extension Service are demonstrating our commitment to the laws and to the university.

Civil Rights Fact

Purdue University Cooperative Extension Services are committed to Affirmative Action, Equal Employment Opportunity, and Civil Rights.



Why a Manual on Affirmative Action, Equal Employment Opportunity, and Civil Rights?

The importance of understanding and valuing diversity, its function in Purdue Extension's employment and program delivery, and Purdue Extension's role in compliance and documentation have been a major focus of 2004-2006 staff development. This manual enhances our effort to demonstrate the connection between AA/EEO/Civil Rights and valuing diversity and inclusion.

AA/EEO/Civil Rights is the legal basis for having a diverse workforce; however encouraging an appreciation of diversity is something that we do because it is the right thing to do, not just because it is encouraged by law. Historically, there have been groups who have been purposefully excluded from social institutions, including education, employment, politics, and the judicial system. This is why there were Civil Rights laws enacted and finally enforced by our government.

The Civil Rights laws that began breaking down the barriers for the particular groups referred to as protected classes are only 40 years old. While there has been much progress, 40 years does not undo over three centuries, in some cases of unequal access to jobs and education through segregation and discrimination. Civil Rights laws and diversity is a delicate balance. Civil Rights laws make it illegal to discriminate or segregate based on a person's race, skin color, national origin, religion, age, sex, disability, or veteran status, but because 40 years is not a long time, we still have some remnants of attitudes that were supportive of the oppressive system of the past. This is where diversity comes in. By developing an understanding of those who are different from us, we can become stronger and more productive. Diversity is not divisive – it simply recognized that all individuals bring a variety of skills and experiences based on who they are. As you read this manual, keep in mind that AA/EEO and Civil Rights are a complement to diversity initiatives and the development of an inclusive workforce for the new millennium.

Frequently Asked Questions about Civil Rights Laws, Affirmative Action/Equal Employment Opportunity, and the Americans with Disabilities Act

The following are frequently asked questions about Civil Rights laws, Affirmative Action, Equal Employment Opportunity, and the Americans with Disabilities Act. The responses should not be taken as legal advice. Although they may contact exact citations from the laws, they are for educational purposes only. The answers to these questions were developed based on information from federal, state, and local laws in addition to university policies and guidelines.

What are the Civil Rights laws?

All U.S. citizens have Civil Rights that are protected by federal law. Civil Rights are based on the Constitution of the United States and the Bill of Rights. The Bill of Rights was developed to protect individuals from abuse of power by state and federal government. The Bill of Rights consists of the first ten amendments to the U.S. Constitution. For a more detailed look at the Bill of Rights and other historically important Civil Rights laws, please see Section 2, "History of Civil Rights."

Civil Rights Laws

- The Civil Rights Act of 1957
Also known as the Voting Rights Act. Established the Commission on Civil Rights and makes it a federal crime to infringe on any individual's voting rights.
- The Civil Rights Act of 1960
Title IV of this act extended the authority of the Commission on Civil Rights.
- The Civil Rights Act of 1964
Encompassed voting rights, education, federally funded programs, and employment practices. It also established the Equal Employment Opportunity Commission.
- The Civil Rights Act of 1965
Referred to as the Voting Rights Act. It was enacted to strengthen existing laws that were not being upheld.
- The Civil Rights Act of 1968
Known as the Fair Housing Act.
- Rehabilitation Act of 1973
Replaced the Vocational Rehabilitation Act and prohibited discrimination against people with disabilities at the federal level and within programs receiving federal funding.
- Americans with Disabilities Act 1990
Builds upon the Rehabilitation Act of 1973 to broaden the scope of anti-discrimination to include state and local government. It protects people with disabilities from discrimination in employment, education, transportation, and attendance at public events.

Why are there protected classes and who is considered part of a protected class?

Historically, our society has engaged in behavior that has infringed upon the Civil Rights of specific groups of people. The following groups are considered protected classes: women, African Americans, Asian American/Pacific Islanders, Native American Indians, Latinos/Hispanics, veterans, people with disabilities, people over age 40, and all recognized religious groups.

How were protected classes determined?

Civil Rights are guaranteed to all individuals in the United States. However, specific laws were enacted to address the historical mistreatment and the violation of Civil Rights of groups of people who have traditionally been overlooked or discriminated against by laws and practices of groups and individuals in the United States.

Why are these groups considered protected classes?

- Women were denied the right to vote for many years, tracked into specific occupations if hired, and when hired did not earn equal pay for equal work.
- African Americans were enslaved for two centuries. Even after being freed there was very little protection of their 13th, 14th, and 15th Amendment rights. It was not until the late 1950's that the oppressive Black Codes began to crumble.
- Latinos/Hispanics, Asian American/Pacific Islanders, and Native Americans have also been denied their Civil Rights in a myriad of ways, including having land taken, being interned during World War II, being used for cheap labor, and being viewed as second-class citizens.
- Immigrants who came to the United States were not often paid wages that were equal to those of nonimmigrants. For many years, immigrants were also prohibited from certain jobs and housing.
- People with disabilities have historically been overlooked in our society and denied employment opportunities, as well as access to housing, education, and participation in public events.
- Age is a protected class because patterns of discrimination have been discovered against people age 40 and older.
- Freedom of religion is protected under the First Amendment. However, there have been some cases where people were excluded and discriminated against because of their religious beliefs.
- Individuals who serve in our armed forces; this group was added as a protected classification because of the controversy surrounding the Vietnam War. Vietnam veterans were often not well received upon return to the United States and experienced discrimination because of their military service.

Why is our college and organization reviewed for compliance on Civil Rights laws when we follow our university policies and guidelines?

Although we are part of the Land Grant System and a state university, we also are partners with the Cooperative State Research, Education, and Extension Service (CSREES) under the United States Department of Agriculture (USDA). As a partner who receives federal funding in addition to state funds, we are required to demonstrate how we comply with federal laws. CSREES has requested that each state Extension service develop an internal Civil Rights compliance process. In addition to an internal process, our CSREES partners review each state every five years.

What does Affirmative Action mean?

The concept of Affirmative Action arose during the Civil Rights Movement. One way of defining it is any effort taken to increase the access by persons who fall under protected classes to education, jobs, and other services that have been historically denied to them due to discriminatory practices.

Why do we need to have Affirmative Action programs?

Many organizations and institutions of higher education have Affirmative Action programs in place to demonstrate a commitment to Civil Rights laws and to rectify historical wrongs. We also have these programs because we believe that a diverse and inclusive work environment makes us stronger as an organization.

