

## **NONDISCRIMINATION POLICY AND PROCEDURES**

### **Policy**

Colorado State University Extension shall not discriminate in the development and delivery of program services or in the internal management of organizational affairs. As county, state and federal employees, every staff member has a moral as well as legal obligation to uphold all laws and resulting regulations prohibiting discrimination because of race, color, national origin, religion, sex, handicap, or age, hereafter referred to as “civil rights”. [Webster defines civil rights as, “the rights of personal liberty guaranteed to U.S. citizens by the 13<sup>th</sup> and 14<sup>th</sup> amendments to the Constitution and by acts of Congress.”]

### **Legal Base**

Many federal and state legislative acts make discrimination for various causes illegal. The laws governing Colorado State University and Extension are the same. The policies under which both operate are very similar but sometimes thought to be different because the University’s civil rights efforts are administered by the Federal Departments of Labor and Education, and the Equal Employment Opportunity Commission. Extension’s policies are issued by the U.S. Department of Agriculture. Civil rights laws are found in the U.S. Constitution and statutes. Those portions from the Constitution that pertain to civil rights are the Bill of Rights, the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> amendments (referred to as civil war amendments) and the 19<sup>th</sup> amendment (women suffrage).

More modern civil rights statutes that are of greatest concern to the University and Colorado State University Extension are:

- The 1964 Civil Rights Act
  - Title VI prohibits discrimination in employment, public accommodations, voting, and delivery of federally assisted programs because of race, color, and national origin.
  - Title VII (EEO) as amended prohibits discrimination in employment because of race, color, religion, sex, national origin, or disability.
- The 1972 Title IX Education Amendments prohibit discrimination on the basis of sex in employment and educational programs or activities that receive federal financial assistance (sex is not included in title VI).
- The Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act of 1990 (ADA) prohibit discrimination because of a physical or mental disability under any program or activity receiving federal financial assistance. “Reasonable accommodation” must be made for qualified individuals with disabilities.

- Age Discrimination Act of 1975 as amended, “No otherwise qualified individual . . . shall solely by reason of age be excluded . . . or denied the benefits . . . or be subjected to discrimination under any program or activity receiving federal financial assistance.”

The legal base for this policy is interpreted in the form of rules and regulations for Colorado State University Extension by the USDA and communicated in documents which can be found in all Extension offices. Examples include:

Race, color, national origin and religion – Title 7, Agriculture CFR 15,  
Nondiscrimination

Sex – Federal Register 7 CFR 15b, Rules and Regulations

Age – USDA Rules and Regulations unpublished to date. Best reference, Federal Register, Tuesday, June 12, 1979, Part 3, Department of HEW.

Civil rights legislation and resulting rules and regulations do not identify protected classes (i.e., Black, Hispanic, Asian, American Indian, female, etc.). Identification of protected groups in our society is a result of court decisions resulting from formal complaints.

### **Authority and Responsibilities**

The Director of Colorado State University Extension is responsible for carrying out the legal obligations of state and federal legislation which pertain to CSU Extension in Colorado. The procedures for carrying out civil rights expectations are delegated to regional directors and county/area directors for field programs and through the Associate Director to deans and department heads for on-campus staff. The specific responsibility for training and monitoring the organization’s civil rights effort is delegated to the civil rights coordinator.

### **Job Description – Civil Rights Coordinator**

1. Serves as a knowledge resource regarding civil rights legislation and its interpretation;
2. Assists in the preparation of appropriate plans of work reports pertaining to civil rights;
3. Assists in the development of appropriate organizational procedures and processes;
4. Provides leadership for regular civil rights reviews;
5. Assists the Associate Director and the line organization in communicating expectations and conducting appropriate training;
6. Assists in the processing of civil rights complaints; and,
7. Serves as an organization contact with federal, state and county organizations regarding civil rights matters.

### **Nondiscrimination in Program Development and Delivery**

Colorado State University Extension policy which prohibits discrimination on the basis of race, color, national origin, religion, sex, disability, and age applies to all activities and areas

in which staff function in an official capacity and carries with it the following specific ongoing responsibilities. Each staff member is responsible for:

1. carrying out a public information program which includes (as a minimum) the USDA civil rights poster being displayed in a prominent office location; inclusion of the nondiscrimination statement on all letters, circulars, and information given public distribution and in all news articles originated by the staff member;
2. working only with clubs and organizations that meet civil rights guidelines (i.e. do not discriminate);
3. reviewing and editing all letters and publications to remove language which reflects sexual stereotypes;
4. making services available to individuals with disabilities (including changing meeting places and/or taking program and materials to interested persons with disabilities);
5. becoming familiar with complaint procedures and assisting any person with a complaint or potential complaint in a positive manner including writing to the Secretary of Agriculture if the individual desires to formalize a concern. (See Complaint Procedures section); and
6. preparing an annual plan of work to contain an analysis of program involvement by minority group and both sexes. This annual analysis will lead to adjustments in advisory committee structure and program participation as needed and be indicated in the plan on work.

