

# Best Practices for Preparing for a Federal Civil Rights Review (State Perspective) - July 2018

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## **What are Federal Civil Rights Compliance Reviews?**

Periodically, the United States Department of Agriculture/National Institute of Food and Agriculture (USDA/NIFA) conducts a review of state Extension research, program and employment operation to ensure that federal civil rights laws and regulations are being followed. This involves a comprehensive review of the organization, including examining policies, procedures and practices across programs and human resources and interview staff.

## **What are the expectations of the Organization?**

The state Extension program and research leadership teams, program areas, and staff are expected to be aware of demographics of their target audiences and/or the geography in which they work. In addition, program teams and staff should be able to show that reasonable efforts have been made to include participation based on race, ethnicity, gender, people with disabilities, people living in poverty, and Limited English Proficiency (LEP) audiences. The overall goals are to gain participation in proportion to the size of the respective groups within the target audience and/or target geography.

## **Who conducts the reviews?**

The reviews are conducted on site by staff from the USDA NIFA Civil Rights and Equal Opportunity Office.

## **What to expect during the onsite review?**

- Comprehensive review of the organization
  - Examination of policies
  - Examination of procedures and practices across programs, research and human resources
  - Staff interviews
- Staff who are interviewed are likely to be asked questions pertaining to the following:
  - Program Management
  - Program Participation and representation
  - Civil Rights complaints and knowledge
  - Civil Rights training they have received
- Review and examination of requested data
- Opening and closing conference with organizational leaders

- Opening conference – organizational presentation by organization leader
- Closing conference – initial report of the review findings by review team

### How to Prepare, after receiving the letter:

- Pre-review the Civil Rights Compliance Expectation documents for Programs, Employment and Research
- Review your Civil Rights Compliance policies and documents and update as needed
- Consult with other institutions who have recently gone through a review
- Identify and collect all data and documents that is expected to be requested. Who will be responsible for collecting specific data?
  - Make sure you ask what format they want the data in
  - Request an example of various reports
- Identify and develop a process to collect required data
- Plan and schedule visits to your Departments and County Offices
- Create a preparation timeline (Example below on pages 3-4)
- Organize a Civil Rights Compliance Review Planning Group – Who needs to be at the table? Who is missing?
  - ✓ Research personnel
  - ✓ Faculty
  - ✓ Graduate Assistants/Teacher Assistants
  - ✓ Extension personnel
  - ✓ Regional/Area Directors
  - ✓ Human Resources personnel
  - ✓ 4-H State Director and support staff
  - ✓ Data collection personnel
- Draft a summary of what to expect during the review (See attachment “Civil Rights Review – What to Expect”) for the organization
- Communicate dates of the review when known. **It is important to have everyone one in the organization to put a hold on their calendar.** You usually don’t know until a few weeks before who they want to meet with and which areas/units/offices they will identify.
- Locate copies of Equal Employment Opportunity Program Plan (EEO), Affirmative Action (AA) Plan, Mentoring Plan, Strategic Plan, Plans of Work, Job Descriptions, and Memorandums of Understanding (MOUs)
- Collect and review all information (for the past three years) on EEO/AA/Civil Rights policies and guidelines, trainings, promotion, recruitment and retention, salary equity, transfers, demotions, and separations.
- Review, update and create copies of organizational charts with names and position title
- Generate summaries of direct contact reports by REG (race, ethnicity and gender)
- Educate the entire staff on specific questions that may be asked:
  - How do you determine equity in professional development opportunities?
  - Are there any non-integrated 4-H clubs in the state, unit, county, etc.?
  - Know the why behind being compliant - be sure everyone knows the laws: Civil Rights Act of 1964, Title VI, Title VII, Title IX, ADA, FMLA, FLSA, etc.
  - What is the difference between EEO and Affirmative Action?

- Describe your Public Notification Plan
- If a staff member or client alleges a complaint of discrimination, how are complaints handled by your institution? Everyone should know about the “And Justice for All” poster as well as what it says.
- What does “all reasonable effort” mean? Be prepared to share documentation.
- What is your process for administering awards and recognition?

**Timeline: 4-6 months prior to review date**

Action	Month(s)
<ul style="list-style-type: none"> <li>• <b>Identify who needs to be engaged:</b> <ul style="list-style-type: none"> <li>✓ Schedule the meetings (groups and individually)</li> <li>✓ Establish data collection system</li> </ul> </li> </ul>	<p><b>1</b></p>
<ul style="list-style-type: none"> <li>• <b>Review and Update Civil Rights Performance Plans, policies</b></li> <li>• <b>Presentation to Leadership:</b> <ul style="list-style-type: none"> <li>✓ Plan and prepare questions for the group</li> <li>✓ Share information that will be needed</li> <li>✓ Summarize results of past review</li> <li>✓ Current relevance LEP, internal compliance review process, equity in pay, appointments across gender (Equal Pay Act of 1963, ability to identify process for how potential audience /clientele is determined, research (workforce, grad students, tenure and grants), female operators and clientele</li> </ul> </li> <li>• <b>Meet with Director:</b> <ul style="list-style-type: none"> <li>✓ Big picture and express concerns</li> </ul> </li> <li>• <b>Determine all data needs for research, programs and HR</b></li> </ul>	<p><b>1-2</b></p>
<ul style="list-style-type: none"> <li>• <b>Determine progress and follow up on data analysis and reports</b></li> <li>• <b>Review AA plan</b></li> <li>• <b>Meetings with Program and Geographic leadership</b> <ul style="list-style-type: none"> <li>✓ Discuss:               <ol style="list-style-type: none"> <li>1. Data requests</li> <li>2. Strategy or plan for reaching underserved audiences for a program area</li> </ol> <ul style="list-style-type: none"> <li>✓ Focus and funding</li> </ul> </li> </ul> </li> </ul>	<p><b>2-3</b></p>

<ul style="list-style-type: none"> <li>✓ Support provided to county based colleagues</li> <li>✓ Evaluation of efforts/success in reaching goals</li> </ul> <p>3. Submission timeline for data</p>	
<ul style="list-style-type: none"> <li>• Confirm all state level data is complete and accounted</li> <li>• Visits with Counties that are scheduled for compliance review visit once these are known:             <ol style="list-style-type: none"> <li>1. Conference calls scheduled               <ul style="list-style-type: none"> <li>✓ Preparation planning</li> </ul> </li> <li>2. Individual county visits are scheduled</li> <li>3. What to expect materials sent (FAQs) emailed to counties involved to start preparing and in preparation</li> </ol> </li> </ul>	3-4
<ul style="list-style-type: none"> <li>• Make binders or create electronic files of data sets and reports, plans, strategies for program areas, HR and research</li> <li>• Continue to engaged with counties that will participate</li> </ul>	4-5
<ul style="list-style-type: none"> <li>• Prepare submission of data upon request to NIFA</li> <li>• Prepare interview and meeting schedules upon request from NIFA</li> <li>• Coordinate logistics (meeting locations, parking and schedules) for onsite visit</li> <li>• Prepare copies and electron files of documents and data requests to be examined onsite</li> </ul>	5-6