Affirmative Action programs take a variety of shapes and can include measures taken to ensure that all potential candidates are aware of employment and program opportunities. One technique is networking with organizations that have members who are among the protected classes.

Isn't Affirmative Action just reverse discrimination?

Affirmative Action is not reverse discrimination. The intent of Affirmative Action programs is not to hire people who are not qualified or hold people to different standards. Affirmative Action was designed to level an unequal playing field by taking proactive measures to ensure that all people have equal access to educational opportunities and jobs in all professions.

Doesn't Affirmative Action require people to hire a certain number of minorities and women?

There are some cases where quotas are imposed on organizations, businesses, and companies with regard to increasing minority and women hires. In these cases, quotas are imposed because of legal action that has been taken because the company, business, or organization has been found by the courts to have deliberately or unintentionally set up unfair hiring practices resulting in qualified women and minorities not being hired.

What does Equal Employment Opportunity mean?

The phrase "Equal Employment Opportunity" refers to various Civil Rights laws and titles enacted throughout the years ensuring equal access to all people with regard to jobs. Equal Employment Opportunity means that any employer must use hiring practices that do not intentionally or unintentionally discriminate against members of protected classes or violate anyone's Civil Rights.

What is the Americans with Disabilities Act?

The Americans with Disabilities Act (ADA) is an extension of the Rehabilitation Act of 1973. The ADA makes discriminating against people with disabilities at the federal, state, or local level illegal. The ADA also covers private businesses. People with disabilities are protected from discrimination in employment practices, including hiring, compensation, and firing. The law also protects the access of people with disabilities to education, transportation, and attendance at public events including sports, concerts, movies, and other public events.

References

Information for this section was taken from documents on the actual laws, legislation, and acts found online at: <http://www.eeoc.gov/laws/index.cfm>

Equal Employment Opportunity Commission, 2005 TAPS Manuals.
EEOC Training Institute, CD-ROM.

Section 1: History of Civil Rights

What are Civil Rights?

Civil Rights are those rights that all individuals are entitled to based upon the U.S. Constitution. The first ten amendments to the Constitution, known as the Bill of Rights, spell out specific Civil Rights. Additional amendments have been enacted that have expanded the rights listed in the Bill of Rights. These expansions will be reviewed in this manual. To view a copy of the Bill of Rights and the other amendments, go to the following website: <http://usinfo.org/enus/government/overview/billeng.html>

Unfortunately, these rights have not been applied in a consistent manner to all people. Women, American Indians, Africans who were slaves, and others were not afforded Civil Rights nor were the laws enforced sufficiently to protect their rights.

Brief History of Civil Rights

Many of our current Civil Rights laws are grounded in laws established during the 1800's. For this reason, even though the focus of this manual is on Civil Rights laws enacted during the 20th century, it is important to be familiar with the older laws in order to understand the newer ones. The numerous Civil Rights laws that were passed prior to the 20th century are listed below in order of enactment.

Thirteenth Amendment (1865)

In 1865, the Thirteenth Amendment making slavery illegal in all of the United States was added to the U.S. Constitution.

Civil Rights Act of 1866

This act is the Fourteenth Amendment to the U.S. Constitution and established citizenship and rights for all people regardless of color or former slave status who were born in the United States. It also indicates that all citizens have a right to own property, to make and carry out contracts, get married, receive fairness in punishment, and to testify in court. American Indians were not considered citizens and were not included in this act because they were not required to pay taxes. American Indians were allowed to become citizens in 1867, but only if they met certain guidelines (Spring, p 17).

The Reconstruction Act of 1867

This act is the Fifteenth Amendment to the U.S. Constitution and gave all "qualified people" including African Americans (males only) the right to vote. Despite the passing of this amendment, individual states could set up prerequisites that had to be met in order to be able to actually cast a vote. However, for a short period, some African Americans were able to not only vote but to run for office and make policy.

The Civil Rights Act of 1871

This act established federal supervision of elections in states where people who did not want blacks to vote were derailing voter registration.

The Klan Act of 1871

The Ku Klux Klan started as a small group of Civil War veterans determined to continue the right for the “Old Southern Ways” (slavery). The group grew and began to attack blacks, as well as whites who were known to have been abolitionists or supporters of reconstruction. In 1868, there were 1,300 lynchings in the South. An additional aspect of Klan activity was political. Many of the white victims were members of the Republican Party. President Grant made the Klan an illegal group and indicated that force could be used to stop their violent opposition and intimidation.

The Civil Rights Act of 1875

This act desegregated public places such as theaters, trains, and hotels. It also allowed blacks to sue for not being allowed in public places. This was the last Civil Rights act until 1957. The act was essentially overturned by *Plessy v. Ferguson* (1896), the most famous case on which future segregationist practices would be modeled. The state of Louisiana had established separate places for accommodation and transportation for blacks and whites. Plessy, who was 7/8 white and 1/8 black purchased a ticket on a Louisiana train and was asked to leave the whites-only car. Upon his refusal, he was arrested. In court, it was argued that his removal was a violation of the 13th and 14th Amendments. One of the reasons given for the finding in favor of the state was that the separation of races was “simply a matter of social policy and did not lend itself to African Americans being treated in an inferior manner” (http://en.wikipedia.org/wiki/Plessy_v._Ferguson).

This landmark case set the stage for other states to develop and maintain separate but equal ideologies. In addition, this law did not just affect the south, but also influenced attitudes in the North and even those of the federal government, as demonstrated by the segregation seen by the Wilson Administration in 1910 (Loewen, 1995). While *Plessy v. Ferguson* made it legal to establish “separate but equal” facilities for whites and blacks, the reality is that the races were separate but there was little equality.

References

Loewen, J. (1995). *Lies my teacher told me: Everything your American history textbook got wrong*. New York: Simon and Schuster.

Spring, J.

<http://www.teachingamericanhistory.org/library/index.asp?document=482>

Section 2: Civil Rights in the 20th Century

When you hear the words “Civil Rights laws,” you might think about the 1960s, Martin Luther King Jr., Malcolm X, segregation, or more specifically the Civil Rights Act of 1964. While the Civil Rights Movement did lead to incredible changes in our society, the battle for equal treatment of all citizens had been going on since the very beginning of the United States. The first Civil Rights Movement at the government level began with the emancipation of slaves and the 13th, 14th, and 15th Amendments to the U.S. Constitution. However, while there were laws on record that made discrimination illegal, enforcement of these laws was lax. So lax in fact, that individual states often passed other laws that neutralized the laws at the federal level.

Executive Orders (EOs)

Many Civil Rights laws had their start in the form of Executive Orders. Executive Orders do not have any legal meaning other than to those whom the Executive Order is directed, unless created in “pursuance with acts of Congress.” This section reviews Executive Orders that helped build a foundation for existing Civil Rights legislation.