### **Nonintegrated Clubs**

Nonintegrated clubs and organizations in integrated communities or those with single sex membership for which CSU Extension provides substantial technical assistance shall sign a nondiscrimination statement. Such statement shall be kept current and on file in the appropriate Extension office. Nonintegrated groups in integrated communities having a direct relationship to Extension (Family and Community Education Clubs, 4-H, advisory committees, etc.) must take positive affirmative actions intended to integrate their group in order to defend an annual request for exclusion.

The authority to grant exclusions is delegated to the county/area director or department head on the basis that the county/area director certifies by signed letter, by July 1, to the Director through the regional directors those clubs and organizations granted exclusion. The only acceptable basis for granting the exclusion is that an employee of CSU Extension or club membership has taken documented positive affirmative actions intended to integrate the group.

## **Nondiscrimination – Personnel Management**

It is the policy of the Colorado State University Extension personnel system to hire and assign the most qualified staff available based on objective factors without regard to race, color, religion, sex, national origin, disability or age. This policy applies to all people and positions supervised by an administrative official of the organization regardless of the source of funding or type of appointment.

The current Extension Agent Human Resource Policies and Procedures (see Handbook) shall provide a non-discriminatory basis for complexity-responsibility analysis of positions and salary administration. The organization's performance appraisal (see Handbook) system shall function in a nondiscriminatory manner in providing performance data for career counseling and salary administration.

Except when the organization finds it necessary to fill a vacancy for organizational reasons (primarily budget) all vacancies are announced to staff in the monthly organizational newsletter and on the CSUE web page and thus opportunity to apply is provided for internal transfer and advancement. Related decisions shall be made on an equal-treatment, nondiscriminatory basis.

The recruitment and selection of new employees from outside the organization shall:

- be carried out consistent with University policy;
- begin with a job analysis intended to identify training and experience necessary to perform the duties of the position;
- be publicly announced with a statement that includes geographic location of vacancy, deadlines for applying, purpose, responsibilities and relationships of the position, training and experience necessary, and benefits;
- result in a vacancy announcement being printed and distributed in a manner to communicate the availability of the vacancy to a maximum number of qualified applicants;
- be handled in a manner which uniformly provides common instructions, application form, reference letters, explanatory communications, etc.;
- result in a uniform, documentable review and selection procedure; and,
- result in consistent procedures for communicating decisions, remuneration of interview expense, etc.

## **Complaint Procedure**

Each Extension staff member is responsible for assisting any clients, applicants or other

staff persons who feel the organization has discriminated against them by helping to resolve the concern or formalize a complaint.

A system of EEO counselors is provided to assist applicants and staff in the informal resolution of employment or administrative concerns related to discrimination because of race, color, religion, sex, national origin, disability, or age. If a concern cannot be resolved by the appropriate counselor, the individual is encouraged to formalize the complaint through CSU's Office of Equal Opportunity and Diversity or the USDA.

USDA guidelines require that program discrimination complaints for race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, marital or familial status be formalized in writing to the Secretary of Agriculture. (Not all prohibited bases apply to all programs.) See the USDA's Statement of Non-Discrimination ([http://www.usda.gov/wps/portal/!ut/p/\\_s.7\\_0\\_A/7\\_0\\_1OB?navid=NON\\_DISCRIMINATION](http://www.usda.gov/wps/portal/!ut/p/_s.7_0_A/7_0_1OB?navid=NON_DISCRIMINATION)) for more information on contacting the USDA.

### **Affirmative Action Reviews**

The elimination of discrimination in program planning and delivery has been previously identified as an organizational responsibility to be carried out by the Director, regional directors, and county/area directors. Progress will be measured by regional directors for planning units on the basis of plan of work analysis and resulting positive affirmative actions to be taken. Progress will be reviewed and recorded as a part of annual individual performance reviews.

In addition to continuous review by regional directors, all counties/areas will have a specific affirmative action review once every four years by the regional director.

## **USDA'S STATEMENT OF NON-DISCRIMINATION**

The correct wording for the statement of non-discrimination is to be included on all CSU Extension publications and materials funded with Federal dollars. If space prohibits use of the entire statement, Extension material will at minimum include the statement (in print size no smaller than the text) "The USDA is an equal opportunity provider and employer."

USDA's non-discrimination statement:

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means of communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14<sup>th</sup> and Independence Avenue SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer."

## **COLORADO STATE UNIVERSITY'S STATEMENT OF NON-DISCRIMINATION**

See Colorado State University's Statement of Non-Discrimination at  
<http://oeo.colostate.edu/non-discrimination.aspx>.

Also, Colorado State University's Grievance Procedures may be viewed at:  
<http://oeo.colostate.edu/grievances.aspx>.

