

Civil Rights Compliance Reviews - RESEARCH

New and Emerging Directors Webinar

September 21, 2022

NIFA Civil Rights Compliance Program

NIFA's Office of Equal Opportunity and Civil Rights is responsible for enforcing several civil rights laws which, together, prohibit discrimination based on race, color, national origin, sex, disability, or age, as well as retaliation for civil rights activities.

Civil Rights Compliance Reviews:

- Institutional excellence: benefits and services delivered by NIFA-funded programs and activities
- Program improvement: access, equal opportunity, and program delivery
- Compliance: conduct annually on a rotational basis

<https://www.nifa.usda.gov/civil-rights-compliance-program>

NIFA External Civil Rights Training

Password:
EqualOpportunity

- [The Age Discrimination Act of 1975 - February 2022](#)
- [Developing a Comprehensive Civil Rights Training Program – October 2021](#)
- [Tribal Colleges Review Process Overview - August 2021](#)
- [Public Notification and Outreach Training - June 2021](#)
- [Title IX Non Discrimination on the Basis of Sex - April 2021](#)
- [USDA's Equal Opportunity Public Notification Policy Training - January 2021](#)
- [Limited English Proficiency - October 2020](#)
- [Civil Rights Compliance Review Program Overview - August 2020](#)
- [Equitable Distribution Training - 2020](#)
- [Reasonable Accommodations and Accessibility for Individuals with Disabilities training](#)
- [HSI Civil Rights Compliance Review Process](#)

<https://www.nifa.usda.gov/about-nifa/equal-opportunity-and-civil-rights-resources>

Civil Rights Compliance Best Practices

Preparing for a Review

Meredith Weinstein, Ph.D.
Evaluation and Accountability Coordinator
North Carolina State University