One of the first efforts of the 19th century to end employment discrimination was **Executive Order 8802**, which was signed in 1941 by President Roosevelt. This order was the first to take action against private employers with government contracts. This executive order is also known as the Fair Employment Act, and made it illegal for defense contractors to discriminate in employment based on race, color, or national origin. While it was a step in the right direction, this order contained no provision for enforcement, which meant that it was on the books but there was no one responsible for enforcement.

Executive Order 9981, which was signed by President Truman in 1948, desegregated the Armed Forces. This order called for, “equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion, or national origin.” Again, this was a positive movement toward equality but the reality is that the fighting forces were not actually integrated until 1952 when the Korean War began. The last all-black army unit was disbanded in September 1954 (Wikipedia Encyclopedia).

President Kennedy issued **Executive Order 10925** in 1961. This order strengthened Executive Order 8802 by prohibiting discrimination by contractors of the federal government based on race. This order also established the President’s Committee on Equal Employment Opportunity (EEOC web site). One major difference in this order and other orders was that there was an accountability factor built in – in the form of the Equal Employment Opportunity Committee. The committee was allowed to impose sanctions against contractors who violated the order.

Executive Order 11246 was the first order executed after the Civil Rights Acts of 1957, 1963, and 1964. It was signed by President Johnson in 1965 and cements a working relationship between the Equal Employment Opportunity Commission (EEOC) established by Title VII of the Civil Rights Act of 1964 and the Department of Labor. Executive Order 11246 calls for these two organizations to work together to make sure that there are no discriminatory practices within federal employment and companies doing business with the federal government.

Executive Order 11375 Gender Discrimination in Federal Government, was signed in 1967 and added gender to the list of protected classes that could not be discriminated against by the federal government.

Executive Order 11478, signed in 1969, calls for each of the federal departments to develop an Affirmative Action plan and comply with Equal Employment Opportunity laws. To read the order, go to <http://www.dol.gov/oasam/regs/statutes/EO11478.htm>

Executive Order 12250 was signed in 1979 by President Carter and reinforces non discrimination in programs supported by federal dollars. This order was administered to the Attorney General who was responsible for monitoring compliance. To read the order, go to <http://www.justice.gov/crt/about/cor/byagency/eo12250.php>

Executive Order 13145 was signed by President Clinton in 2000 and makes it illegal for employers, including state and federal agencies, to discriminate against potential or current employees based on genetic information. To read this order, go to <http://www.eeoc.gov/eeoc/history/35th/thelaw/13145.html>

Executive Order 13160 (2000) adds sexual orientation and parental status to groups that may not be discriminated against in federal employment and access to “federally funded, education, occupational training, academic programs, schooling, summer enrichment camps, scholarships and fellowships, student internships, and teacher training programs” (Executive Order 13160). For more information on Executive Order 13160 go to <http://www.justice.gov/crt/about/cor/Pubs/eo13160.php>

Executive Order 13166 (2000) supports Title VI of the Civil Rights Act prohibiting discrimination against national origin by recipients of federal funds, meaning access to materials, services, etc. must be equitable. To read frequently asked questions about EO 13166, go to <http://www.justice.gov/crt/about/cor/Pubs/lepqa.php>

Civil Rights Acts

The Civil Rights Act of 1957

This was the first Civil Rights act since the Civil Rights Act of 1875 prohibiting segregation in public places was passed. The Civil Rights Act of 1957 was signed by President Eisenhower and contains four points, one of which did not pass until 1964. The Civil Rights Act of 1957 was an important act; however, its effectiveness with regard to voting rights was questionable. Voting continued to be a focus of later Civil Rights acts.

- The first point of the Civil Rights Act of 1957 was a proposal to establish a bipartisan Commission on Civil Rights. This Commission's primary focus would be to study racial discrimination and provide reports and recommendations to Congress.
- The second point of the act was a proposed extension of the Civil Rights Section within the Justice Department. The idea was to extend power by making a Civil Rights Division that was legislated by Congress instead of created by an Executive Order.
- The third point, which was not adopted until 1964, established a provision for the Attorney General of the United States to file discrimination suits on behalf of individuals. This point also called for allowing the Attorney General to secure court injunctions to move Civil Rights Cases from state to federal courts.
- The fourth point of the act solidified an individual's right to vote without intimidation or unfounded criteria or qualifications such as tests, and property ownership.

An interesting footnote related to the Civil Rights Act of 1957 is that Senator Strom Thurmond made history by holding a filibuster for 24 hours and 18 minutes because he was against the legislation (Filibuster and Cloture, U.S. Senate History web site).

The Equal Pay Act of 1963

This act made sex-based wage discrimination against the law. Essentially, the legislation made it illegal for women to be paid less than men for doing the same job of equal skills, responsibility, and effort with similar working conditions.

The Civil Rights Act of 1964

This act includes amendments to the Civil Rights Act of 1957, in addition to providing new legislation. The Civil Rights Act of 1964 was passed by a primarily northern push. This act was in many ways a catalyst for the ending of Jim Crow laws of the South, and is made up of seven titles.

- **Title I – Voting Rights:** Title I strengthened the Civil Rights Act of 1957. While it “barred unequal application of voter registration requirements,” it did not call for the abolishment of the many tests administered that often kept African Americans and poor whites from voting, just that they would not be applied unequally. To read the law, go to <http://usinfo.org/enus/life/people/civilrightsact.html>.
- **Title II – Injunctive Relief Against Discrimination in Public Accommodation.** Title II applies to places open to the public, including but not limited to hotels, motels, restaurants, theaters, inns, stadiums, and concert halls. It does not infringe on “private clubs” and does not define what private clubs or organizations mean. This title also allows complaints to be filed by the Attorney General if acts of discrimination in public places occur. To read Title II, go to <http://usinfo.org/enus/life/people/civilrightsact.html>.
- **Title III – Desegregation of Public Facilities:** Title III allows individuals to file complaints with the Attorney General if they feel they are being denied “equal protection under the law” to use a publicly run facility. The title indicates that the Attorney General can and will investigate any complaints and there may be charges filed.
- **Title IV – Desegregation of Public Education:** Title IV calls for the nonbiased assignment of students to schools. It does not recommend busing but makes it illegal to separate students based on race, color, or national origin.
- **Title V – Commission on Civil Rights:** Title V makes amendments to how the Commission on Civil Rights operates. To read the title, go to <http://usinfo.org/enus/life/people/civilrightsact.html>.
- **Title VI – Nondiscrimination in Federally Assisted Programs:** Title VI makes it illegal to withhold participation or services due to a person’s race, color, or national origin in programs that receive funds from the federal government. To read Title VI, go to <http://usinfo.org/enus/life/people/civilrightsact.html>.

