

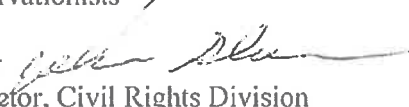
United States Department of Agriculture



Natural Resources Conservation Service  
Civil Rights Division  
5601 Sunnyside Avenue  
Mail Stop 5472, Room 1-2184  
Beltsville, MD 20705

DEC 12 2013

**TO:** State Conservationists EOP: 230-15

**FROM:** John Glover   
Acting Director, Civil Rights Division

**SUBJECT:** Guidance on Initiating Required Annual Civil Rights and Equal Opportunity Discussions with Partners

A three-year Civil Rights Compliance Review trend analysis indicates field office inconsistency regarding Civil Rights advisory service responsibilities to Soil & Water Conservation District Boards. In an effort to fully comply with Federal, Departmental, and Agency governing Civil Rights regulations, the attached check-list was developed to assist with the discussion of Civil Rights responsibilities and expectations with Natural Resources Conservation Service (NRCS) partners.

I recommend that the aforementioned check-list and attachments be distributed to your respective District Conservationists to hone their knowledge and ability to better advise partners of their Civil Rights and Equal Opportunity responsibilities.

If you have any questions, please contact Elvin J. Gant, Jr., Equal Opportunity Specialist, Civil Rights Division, on (301) 504-2173 or via email at [elvin.gant@wdc.usda.gov](mailto:elvin.gant@wdc.usda.gov).

Attachments:

- Civil Rights Responsibilities for Partners Check List;
- Secretary Vilsack's Civil Rights Policy Statement;
- National Bulletin to announce the NRCS Civil Rights Policy Statement;
- NRCS Civil Rights Policy Statement;
- NRCS Anti-Harassment Policy Statement;
- Department of Agriculture "And Justice for All" poster;
- Instructions for AD-2106 Form to Assist in Assessment of USDA Compliance with Civil Rights Laws;
- OMB Form 0503-0019 to Assist in Assessment of USDA Compliance with Civil Rights Laws;
- Department of Agriculture Non-Discrimination Statement

cc: Regional Conservationists  
Civil Rights Advisory Committee Chairs

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## Civil Rights Responsibilities for Partners Checklist - Prepared By NRCS Civil Rights Division

**Background** NRCS has a responsibility to deliver USDA Civil Rights and Equal Opportunity requirements and information with partners who maintain the responsibility to follow USDA civil rights regulations in program delivery because they are recipients of Federal assistance. In accordance with GM 230 Part 405.8A, "The NRCS policy is to encourage, support, provide training, and assist all conservation boards, councils, and committees to achieve diverse representation of customer groups on such boards, councils, and committees. It is the responsibility of NRCS managers and supervisors to provide support, training, and assistance to Agency employees that identify and assist with this diversity effort."

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### NRCS Employee and Partner CR and EO Responsibilities

- NRCS employees and Partners who work with USDA programs are required to guarantee fairness and equal treatment to all customers eligible to receive USDA/NRCS programs and services regardless of any prohibited bases.
- **Unlawful/prohibited Discrimination** is unfair or unequal treatment based on: *Protected Bases Enforced by USDA- race, color, national origin, sex (including gender identity and expression), disability, age, political beliefs/affiliation, sexual orientation, religion/religious creed, marital status, familiar/parental status, genetic information, receipt of public assistance, or reprisal (retaliation for prior EEO activity).*

Title VI of the Civil Rights Act of 1964 is a federal law that prohibits discrimination on the basis of race, color or national origin in programs and activities that receive federal financial assistance.

- **Program Information**

- ✓ All written handouts describing USDA programs must contain a non-discrimination statement.
- ✓ Internal designed/crafted brochures and pamphlets
- ✓ must be reviewed by the State Office appointed NRCS Public Affairs office/specialist for required civil rights public notification compliance.
- ✓ NRCS production or NRCS shared cost of producing a publication should contain the non-discrimination statement.
- ✓ Handouts are available for Limited English Proficiency customers and participants (for example, written translation in Spanish).
- ✓ Oral translation is available for Limited English Proficiency customers and participants.



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- ✓ Alternative means for communication of program information are available (Braille, large print, audio tape, interpreter, etc).
- **Customer Service** To have parity means that equal service and program delivery are being provided to all existing groups of people in each county. Data Sources for equal program delivery:
  - ✓ PRS Reports
  - ✓ Protracts
  - ✓ Department of Labor County Profile
  - ✓ Census of Agriculture County Profile
- **SWCD Board Demographic Information**
  - ✓ In the NRCS Plan of Action for Representation on Boards, Councils, and Committees, State Conservationists are tasked to annually review current Board membership data with state conservation agencies and discuss the opportunities and benefits of having minority and female representatives in local boards/councils who are impacted by the board's/council's decisions regarding conservation programs.
- **Program Outreach**
  - ✓ NRCS Outreach - the way of conducting business to ensure that NRCS programs and services are made accessible to all customers, with emphasis on the underserved.
  - ✓ Implies willingness to reach out to others, to reach out farther than others, to exceed your normal communication expectation, or to go beyond your existing limits to communicate with the under-served or under-resourced (women, minorities, persons with disabilities, historically underserved, limited resource, etc.)
- **Section 1619 Compliance**
  - ✓ Compliance prohibits disclosure of certain information by the USDA and its Cooperators. Applicants, participants, location, and any and all privacy information is not to be disclosed without a FOIA request to the State Administrative Officer. It also states that there is an understanding that the Conservation Cooperator (Board Member) continues to protect any information after the membership of the SWCD Board has ended.



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     **Title VII** of the Civil Rights Act of 1964 is a federal law that prohibits discrimination on the basis of race, color, religion, national origin, age, sex (including gender identity and expression), sexual orientation, disability, marital or familial status, political beliefs, parental status, receipt of public assistance, or protected genetic information in employment.

- **Prevention of Harassment (Including Sexual Harassment)** - We talk about Harassment because it does continue to occur.

### Harassment is . . .

- ✓ Defined as conduct and/or verbal action which are sufficiently severe, persistent or pervasive that limits an individual's ability to do their job or creates a hostile or abusive work environment.
- ✓ Objectionable conduct which is unwelcome and may be physical, verbal, psychological, or intimidation (bullying).
- ✓ About power, about intimidation, preserving the status quo, superiority, and control.
- ✓ Exploitation of power, feeling that you can do anything you want to. Not about age or attractiveness.
- ✓ It can happen not only in the office, but out of the office at workshops, conferences, travel, social gatherings; and by contractors, customers, and partners.
- ✓ **Sexual Harassment:** it is harassment of a sexual nature.
- ✓ Hostile work environment – behavior that creates a hostile, intimidating or offensive work environment.

**Governing Documents for Review (See attached):** Required to discuss following documents with conservation partners; Documents must be prominently displayed in all USDA offices and indicate where documents are located in the office.

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### **USDA Civil Rights Policy Statement**

- Secretary of Agriculture's annual statement affirming USDA's commitment to equality and civil rights.
- All USDA applicants, customers and constituents will have equal access to programs, opportunities, and services.