Post-review Reflections

LaTricia Snider
Director of DASNR Human Resources
Oklahoma State University





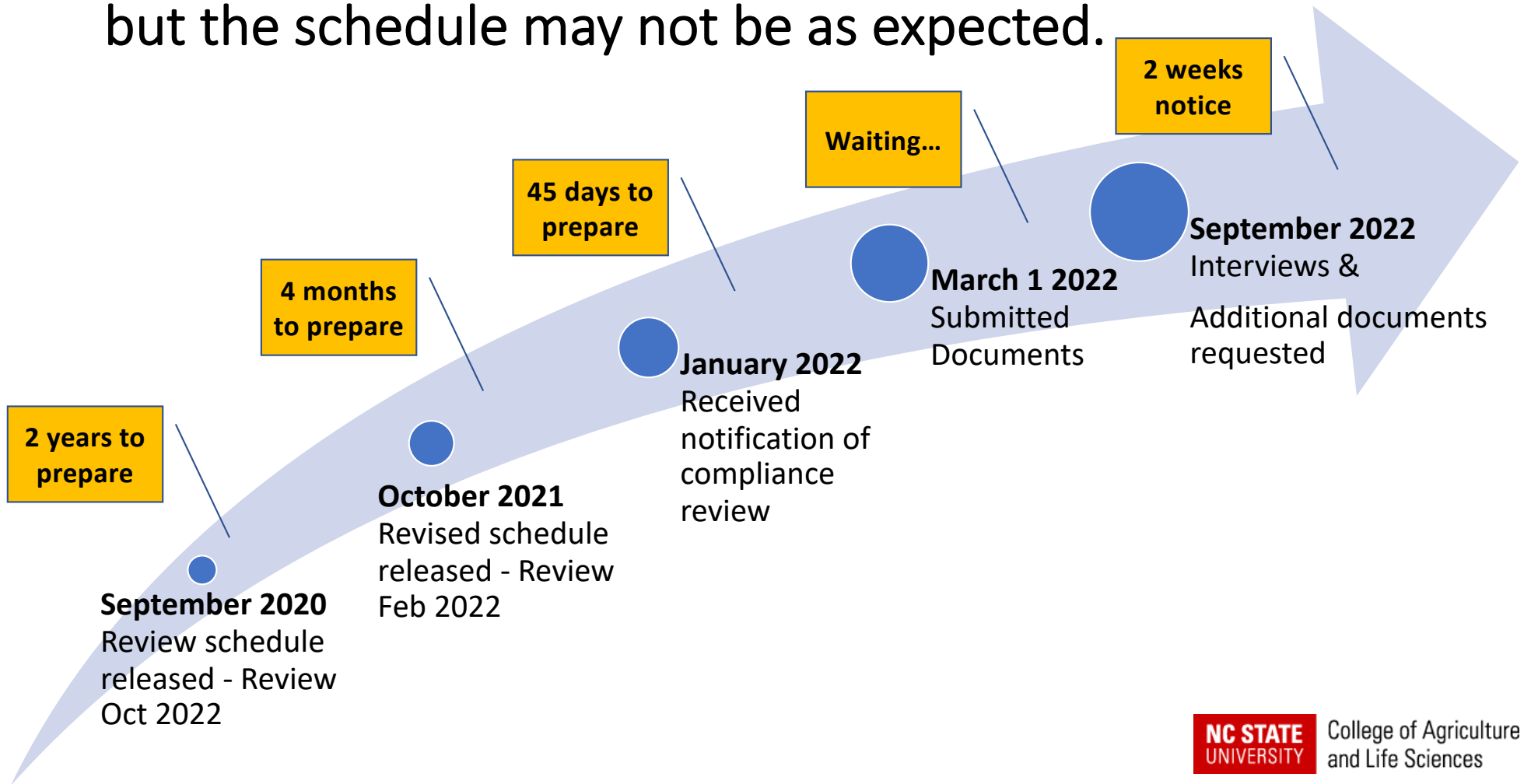
Pre-Audit Review Preparation

North Carolina State University

NCARS



It's never too early to start planning...
but the schedule may not be as expected.



It takes a village.... put together a team

Director of Research

Research Office

Academic Programs

Diversity & Inclusion Office

Grants Office

Budget Office

Human Resources

IT

Communications

Accountability Office/Civil Rights Coordinator*

University Diversity Office/Title IX & EEO

University Compliance Officer/General Council

Review the compliance areas.

1. Organizational Capacity
2. Civil Rights Knowledge and Procedures
3. Advisory Boards and Committees
4. Allocation of Resources
5. Graduate Student Enrollment
6. Non-Discrimination Based on Sex
7. Public Notification
8. Accessibility for Individuals with Disabilities
9. Language Access

➤ **If you are 2+ years from your review identify your gaps and begin making corrections/collecting missing data.**

➤ **If your review is in the next few months start collecting your documents.**

Organizational Capacity

- Who is “research” faculty & staff?
- Added “research” civil rights to Extension Evaluation & Accountability Coordinator job description and performance appraisal documents
- Reviewed grants/subawards for inclusion of required nondiscrimination wording
- Gathered conference info & policies



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1. Organizational Capacity

- Clear organizational chart
- Designated staff member for civil rights/diversity issues
- Communication between designated staff member and both directors and front-line staff
- Written assurances of nondiscrimination with subrecipients or partners
- No discriminatory employment practices

Knowledge & Procedures

- Reviewed current university training requirements & developed required online training for research faculty & staff with modules for research, extension, & administrators
- Developed “civil rights for research faculty” webpage
- Collected documents, policies, training, forms – worked with University
- Started saving emails, newsletter articles, etc. that had anything to do with civil rights, diversity, etc.
- Came to terms with fact we don’t conduct “research” specific civil rights reviews and moved on... EEO reviews, dept reviews, Extension reviews



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2. Civil Rights Knowledge and Procedures



- Sufficient training for staff on civil rights requirements
- Staff have access to needed civil rights documents and information
- Procedures in place for filing employment and program discrimination complaints
- Sufficient internal compliance reviews are conducted

Advisory Boards & Committees

- Defined what is an advisory board
- Collected information on members & policies



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3. Advisory Boards and Committees

- Internal and External advisory boards and committees are reflective of the local/service population in terms of race, ethnicity, gender
- Selection process encourages diversity and/or adequate representation of the service population
- Efforts have been made to obtain diversity on boards/committees and/or address barriers to adequate representation



Allocation of Resources

- Surveyed department heads for information on resource allocation
- Compiled faculty & funding data for document submission

4. Resource Allocation (Research)



- Process by which research projects are funded is in writing and easily available to potential recipients
- No unexplained disparities in distribution of funding based on race, ethnicity or gender
- No unexplained disparities in distribution of support staff, laboratory space, startup funds, or other resources
- Review/selection committees are diverse

Graduate Students

- Surveyed dept heads for information on assistantship procedures
- Compiled graduate student data for document submission
- Modification of comparison group – not census...