- **Title VII – Equal Employment Opportunity:** Title VII provides detailed descriptions of what types of employment practices are not allowed and encourages Equal Employment Opportunity for all people. Title VII makes it illegal for employers to discriminate based on race, color, national origin, religion, or sex in hiring, promotion, or classification. The title also indicates that segregating any employee due to any of these characteristics is also illegal. To monitor the status of employers, Title VII calls for the creation of the Equal Employment Opportunity Commission (EEOC) whose primary responsibility is to monitor agencies, organizations, and businesses; address complaints made by employees or potential employees; and to educate people about Title VII. To read the title, go to <http://usinfo.org/enus/life/people/civilrightsact.html>.

The Age Discrimination in Employment Act of 1967, ADEA

This act made discriminating against individuals between the ages of 40-65 illegal. It also contained provisions for maintaining the pensions and benefits of older workers. Under the ADEA it is illegal to indicate an age preference in hiring unless it falls under a Bona Fide Occupational Qualification (BFOQ), which means that there is a documentable and appropriate reason for requesting specific qualifications in employees like age, sex, strength, and height. To read more about this act, go to <http://www.eeoc.gov/policy/adea.html>.

Equal Employment Opportunity Act of 1972

This act is actually an amendment to the Civil Rights Act of 1964 and focuses on Title VII, which was still only being given lip service in many places. This act provides the Equal Employment Opportunity Commission (EEOC) with more authority and jurisdiction in pursuing organizations, unions, and other nongovernment agencies that continued to discriminate against the protected classes established in the 1964 act. It also makes the federal government accountable under Title VII, meaning that in addition to being able to file complaints, individuals can also sue based on discriminatory hiring practices.

The amendments to Title VII of the 1964 Civil Rights Act also make educational institutions subject to Title VII, and reduce the number of individuals that businesses employ from 25 to 15 in order to be covered under Title VII. To read the act, go to http://www.eeoc.gov/eeoc/history/35th/thelaw/eo_1972.html.

Title IX of the Education Amendments of 1972

This title is an amendment to the Civil Rights Act of 1964. It is the first one to apply specifically to students and employees of educational institutions. Under this act, “No person in the United States shall, on the basis of sex, be excluded from participation in, or denied the benefits of or be subjected to discrimination under any educational program or activity receiving federal assistance.” In essence, any educational program that receives federal funds must not discriminate based on sex. It provides the basis for protecting individuals from sexual harassment.

The Rehabilitation Act of 1973

The Rehabilitation Act of 1973 laid the foundation for the Americans with Disabilities Act of 1990 by making private employers subject to nondiscrimination in hiring people with disabilities. This act replaced the Vocational Rehabilitation Act and was designed to strengthen programs for people with disabilities and increase employment opportunities in the public and private sectors. The Rehabilitation Services Administration was started in the Department of Health, Education, and Welfare because of this act. To read the Rehabilitation Act of 1973, go to <http://www.eeoc.gov/laws/statutes/rehab.cfm>.

Vietnam Era Veterans Readjustment Assistance Act (VEVRAA), 1974

This act provides guidelines for businesses with federal contracts of \$25,000 or more to develop Affirmative Action practices toward Vietnam Era veterans. As of 2003, the amount of contracts increased to \$100,000 or more, and the act applies to all people with veteran status as determined by the 1994 Uniformed Services Employment and Reemployment Act.

The Age Discrimination Act of 1975

The act prohibits age discrimination among any groups, agencies, or institutions that receive federal money. Such programs may include health services, educational programs, housing, welfare, food stamps, and rehabilitation programs (National Academy of Elder Law Attorneys).

Pregnancy Discrimination Act of 1978

This legislation is another amendment to Title VII of the Civil Rights Act of 1964 that strengthens protection of women by prohibiting employment discrimination based on pregnancy. This amendment includes hiring and benefits. To read the amendment, go to http://www.eeoc.gov/eeoc/history/35th/thelaw/pregnancy_discrimination-1978.html.

Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978

Essentially, this act is an amendment to the Rehabilitation Act of 1973 and strengthens the rights of people with disabilities by providing the same discrimination claim process as indicated in Title VII to private sector employees with disabilities. This legislation also increased the scope of the 1973 act by increasing programs designed to provide work skills to people with disabilities. In addition, the act provided resources for people with disabilities who live on Indian Reservations. The legislation also established two important groups: the National Committee on Handicapped Research, and the National Council of the Handicapped. Both groups are under the Department of Health and Human Services. To read the act, go to http://www.eeoc.gov/eeoc/history/35th/thelaw/rehab_amendments_1978.html.

Civil Service Reform Act of 1978

This is one of several actions that influenced the course of equal employment opportunities for all people. Although this act pertains to federal employees, it influenced the private sector as well. Through this legislation, the U.S. Civil Service Commission was abolished, and a new office called the Office of Personnel Management was established, in addition to strengthening the authority of the Merit Systems Protection Board. To read the law, go to http://www.eeoc.gov/eeoc/history/35th/thelaw/civil_service_reform-1978.html.

Reorganization Plan No 1 of 1978 and Executive Order 12067

Under this reorganization plan and executive order, the responsibilities of various government departments and agencies to oversee and enforce nondiscrimination statutes were combined, resulting in the elimination of some and absorption of others. By condensing responsibilities to three departments, more accountability and enforcement standards were implemented. After the reorganization plan, the Equal Employment Opportunity Commission (EEOC), the Department of Justice, and the Department of Labor had EEO responsibilities.

However, the majority of EEO responsibilities fell within the EEOC. To read the executive order, go to <http://www.eeoc.gov/eeoc/history/35th/thelaw/eo-12067.html>.

Deficit Reduction Act of 1984

The act is an amendment to the Age Discrimination in Employment Act and states that employees' spouses who are between the ages of 65 and 69 be eligible for the same health plans as employees with spouses who are younger than age 65.

Age Discrimination in Employment Amendments of 1986

These amendments to the Age Discrimination in Employment Act of 1967 make it illegal to discriminate against any person over the age of 70 either by making retirement mandatory or by not hiring an individual. However, law enforcement and fire departments are exempt – they can have a specified retirement age, as long as the age is justified by a bona fide occupational qualification plan. To read the amendment, go to http://www.eeoc.gov/eeoc/history/35th/thelaw/adea_amendments_1986.html.

