




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 EOR: 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.

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
Fact Sheet - Prepared By NRCS Civil
Rights Division

Background

- NRCS has a responsibility to share USDA Equal Opportunity and Civil Rights requirements and information with our partners.
- We are required to post and discuss these four documents with conservation partners. (Indicate where posters are located in the office.)
- NRCS Civil Rights Division has developed this fact sheet to help field offices carry out their responsibility to discuss EO/CR with partner organizations.

NRCS Employee and Partner CR and EEO Responsibilities

NRCS employees and Partners who work with USDA programs are required to guarantee fairness and equal treatment to all customers eligible to participate in USDA/NRCS programs and services regardless of race, color, religion, sex, national origin, or disability. NRCS partners have a responsibility to follow USDA civil rights regulations in program delivery because they are recipients of Federal assistance.

Discrimination is unfair or unequal treatment as it relates to CR - *Protected Bases Enforced by USDA - Race, color, national origin, Sex, Disability, Age, Political beliefs/affiliation, Sexual orientation, Religion/religious creed, Marital status, Familial/parental status, Genetic info, Retaliation, Limited English Proficiency*

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. (PROGRAMS DELIVERY)

Programs Delivery - *Public Notification, Outreach, Complaints of Discrimination, Evaluation of Program Delivery, Access to All Facilities by Persons with Disabilities*

Program Information

- ✓ All written handouts describing USDA programs must contain a non-discrimination statement.
- ✓ Handouts are available in Spanish.
- ✓ If create own pamphlet - must be reviewed by the NRCS Public Affairs specialist.
- ✓ Spanish translation is available.
- ✓ Alternative means for communication of program (Braille, large print, audio tape, interpreter, etc. are available.

Customer Service

The term "parity" means affording equal service and providing program delivery to protected groups in a county in comparison to their respective demographic representation in the local and/or national labor force.



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Civil Rights Responsibilities for Partners Fact Sheet - Prepared By NRCS Civil Rights Division

Data sources for equal program delivery:

- ✓ PRS Reports
- ✓ Protracts
- ✓ Department of Labor County Profile
- ✓ Census of Agriculture County Profile

Outreach-

Implies your 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. **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.

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.

____ Title VII of the Civil Rights Act of 1964 is a federal law that prohibits discrimination on the basis of race, color or national origin in employment. (EMPLOYMENT)

Prevention of Harassment (Including Sexual Harassment) - We talk about Harassment because it still happens.

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.

Harassment is . . .

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, 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.

____ USDA Non-Discrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental



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status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

Governing Documents (attached)

____ USDA Civil Rights Policy Statement

- Annual statement from the Secretary of Agriculture affirming USDA's commitment to equality and civil rights.
- All USDA applicants, customers and constituents will have equal access to programs, opportunities and services.
- Statement emphasizes that USDA has zero tolerance for any form of discrimination or reprisal, and applies to all USDA employees.
- Protected bases are 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.

____ NRCS Civil Rights Policy Statement

- From Chief of NRCS
- Reaffirms USDA policy and emphasizes that reprisal of any kind against customers or employees will not be tolerated.
- Provides phone number to report concerns, complaints, and suggestions.

____ NRCS Anti-Harassment Policy Statement

- Issued by Chief of NRCS
- Policy prohibits harassment of any sort, sexual or non-sexual, or reprisal, in the work environment or in program delivery.
- Harassment is objectionable conduct which is unwelcome and may be physical, verbal, psychological, or intimidation (bullying).
- "All employees, including contractors and others performing official work for the agency, must fully support this zero tolerance harassment policy."

____ And Justice For All poster

- Poster must be prominently displayed in all USDA offices
- Prohibits discrimination in all its forms in all USDA programs, activities and services
- Provides complete contact information to file a complaint
- Provides contact information for alternative formats (Braille or hearing impaired) and for additional information.



United States Department of Agriculture
Office of the Secretary
Washington, D.C. 20250

Civil Rights Policy Statement

As Secretary of Agriculture, I fully support the U.S. Department of Agriculture's (USDA) civil rights, equal employment opportunity, and diversity policies and programs. Improving civil rights throughout USDA is one of my top priorities, and by pursuing this goal together in a transparent and ethical manner we can lead the way in making USDA a model organization. We can turn our challenges into opportunities to strengthen our service.

The success of today's "People's Department" requires the steadfast support and commitment of every USDA employee. We will have zero tolerance for any form of discrimination or reprisal. There exists *no reason to discriminate* based on 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. Our policy at USDA is not only to understand that there will be zero tolerance for any form of discrimination, but to ensure that this standard is maintained throughout the Department. This standard is *applicable to every employee and manager* at USDA and to every action taken at USDA.