## **EQUAL OPPORTUNITY AND COOPERATING STATEMENT**

The equal opportunity and cooperating statements should be placed in small print at the bottom of a page, the back of a publication, or wherever it seems appropriate. The Equal Opportunity Statement must appear on all materials, programs, flyers, advertising etc. as follows: “Extension programs are available to all without discrimination.” Additionally, if you are publicizing an event that is open to the public, this statement must appear: “If you have a disability for which you seek an accommodation, please notify \_\_\_\_\_ before the event.”

The Cooperating Statement should be on all letterhead and official Extension communication as follows:

“Colorado State University Extension, U.S. Department of Agriculture and Colorado counties cooperating.”

## **EEO COUNSELOR SYSTEM**

Purpose:

It is intended that the EEO Counselor System help employees or applicants resolve civil rights concerns arising from possible discriminatory decisions because of race, color, national origin, sex, religion, age or disability. The intent is to satisfactorily resolve the issue without the necessity to formalize the complaint.

Counselor role:

Webster defines counsel as “advice given esp. as a result of consultation.” The EEO Counselor must be organizationally knowledgeable in order to provide a grieved person information and suggestions on how to proceed within organizational channels to resolve a concern. It is not intended that the counselor take an active role in solving problems. The counselor should do everything possible to encourage the individual to pursue resolution of a concern within the informal organizational structure before formalizing a complaint. The counselor’s responsibility does include providing details regarding the formal University complaint procedure.

### **Organizational expectations for an EEO Counselor**

The EEO Counselor must:

1. be available to receive communications from those who have EEO concerns (but does not become a problem hunter);
2. be a good listener, be concerned, be helpful, be a good counselor,
3. determine if concern is a civil rights matter (CSU Extension also has ombudspersons that have the responsibility to deal with non-civil rights issues.);
4. identify, help obtain, and provide appropriate facts and information;
5. help the grieved determine a plan of action;
6. treat each case in a confidential manner;
7. maintain personal documentation in private, confidential files;
8. report involvements to the State Extension Civil Rights Coordinator;
9. participate in EEO counselor training; and,
10. be continuously sensitive to the fact that the EEO Counselor is not a trained, licensed professional analyst. If an individual needs professional counseling, referral is appropriate.

### **Appropriate attitudes, understandings and knowledge**

The EEO Counselor role can best be performed if the individual counselor:

1. feels supportive toward the principles of civil rights and the resulting legislation;
2. feels confident in the role as a formal part of the organization’s efforts to do away with discriminatory actions;
3. feels comfortable helping a peer with concerns;

4. feels the EEO Counselor role is important and thus worthy of investing the necessary time;
5. understands civil rights legislation and organizational expectations;
6. knows and understands organizational processes, employee rights, legal implications and civil rights complaint procedures;
7. understands the functions of management and supervision in the organization; and,
8. recognizes own prejudices and does not allow them to interfere.

### **EEO Counselors**

- Must have and maintain respect of peers.
- Are available but do not create or initiate complaints.
- Are skillful in counseling role.
- Maintain a high level of confidentiality.
- Allow the concerned person to take appropriate action in their own behalf.
- Remain objective with a low level of emotional involvement.

### **Appointment process and procedures**

One female and one male EEO counselor are appointed by the Director in each of the administrative regions and state staff on a four-year rotation basis. The rotation system should be set up so there would be no more than three new field staff counselors appointed each year. The two state staff counselors should be appointed for a two-year term and a four-year term so as to provide for an appropriate rotation.

Regional directors have the responsibility to select and recommend counselors in their region. It is suggested that the regional director may want to request volunteers and consult with the field staff regarding the selection. Campus selections will be made in a similar manner by the Civil Rights Coordinator and recommended to the Director for final appointment.

## **CIVIL RIGHTS GRIEVANCE PROCEDURES**

All staff are encouraged to talk with their immediate supervisor about any job or employment related concerns that may arise. If satisfaction is not obtained, it is appropriate for any individual to appeal a decision through administrative channels to the Director's office.

If, for whatever reason, this appeal route is not acceptable or satisfactory to a grieved person, the organization provides two confidential options for the individual to follow.

### **Civil Rights Matters**

If the grieved person feels the decision in question is a civil rights matter, the Extension EEO counselor system should be followed. (Civil rights related decisions are those decisions where race, color, national origin, sex, religion, age or disabilities are inappropriately used as the basis for a decision.)

The names of the EEO Counselors (a female and a male on campus and in each region) should be made available immediately to a concerned staff member by any member of the organization involved in a discussion or by request to the Extension EEO Coordinator. (See Section 4 – "EEO Counselor System" for a description of the system and counselor responsibilities.)

### **All Other Grievances**

Extension peer ombudspeople are designed to receive personal grievances or special problems from anyone in the organization who does not feel the concern can be or has been handled through normal administrative or EEO processes. (See Section 5 "Guidelines for Continued Employment").

The EEO counselor system and the designation of peer ombudspeople are intended to be organizational processes available for the informal resolution of grievances. The formal University grievance procedure system and the Extension or University civil rights procedures (see faculty handbook) are available to all Extension staff in the event that these two informal procedures do not provide satisfaction and the grieved person desires to formalize a complaint.