Age Discrimination Claims Assistance Act of 1988

This act extends the length of time an individual has before filing a claim based on age discrimination.

Age Discrimination Claims Assistance Amendments of 1990

The legislation was another extension for people filing age discrimination claims. The extension allows the Equal Employment Opportunity Commission (EEOC) to clear a backlog of cases without penalizing individuals who are filing. To read the act, go to <http://www.eeoc.gov/eeoc/history/35th/thelaw/adcaa-ii.html>.

Americans with Disabilities Act of 1990 (ADA)

This act is a multi-title act that was phased in over a period of time. The best-known title is Title I, which prohibits discrimination in employment based on disability. Title II addresses public services; Title III covers public accommodations; Title IV deals with telecommunications; and Title V covers other areas that are not identified in Titles 1 through IV.

Older Workers Benefit Protection Action of 1990

This act "amends the Age Discrimination in Employment Act of 1967 to prohibit age discrimination in employee benefits and also established minimum standards for employee's voluntary waiver of an ADEA claim".

Civil Rights Restoration Act of 1991 (CRA)

This legislation overruled several court decisions from 1980's and allowed individuals to file claims against their employers. According to the Equal Employment Opportunity Commission (EEOC), the "CRA is an amendment that covers Title VII, the Age Discrimination in Employment Act, and the Americans with Disabilities Act (ADA) to allow for complainants such as women, religious minorities, and the disabled to request jury trials and the recovery of compensatory and punitive damages in intentional employment discriminations. It also eliminates the two and three statute of limitations period for filing private lawsuits under the Age Discrimination in Employment Act."

Family and Medical Leave Act of 1993 (FMLA)

FMLA requires that employers provide eligible employees with up to 12 weeks of unpaid leave in a 12 month period for medical or family reasons. During a period of unpaid leave, an employee's health care benefits (but not other benefits) are required to continue.

Family and medical Leave can be taken for these reasons:

- The birth of a child, adoption, or foster care placement.
- Care of a family member with a serious health condition, such as a spouse, a child, or a parent of the employee.
- The employee's own serious health condition that does not allow him or her to perform the essential functions of the job.

When requesting Family and Medical Leave, an employee should give verbal notice as soon as a qualifying status change is anticipated. Written documentation should be submitted 30 days prior to the scheduled leave. All Family and Medical Leave requests are subject to the approval of the immediate supervisor.

Paid leave such as sick leave, vacation leave, parental leave, compensatory time, or unpaid leave may be substituted for any part of the 12 weeks, if available. Upon returning to the job, the employer must return the employee to the same or an equivalent position with equivalent benefits and pay that the employee had before Family and Medical Leave was taken. FMLA protects an employee's position when the employee cannot return to work and is on unpaid leave status.

Freedom of Information Act (FOIA)

This legislation was enacted in 1966 and states that any person has the right to request access to federal agency records or information. This act only applies to federal records – each state has its own statutes governing public access to state and local government records. In Indiana, the Indiana Public Records Law generally requires every "public office" to make records available for inspection, as well as copying rights.

Citizens may request a copy:

- By mail;
- Upon the same medium in which the record is kept;
- Upon another medium in which the public office or person responsible for the record determines that it can "reasonably" be duplicated.

"Public record" is defined as any record that is kept by any public office, including, but not limited to, state, county, city, village, township, and school district units and any record pertaining to the delivery of educational services by an alternative school in Indiana kept by a non-profit or for-profit entity operating the school.

References

A Brief History of Civil/Rights in the United States of America, the Civil Rights Act of 1957
<http://www.africanamericans.com/CivilRightsActof1957.htm>

Age Discrimination Act of 1975. Department of Labor web site.
http://www.dol.gov/oasam/regs/statutes/age_act.htm

Civil Rights Act of 1957 from the Eisenhower Archives.

http://www.eisenhower.archives.gov/research/online_documents/civil_rights_act/Civil_Rights_Bill.pdf

Civil Rights Act of 1957

http://en.wikipedia.org/wiki/Civil_Rights_Act_of_1957

The Civil Rights Act of 1964

<http://usinfo.org/enus/life/people/rights/essay.html>

Deficit Reduction Act of 1984. EEOC web site.

<http://www.eeoc.gov/eeoc/history/35th/thelaw/defra.html>

Equal Employment Opportunity Act of 1972. Equal Employment Opportunity Commission web site.

http://www.eeoc.gov/eeoc/history/35th/thelaw/eo_1972.html

Executive Order 11246, September 1965

Equal Employment Opportunity web site.

<http://www.eeoc.gov/eeoc/history/35th/thelaw/eo-11246.html>

The Equal Pay Act of 1963. Wikipedia Encyclopedia.

http://en.wikipedia.org/wiki/Equal_pay_for_women

Executive Order 9981

http://en.wikipedia.org/wiki/Executive_Order_9981

Loewen, J. (1995). Lies my teacher told me: Everything your American history textbook got wrong. New York: Simon and Schuster.

National Academy of Elder Law Attorneys, Inc. Law Series.

http://www.naela.org/Public/About_NAELA/Public_or_Consumer/Age_Discrimination.aspx

Pregnancy Discrimination Act of 1978, EEOC web site.

http://www.eeoc.gov/eeoc/history/35th/thelaw/pregnancy_discrimination-1978.html

The Rehabilitation Act of 1973

<http://www.eeoc.gov/laws/statutes/rehab.cfm>

Spring, J.

<http://www.teachingamericanhistory.org/library/index.asp?document=482>

Vietnam Veterans Readjustment Assistance Act, 1974. U.S. Department of Labor web site.

<http://www.dol.gov/dol/compliance/comp-vevraa.htm>

Uniformed Services Employment and Reemployment Act, 1994. U.S. Department of Labor web site.

http://www.dol.gov/vets/programs/userra/userra_fs.htm

U.S. Senate History web site.

http://www.senate.gov/artandhistory/history/common/briefing/Filibuster_Clature.htm

Section 3: Civil Rights Legislation and Extension

The United States Congress has enacted legislation that seeks to prevent discrimination in our society, whenever possible. For Extension organizations, the major areas impacted by these laws are employment and program delivery. However, legislation also addresses the workplace, professional development opportunities, and other aspects of equal treatment.

Civil Rights legislation originally placed people into protected classes based on race, color, religion, sex, or national origin. Later laws added age, veteran status, and ability to these categories. A person within a protected class is to be treated in the same fashion as other people. While these laws are not designed to give preferential treatment to the designated classes, affirmative steps often are required to correct past or existing inequities.