USDA must become a model department of tolerance and inclusion. Only then will we live up to President Lincoln's description of USDA as "The People's Department." Strengthening "The People's Department" is my commitment to you. I expect every employee and manager to demonstrate respect for and adherence to USDA civil rights, equal employment opportunity, and diversity policies and our program civil rights responsibilities.

To this end, accountability is key. I will hold all employees and managers accountable for doing their part to ensure that all USDA applicants, customers, constituents, and stakeholders are provided equal access to the opportunities, programs, and services available through "The People's Department." Accordingly, I am counting on all senior leaders, managers, and supervisors to model appropriate behavior and to lead by example.

We must all strive to create an inclusive environment in which every employee is respected, trusted, and valued. As we approach the 50th Anniversary of the Civil Rights Act of 1964, USDA must continue to ensure that the civil rights of USDA constituents and employees are respected and protected. We have corrected past errors, learned from past mistakes, and moved into a new era of equitable service and access for all. Let us continue to cultivate and reap the benefits of a diverse USDA workforce that is rich in talent, ideas, background, and experience. The USDA mission depends on it.

Thomas J. Hsack
Secretary
July 24, 2013

An Equal Opportunity Employer



Purpose. To announce the NRCS Civil Rights Policy Statement.

Expiration Date. January 31, 2014.

Background. Each year, the Chief of the Natural Resources Conservation Service (NRCS) officially renews the commitment to Civil Rights and transmits the NRCS Civil Rights Policy Statement. In light of the Cultural Transformation Initiatives and the Secretary's Blueprint for Stronger Service, now is the perfect time to remind all employees of NRCS leadership's commitment to civil rights.

Explanation. Attached to this bulletin, you will find a copy of Acting Chief Weller's Civil Rights Policy Statement. Please ensure that the policy is posted in all agency offices where it can be viewed by employees and customers.

Contact. If you have any questions, please contact the Program Compliance Branch, Civil Rights Division, at (301) 504-2182.

Jason Weller
Acting Chief

Attachment

DIST: E

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Natural Resources Conservation Service
P.O. Box 2590
Washington, D.C. 20013

MAR 13 2013

SUBJECT: EOP – NRCS Civil Rights Policy Statement

TO: All NRCS Employees

File Code: 230-15

The Natural Resources Conservation Service (NRCS) employees represent an array of cultures, ethnicities, and backgrounds, and that diversity helps us meet our mission. I am committed to enforcing the Secretary's zero tolerance policy on discrimination. Prohibited discrimination is a violation of Title VI and Title VII of the 1964 Civil Rights Act.

It is NRCS' policy to treat all customers and employees equitably regardless of race, color, national origin, sex (including gender identity and expression), religion, age, disability, political beliefs, sexual orientation, marital or familial status, parental status, and protected genetic information. It is also our policy that customers and employees be free from reprisal or harassment in the pursuit of fairness and equal employment opportunities.

Complainants, representatives, and witnesses involved in complaints of discrimination must be unimpeded and free from restraint, coercion, or retaliation in the exercise of eliminating discrimination in the workplace. Reprisal of any kind against customers or employees will not be tolerated. Agency officials, managers, supervisors, and other employees will be held accountable for discrimination, reprisal or harassment, civil rights violations, and related misconduct.

Managers and supervisors are responsible for the environment in which their employees work and have a duty to take both affirmative and corrective action to ensure equal opportunity and civil rights for customers and employees. To deter violations, managers and supervisors are required to take appropriate corrective or disciplinary action on findings of discrimination, reprisal, civil rights violations, and related misconduct in employment and program matters. They must demonstrate an elevated regard by supporting civil rights, equal employment opportunity, and diversity in the workplace.

All NRCS employees are expected to adhere to this policy. NRCS will ensure appropriate corrective or disciplinary action is taken against violators who engage in discriminatory behavior.

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The Civil Rights Division will continue to provide guidance and ensure the agency's compliance with the laws and principles of equality for employment and programs. If you have questions, concerns, suggestions, or complaints of discrimination, contact the Civil Rights Division at (301) 504-2181.

Jason A. Weller
Acting Chief



National Resource Conservation Service
P.O. Box 2598
Washington, D.C. 20013

FEB 14 2012

SUBJECT: EOP -- Anti-Harassment Policy Statement

TO: All NRCS Employees

File Code: 230-15

The Natural Resource Conservation Service (NRCS) Anti-Harassment Policy Statement reaffirms my commitment to prohibit sexual and non-sexual harassment in the agency's work environment and program delivery.