Protected Classes

Civil Rights laws protect certain groups of people against discrimination. These protected classes include the following:

- **Race, color, or national origin** – Five groups are designated for protection against discrimination. They are White, Black, American Indian, Hispanic, and Asian.
- **Religion, gender, and age** – Discrimination based on these factors is not permitted.
- **Disability** – A disability is defined as a physical or mental impairment that substantially limits one or more of an individual's major life activities. Reasonable accommodations must be made in order to prevent discrimination.

Policies of Purdue University prohibit discrimination against all the classes mentioned above. In addition, Purdue University and any employee of the university will not discriminate against individuals based on marital status, parental status, and sexual orientation. The rest of Section 3 of this manual describes the Civil Rights laws that are particularly relevant to Extension professionals.

Title VI of the Civil Rights Act of 1964

This legislation requires Purdue Extension to develop and maintain a database that identifies eligible populations and monitors the extent to which programs and services are delivered to protected class individuals. Various court rulings have held that it is not enough to merely certify that a nondiscriminatory policy is in effect. In addition, positive, affirmative steps must be taken to assure participation by minorities and women.

Title VII of the Civil Rights Act of 1964

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

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 of the Education Amendments of 1972

This legislation prohibits sex discrimination against students and employees in federally assisted education programs or activities.

Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990

These acts 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 disabled and placing signage for the visually impaired in buildings in which the employment, services, and programs are offered; and providing auxiliary aids and services to individuals with vision or hearing impairments or other disabilities so they have equal opportunity to participate in programs. In addition, employers must reasonably accommodate the disability of qualified applicants or employees; unless an undue hardship would result. The acts specify correct actions and penalties for those not meeting the requirements.

Age Discrimination

A number of federal laws address age discrimination. This legislation includes 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 sections of 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 laws are designed to promote employment of older persons based on ability rather than age and to help employers and workers find ways to resolve problems arising from the impact of age on employment.

Civil Rights Act of 1991

This legislation allows women, religious minorities, and the disabled to seek monetary damages in cases of intentional discrimination.

Purdue University Memorandums, Policies and Procedures

Purdue University maintains memorandums, policies and procedures that delineate the institutions commitment to maintaining an environment that recognizes the inherent worth and dignity of every person, fosters tolerance, sensitivity, understanding, and mutual respect.

Executive Memorandum No. C-33 sets forth Purdue University's Anti-Harassment policy

Any employee, student, visitor, or person participating in a University activity or service who believes he or she has experienced or witnessed discrimination and/or harassment is encouraged to report the incident(s) promptly. Prompt reporting of complaints is vital to the University's ability to resolve the matter. There are both informal and formal processes for resolving complaints of discrimination and harassment. A Complainant may elect to invoke either the informal or formal resolution process. If the Complainant finds that initial informal efforts are unsatisfactory, the Complainant may then seek formal resolution.

DEFINITIONS

Harassment is conduct towards another person or identifiable group of persons that has the purpose or effect of:

1. unreasonably interfering with or creating an intimidating or hostile educational environment, work environment, or environment for participation in a University activity.
2. unreasonably affecting a person's educational or work opportunities or participation in a University activity.

Racial Harassment

Racial harassment is conduct that demonstrates hostility towards another person (or identifiable group of persons) on the basis of race, color, national origin, or ancestry, and that has the purpose or effect of:

1. unreasonably interfering with or creating an intimidating or hostile educational environment, work environment, or environment for participation in a University activity.
2. unreasonably affecting a person's educational or work opportunities or participation in a University activity.

The University is strongly committed to providing a safe and harassment free environment for members of those groups that have historically been, and are still likely to be, at greatest risk of harassment for reasons of prejudice.

Sexual Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favors or other written, verbal, or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or participation in a University activity;
2. submission to, or rejection of, such conduct by an individual is used as the basis for, or a factor in, decisions affecting that individual's employment, education, or participation in a University activity; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, offensive, or hostile environment for that individual's employment, education, or participation in a University activity.

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person, fosters tolerance, sensitivity, understanding, and mutual respect, and encourages its members to strive to reach their potential.

Sexual harassment is against the law and impedes realization of the university and extension's mission of education, scholarship, and service.

Eliminating sexual harassment is facilitated through education and encouraging reports of concerns and complaints. Prompt corrective measures will be taken to stop sexual harassment. All complaints of sexual harassment are investigated.

Sexual harassment can occur between any individuals associated with the university, including employees, vendors, and customers. Any employee, student, campus visitor, or person participating in a University activity who believes he or she has experienced or witnessed discrimination and/or harassment is encouraged to report the incident(s) promptly. Prompt reporting of complaints is vital to the University's ability to resolve the matter.

Parties to a complaint must treat the matter under investigation with discretion and respect for all individuals involved.

Retaliation against an individual for reporting sexual harassment or for participating in an investigation of sexual harassment is prohibited both by Purdue University policy, and state and federal law. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group for exercising rights under Purdue University anti-harassment policy will be subject to appropriate and prompt disciplinary or remedial action.

Seek information about options from:

Women's Resource Office <http://www.purdue.edu/butler/resources.shtml>

Affirmative Action Office <http://www.purdue.edu/ethics/oie/index.html>

Human Resource Services <http://www.purdue.edu/hr/>

Family and Medical Leave Act of 1993

The Family and Medical Leave Act of 1993 provides for unpaid leave for employees under specific conditions. While on Family and Medical Leave, an employee's health care benefits (but not other benefits) are required to continue. The Family and Medical Leave Act entitles employees to 12 work weeks of job protected unpaid leave during any 12-month period when leave is taken for any one or more of the following circumstances:

- Birth of a child of the employee.
- Care for a child of the employee who is less than 12 months old.
- Placement of a child with the employee for adoption or foster care during the first 12 months of that placement.
- Care for the spouse, child, or parent of the employee if the family member has a serious health condition.
- An employee is unable to perform his or her duties because of the employee's own serious health condition (this includes time for treatment and recovery from treatment when appropriate).

A Purdue employee is eligible for FMLA leave when he or she has been employed by the University for at least twelve months, consecutive or non-consecutive, and has worked at least 1,250 hours during the twelve-month period preceding the date the leave commences.

Purdue University requires an employee to use accrued, unused paid sick leave for his or her own serious health condition or the serious health condition of the employee's parent, spouse, or child (under 18). Upon exhausting all paid sick leave, the employee *has the right* to use his or her accrued, unused paid vacation and/or unused paid personal days during FMLA leave. Unpaid leave runs concurrent with Purdue paid leaves.

Leave may be taken as continuous, intermittent, or reduced schedule leave.