Sexual and non-sexual harassment (in form of discrimination) based on a prohibited basis of race, color, national origin, sex (including gender identity and expression), gender, religion, age (40 and over), mental or physical disability, political affiliation or belief, sexual orientation, marital or financial status, genetic information, and reprisal (retaliation) for prior Equal Employment Opportunity activity is prohibited by the agency.

For the purpose of this policy, harassment is defined as any objectionable verbal or physical conduct, comment, or display which demeans, disparages, aggresses, intimidates, or causes humiliation or embarrassment to another person. Harassment is a reasonably known unwelcome offense and serves no legitimate work purpose. Harassment occurs based on any of the above protected characteristics when:

- (a) The behavior can reasonably be considered to adversely affect the work environment (create an intimidating, hostile, or offensive work environment);
- (b) An employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct;
- (c) Unreasonable interference with an individual's work performance; and
- (d) An individual's employment opportunities are affected.

Harassing conduct includes, but not limited to:

Physical -- Actual or threatened assault including hitting, slapping, holding, punching, or unwanted touching; malicious or insulting gestures.

Verbal -- Unwelcome remarks, jokes, innuendos, or taunts causing offense or embarrassment; name calling, swearing, bullying, expressing or insinuating threats, incessant teasing, wolf whistling, or spreading rumors.

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Psychological -- Stalking or ostracizing, shaming, starting gossiping, preventing someone from joining in an activity; hiding, damaging, or taking another's property; and displaying objectionable materials, graffiti or pictures.

Intimidation -- Use of physical or organizational power to cause a person to perform a particular action or to instill a feeling of humiliation or intimidation. Intimidation does not include the exercise of supervisory authority in the ordinary course of agency business.

NRCS strictly prohibits the use of abuse of official authority or position to intimidate, coerce, or harass employees or customers. Managers and supervisors are subject to receive disciplinary or adverse action for tolerating harassment and failing to take appropriate and immediate action when harassment is reported.

Personal notions that a supervisor or manager takes for valid reasons do not constitute harassment in the workplace. Please note that this notion does not limit the supervisor's right to manage effectively. All employees must be proactive in preventing harassment and promoting a discrimination free workplace.

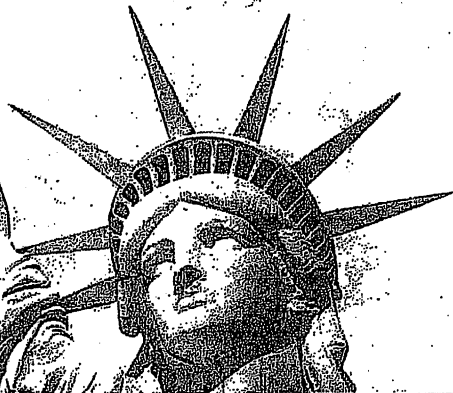
Any employee who is subjected to or witnesses conduct which is unwelcome and perceived to be harassment, or receives a report of alleged harassment, should immediately report the incidents to a NRCS official. If an informal attempt at resolution fails or is impractical, employees may seek relief from harassment based on one or more of the above-listed prohibited bases by contacting the NRCS Civil Rights Division, Complaints Branch at 1-866-672-7395 or TTY at (301) 504-2439 within 45 days of the alleged incident. All other allegations of harassment (non-discriminatory) may be reported directly to an official.

As Chief of NRCS, I am fully committed to ensuring that every employee and customer is treated with respect and dignity. Managers, supervisors, and employees must remain cognizant of this policy and refrain from perpetuating acts of harassment. All employees, including contractors and others performing official work for the agency, must fully support this zero tolerance harassment policy.

Dave White
Chief



**"AND
JUSTICE
FOR ALL"**



The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, marital status, family status, status as a victim of sexual harassment, or retaliation, except where such prohibitions apply to programs and activities that are specifically designed, developed, and operated to assist disadvantaged or otherwise disadvantaged persons. If you require the information on this poster in alternate format (Braille, large print, audio tape, etc.), contact the USDA Target Center at (202) 720-2600 (voice and TDD).

If you need the information about this program, activity, or facility in a language other than English, contact the USDA agency responsible for the program, activity, or facility.

To file a complaint alleging discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call toll free: (866) 632-9922 (voice). TDD users can contact USDA through the Federal Relay Service at (800) 877-8339 (TDD) or (866) 377-8642 (voice and TDD). USDA is an equal opportunity provider and employer.