While the federal regulation's definition of 'spouse' does not include same-sex domestic partner, same-sex domestic partners will be considered 'spouses' for purposes of Purdue University's FMLA policy.

<http://www.purdue.edu/policies/human-resources/vie1.html>

Section 4: Demonstrating Compliance with AA/EEO and Civil Rights Laws

Legal history shows that the absence or disproportionate exclusion of one of the protected classes from employment or program delivery is grounds for a prima facie case of discrimination. This means that it is not necessary for the plaintiff to prove intent to discriminate, but only to illustrate that the protected class in question is disproportionately under-represented. This type of discrimination is referred to as “adverse impact.” The burden of proof in an adverse impact case lies with the defendant to show nondiscrimination.

For this reason, record keeping is a very important element of demonstrating compliance with AA/EEO and Civil Rights laws. When efforts of outreach to protected classes are not documented, the burden of proving nondiscrimination is on the agency or organization. The following are some ways to keep records to assist in demonstrating compliance with federal, state, and local AA/EEO and Civil Rights laws.

Documenting All Reasonable Efforts

“All reasonable efforts” is defined as a series of approaches that are required of extension personnel to facilitate participation of under-represented or nontraditional groups. These are used in addition to Affirmative Action procedures and are required when program participation is not balanced. Not being balanced may mean that there are programs conducted for which protected class participation is nonexistent or disproportionately low compared to the population demographics. When this occurs, there must be documentation of the efforts that went into promoting participation in the program(s).

Examples of situations that call for “all reasonable efforts” include:

- An Extension-sponsored or assisted group that does not reflect the racial composition of the target community.
- Advisory or program committees that do not reflect the racial composition of the community or potential audience.
- Programs in which certain groups are consistently under-represented.

When these types of situations exist, Extension personnel must take responsibility for implementing steps as outlined below to attain the goal of balanced involvement from all groups. The steps for “all reasonable efforts” must be repeated and documented until the goal of balanced participation is met and maintained. These steps include:

1. Contacting media outlets that target under-represented groups to seek their assistance in announcing programs and events.
2. Developing diverse announcements, flyers, and posters to be placed in locations where many members of under-represented groups will see them.
3. Writing personal letters to members of under-represented groups encouraging their participation.
4. Making personal contact with leaders of under-represented groups to seek their assistance in encouraging minority participation.
5. Other efforts that have been successful in reaching out to under-represented populations or nontraditional audiences.

Appendix

Client procedures for Filing a Complaint Related to AA/EEO/Civil Rights or Sexual Harassment

Purdue University Extension takes complaints related to Affirmative Action, Equal Employment Opportunity, and sexual harassment very seriously. Our policy is to ensure an environment that is free from discrimination and promotes respect and appreciation of differences. The following are recommended steps to take when there is a complaint or concern from Purdue Extension employees or programs. If the complaint is related to sexual harassment, Purdue University will investigate in accordance with university policy. Please note that these are just suggested steps; any complainant can file directly with any of the state or federal agencies listed below.

Level 1

- *Inform the coordinator of the program whenever possible. Make sure the concern is documented clearly.*
- *If it is not possible to discuss the issue(s) with the program coordinator, ask to speak to a supervisor or the County Extension Director. If the result is not satisfactory, consider the next level.*

Level 2

- *If you do not feel the issue or complaint has been adequately addressed, the District Director should be contacted. If he or she cannot satisfactorily resolve the complaint, then the complaint should be taken to the next level.*

Level 3

- *Contact Mike Manning, Assistant Director-Staff Development, Purdue Extension Civil Rights Coordinator, at 765-496-6515*

Level 4

- *Contact Chuck A. Hibberd, Director, Purdue Cooperative Extension Service, at 765-494-9480*

Level 5

- *Persons who believe that they have been subjected to discrimination and/or harassment may be able to file a complaint with the Indiana Civil Rights Commission, 100 North Senate Ave., Indiana Government Center North, Room N103, Indianapolis, IN 46204, (317) 232-2600 or (800) 628-2909*

They may also contact the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education's office for Civil Rights. Information regarding filing charges with any of these agencies may be obtained from the Purdue University Affirmative Action Office.

- *Federal Equal Employment Opportunity Commission
Phone: 1-800-669-4000 TTY: 1-800-669-6820
Website: <http://www.eeoc.gov>*
- *Contact the USDA Civil Rights Division by writing to:
USDA, Director, Office of Civil Rights
Room 326-W, Whitten Building
14th and Independence Avenue, SW
Washington, DC 20250-9410*

Or call 202-720-5964 (voice or TDD)

Employee Procedures for Filing a Complaint Related to AA/EEO/Civil Rights or Sexual Harassment

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person, fosters tolerance, sensitivity, understanding, and mutual respect, and encourages its members to strive to reach their potential. Any employee participating in a University activity who believes he or she has experienced or witnessed discrimination and/or harassment is encouraged to report the incident(s) promptly. Prompt reporting of complaints is vital to the University's ability to resolve the matter.

There are both informal and formal processes for resolving complaints of discrimination and/or harassment where no complaint, formal or informal has been filed. In such situations, the University may elect to investigate and, if warranted, impose disciplinary sanctions pursuant to these or other established University procedures.

Purdue University Extension takes complaints related to Affirmative Action, Equal Employment Opportunity, and sexual harassment very seriously. Our policy is to ensure an environment that is free from discrimination and promotes respect and appreciation of differences. The following are recommended steps to take when there is a complaint or concern from Purdue Extension employees. Please note that these are just suggested steps; any complainant can file directly with any of the state or federal agencies listed below.

Level 1

- *Inform your immediate supervisor whenever possible. Immediate supervisor may vary depending upon your position. An immediate supervisor may be an Educator, County Extension Director, or District Director.*
- *Two EEO Counselors are located in each area. They may be contacted and may listen to your concern. The EEO Counselor can be helpful in helping you articulate your concern and help you direct your concern to the appropriate entity if desired.*
- *If it is not possible to discuss the issue(s) with your supervisor or if the complaint is against the supervisor you may contact your District Director.*
- *Assistant Director-Staff Development, Civil Rights Coordinator, Mike Manning, or Employee Relations contact, Sharon Williams. If satisfactory progress is not made, move to the next level.*

Level 2

- *If you do not feel your issue has been adequately addressed you may contact Assistant Director-Staff Development, Civil Rights Coordinator, Mike Manning, 765-496-6515*
- *You can also contact Extension's Employee Relations Consultant, Sharon Williams, 765-494-7398 any time for assistance. If satisfactory progress is not made, move to the next level.*

Level 3

- *Contact the Director of Extension, Chuck A. Hibberd, 765-494-9480. If satisfactory progress is not made, move to the next level.*

Level 4

- *If the complaint is still not resolved contact Purdue University Department of Human Resources, 765-494-7390 or the Affirmative Action Office 765-494-7253.*

- *Purdue Extension Employees will find Purdue University's policies and procedures on the following websites:*

Section 1 – Reaffirmation of University Policy on Equal Opportunity and Affirmative Action
(December 31, 2002) http://www.purdue.edu/ethics/contribute_pdf_docs/reaffirmation.pdf

Section II – Anti-Harassment Policy (September 16, 1994)
http://www.purdue.edu/ethics/contribute_pdf_docs/antiharassment.pdf

Section III – Purdue University Procedures for Resolving Complaints of Discrimination and Harassment <http://www.purdue.edu/ethics/resolvingcomplaints.html>

Compliance with Title IX of the Educational Amendments of 1972 (Sex Discrimination Regulations) (B-39) <http://earchives.lib.purdue.edu/cdm4/document.php?CISOROOT=/PPA&CISOPTR=870&REC=2>
and <http://www.purdue.edu/titleix/>

Level 5

- *Persons who believe that they have been subjected to discrimination and/or harassment may be able to file a complaint with the Indiana Civil Rights Commission, 100 North Senate Ave., Indiana Government Center North, Room N 103, Indianapolis, IN 46204. 317-232-2600 or (800) 628-2909*

They may also contact the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education's Office for Civil Rights. Information regarding filing charges with any of these agencies may be obtained from the Purdue University Affirmative Action Office.

- *Federal Equal Employment Opportunity Commission
Phone: 1-800-669-4000 TTY: 1-800-669-6820
Website: <http://www.eeoc.gov>*
- *Contact the USDA Civil Rights Division by writing to:
USDA, Director, Office of Civil Rights
Room 326-W, Whitten Building
14th and Independence Ave, SW
Washington, DC 20250-9410
Or call 202-720-5964 (voice or TDD)*

Glossary

The following is a list of words that are found in this manual. Each term may have slightly different definitions depending upon the resource; however, the definitions presented are the ones that Purdue Extension has identified as appropriate for the purposes of this manual.

ADA – Americans with Disabilities Act.

Affirmative Action – Any remedial action designed to overcome the effects of past discrimination based on administrative regulations and judicial interpretation. Affirmative Action has its roots in the Civil Rights legislation enacted in 1965.

Private Organization/Collaborating Agency Civil Rights Non-Discrimination Form – This document must be signed by a member of any agency, organization, club, group, or other entity who partner with Purdue University Extension and its employees for services such as training, workshops, seminars, grant projects, advising, etc. on an ongoing basis. Signing this form indicates their compliance with Federal, State, and University Civil Rights laws, statutes, and policies and that it is accessible to anyone regardless of race, color, sex, religion, national origin, age, marital status, parental status, sexual orientation, or disability.

All Program Civil Rights Non-Discrimination Form – This form is to be used for major programs, activities, events conducted in collaboration with agencies, groups or organizations where an ongoing relationship with Purdue Extension does not exist. Signing this form indicates their compliance with Federal, State, and University Civil Rights laws, statutes, and policies and that it is accessible to anyone regardless of race, color, sex, religion, national origin, age, marital status, parental status, sexual orientation, or disability for the program, activity or event.

Reasonable Efforts – A series of approaches used by Extension personnel to facilitate participation of under-represented or nontraditional groups. These are used in addition to Affirmative Action procedures and are required when program participation is not balanced.

Bona Fide Occupational Qualification (BFOQ) – A qualification (based on age, sex, religion, national origin, and ability) required in a specific job. Requiring potential employees to meet a certain age requirement or physical ability level would normally be viewed as a discriminatory practice. Race is never a BFOQ. The employer who wants to use a BFOQ must provide detailed documentation as to why a BFOQ is necessary for the position in question. The documentation must not be based on stereotypes of any group.

CSREES – Acronym for the Cooperative State Research, Education, and Extension Service, which is the national level of USDA organization for research and Extension established in 1994 under the Government Reorganization Act.

Discrimination – Intended or unintended denial of recognition, power, privilege, and opportunity to certain people based on the groups to which they belong.

Diversity – Differences among people with respect to age, class, ethnicity, gender, physical and mental ability, race, sexual orientation, spiritual practices, and other human differences.

Diversity/Civil Rights Compliance Review – The process by which Purdue Extension ensures that as an organization, it is in compliance with federal, state, and local AA/EEO laws, as well as exploring program successes and best practices in reaching diverse audiences.

Equal Employment Opportunity – The right of individuals to be judged on the basis of relevant education/training, skills, experience, and previous performance, but not on the basis of race, religion, ethnicity, national origin, gender, disabilities, age, sexual orientation, or other personal differences.

Limited English Proficiency – People with limited English proficiency are protected under Executive Order 13166, which states that any program that receives federal funds must ensure that all resources, materials, and/or services are accessible on an equal basis to those whose first language is not English. This order falls under Title VI of the Civil Rights Act of 1964.

Nondiscrimination – Legal response to historic discrimination; based on federal, state, and local laws.

Nontraditional Audiences – Depending upon the county or region, nontraditional audience members may include people of color, new immigrants from Spanish-speaking countries, or African Americans, Asian Americans, or people with disabilities who have not historically been a focus of programming. Nontraditional audiences may also include people of different religions and cultures like Anabaptist and Amish who have recently moved into the area. They may also include those considered members of protected classes under the Equal Employment Opportunity laws and Civil Rights legislation. For examples of protected classes, see definition below.

Protected Classes – Those categories that are included in federal Equal Employment Opportunity laws and include the following: women, African Americans, Asian Americans, Hispanics of any race, people with disabilities, Native Americans, and veterans. Sexual orientation is also included in Purdue University policies and therefore is part of Purdue Extension's AA/EEO statement.

Public Notification – Steps taken to inform the public that Purdue Extension does not discriminate and that it adheres to AA/EEO/Civil Rights laws. These steps include having the nondiscrimination statement with the Director's name on all documents, brochures, flyers, etc., and displaying the USDA "And Justice for All" poster in public areas.

Sexual Harassment – Includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature. For examples, visit the following web site:
<http://www.purdue.edu/policies/ethics/iic1.html>

Credits

The following individuals participated in the development of these resources.

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PURDUE AGRICULTURE

It is the policy of the Purdue University Cooperative Extension Service that all persons have equal opportunity and access to its educational programs, services, activities, and facilities without regard to race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability or status as a veteran. Purdue University is an Affirmative Action institution. This material may be available in alternative formats.

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