El Departamento de Agricultura de los Estados Unidos (USDA) prohíbe la discriminación en sus programas y actividades en base a raza, color, nacionalidad, sexo, religión, edad, discapacidad, estado matrimonial, estado familiar, estado de víctima de acoso sexual, castigo por haber denunciado un acoso sexual o haber sido víctima de acoso sexual, orientación sexual y discriminación por sexo que solo se aplica a programas y actividades específicamente diseñados, desarrollados y operados para ayudar a personas desfavorecidas u otras personas que necesitan ayuda. No todas las prohibiciones se aplican a todos los programas o actividades.

Si usted necesita la información de este programa en un formato alternativo (Braille, letra grande, o por medio de un disco, etc.), llame al Centro TARGET del Departamento de Agricultura al teléfono 202-720-2600 (voz y TDD).

Si usted necesita información sobre este programa, actividad o instalación, llame a la oficina de asistencia al cliente de la oficina de su programa o actividad del Departamento que ofrece este programa o actividad, o a cualquier oficina del Departamento de Agricultura.

Para solicitar una copia de esta información, escriba a USDA, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, o llame gratis al 1-866-632-9922 (voz). Para usuarios de TDD, llame a USDA al número 1-800-877-8339 o al número 1-866-377-8642. El Departamento de Agricultura ofrece oportunidades de programas y de empleo a personas con discapacidades.

Form AD-216-A (Issued 9/2009)

Instructions for AD-2106

Form to Assist in Assessment of USDA Compliance with Civil Rights Laws

This form is used by USDA agencies, including FSA, NRCS, RBS, RHS, and RUS to gather race, ethnicity, and gender information from program participants. For participants that are entities, complete a separate form for each member.

Participants should complete all items.

1. What is Your Name	Enter your full legal name.
2. Legal Residence	Enter your current address.
3. Gender	Check your appropriate gender.
4. Ethnicity	Check your appropriate ethnicity.
5. Race	Check your appropriate race(s). Multiple races may be checked.

PRIVACY ACT STATEMENT

The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used to compile program application and participation rate data regarding socially disadvantaged farmers or ranchers and to conduct oversight and evaluation of civil rights compliance. The information collected on the form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in customer declared data not being entered into the database.

The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM TO THE APPROPRIATE USDA SERVICING OFFICE.

NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, marital, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 6410, Washington, DC 20250-9410, or call toll-free at (888) 632-8892 (English) or (800) 877-8339 (TDD) or (888) 377-8642 (English Federal-relay) or (800) 846-8138 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

AD-2106
(01-19-12)

Approved -- OMB No. 0503-0019

U.S. Department of Agriculture
**Form to Assist in Assessment
of USDA Compliance With Civil Rights Laws**

QUESTIONNAIRE

The purpose of this questionnaire is to gather race, ethnicity, and gender information about persons who apply and participate in this USDA program. The information you provide will not be used when reviewing your application or when determining whether you are eligible to participate in this program. This is a voluntary questionnaire. You are not required to give this information, but we hope you will because the information you give will be used to improve the operation of this program, to help USDA design additional opportunities for program participation, and to monitor enforcement of laws that require equal access to this program for eligible persons. If you have previously provided this information to USDA please DO NOT fill out this form. Your information will be kept private to the extent permitted by law. Thank you for your response.

1. What is your name? _____
2. Legal Residence: _____
3. What is your gender? Male Female

Please answer BOTH question 4 and question 5 below about ethnicity and race. For this questionnaire, Hispanic or Latino origins are not races.

4. Ethnicity: Hispanic or Latino
 Not Hispanic or Latino

5. What is your race? Mark all that apply.

- American Indian or Alaska Native
 Asian
 Black or African American
 Native Hawaiian or Other Pacific Islander
 White

According to the Paperwork Reduction Act of 1995, an agency may not conduct, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0503-0019. The time required to complete this information collection is estimated to average 2 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Non-Discrimination Statement | USDA

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Non-Discrimination Statement

Non-Discrimination Policy

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender and identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

To File an Employment Complaint

If you wish to file an employment complaint, you must contact your agency's EEO Counselor (PDF) within 45 days of the date of the alleged discriminatory act, event, or in the case of a personnel action. Additional information can be found online at http://www.eeoc.gov/complaint_filing_file.html.

To File a Program Complaint

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.nrcr.usda.gov/complaint_filing_such.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9450, by fax (202) 690-7442 or email at program.intake@usda.gov.

Persons with Disabilities

Individuals who are deaf, hard of hearing or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6426 (in Spanish).

Persons with disabilities who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.), please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Supplemental Nutrition Assistance Program

For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5669, which is also in Spanish or call the State Information/Hotline Numbers.

All Other Inquiries

For any other information not pertaining to civil rights, please refer to the listing of the USDA Agencies and Offices for specific agency information.

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