5. Graduate Students (Research)

- Enrollment is at parity with state REG data
- Procedures for assigning graduate students to assistantships or to research projects are clear and easily available to potential recipients
- No disparity in allocation of awards, assignment to research projects or assistantships, etc.
- Recruitment process for graduate students is clear, nondiscriminatory; includes outreach to under-represented groups



Nondiscrimination based on Sex

- Worked with Title IX Officer
- Determined what is college level function vs. university level function
- Determined what data university would release (dismissed complaints, not responsible determinations)

6. Non-Discrimination Based on Sex

- No program, activity, club, or group names contain sex-stereotyped names or illustrations.
- All programs and activities are implemented in a manner that ensures nondiscrimination on the basis of sex.
- There are no sex-separate programs, activities, contests, or awards.
- Recipient has adequate sexual harassment policy
- Sexual harassment complaints are handled appropriately.
- Staff have had adequate Title IX training.



Public Notification & Outreach

- Defined scope – what is Research & what is Extension
- Compiled examples of flyers and list of activities

7. Public Notification & Outreach



- Nondiscrimination statement is utilized on Web sites and/or publications.
- USDA “... And Justice for All” poster is utilized to notify public of their rights and complaint procedures.
- Participants in virtual environments properly notified
- Outreach is conducted to traditionally under-served communities; collaboration with community groups.
- Mailing/contact lists are representative of the demographics of the service population (REG data is captured)

Access for Individuals with Disabilities

- Worked with University-Student/Employee accommodation records
- University policies



8. Accessibility for Individuals with Disabilities

- Sufficient reasonable accommodations policies and procedures are in place
- Reasonable accommodation statement is used on documents and/or Web sites announcing activities or events
- Staff have had training on reasonable accommodations
- RA requests are handled appropriately
- Barriers for individuals with disabilities considered

Language Access

- Defined scope: language access is Extension
- Examples of Extension publications in Spanish
- Extension Language Access Plan
- Copyright release to translate a publication



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9. Language Access

- Potential service population and language needs have been assessed
- LEP plan has been developed
- Staff has been trained on language access obligations and prohibited practices
- Competent interpretation and translation services are consistently provided free of charge
- Notification of services is provided, and outreach to LEP individuals takes place



Post-Audit Review Reflections

Oklahoma State University
Ag Research



USDA-NIFA Civil Rights Research Audit

- Met virtually for introductions and overview of audit
- Provided a 45-day notice to return initial document and data request form
- 36 Questions; Numerous sub-questions
- Heavy Title IX portion and separate interview with Title IX Coordinator
- Virtual review due to Covid travel restrictions

USDA-NIFA Civil Rights Research Audit

- Plan of attack - Delegate and request needed information
 - *Ag HR*
 - *OSU Legal*
 - *Campus Title IX Office*
 - *Department Heads*
 - *Research Assoc Vice-President*
 - *Research Sr. Director*
- Interview Schedule included leadership, staff/students, program leaders, committees, and Title IX Coordinator

USDA-NIFA Civil Rights Research Audit

- Submitted initial response April 1, 2021
- Received Letter of Concern October 29, 2021
 - *Improve Civil Rights Complaint Process for Employees and Students*
 - *Analyze Advisory Board and Committee Race, Ethnicity and Gender (REG) Data to Identify Underrepresentation and Recruitment Needs*
 - *Develop Plan to Analyze and Address Disparities in Graduate Student Enrollment and Assistantships and Recruit Underrepresented Groups*
 - *Develop Reasonable Accommodation (RA) Policy/Procedure and Training and Implement Use of RA Statement*
 - *Develop a Language Access Plan and Training Plan*

USDA-NIFA Civil Rights Research Audit

Letter of Concern

- 60-day window to respond
- Responded with “Current Efforts” and outlined “Future Efforts”
- Opportunity to further clarify and provide additional information to the LOC items
- Submitted response December 15, 2021

Corrective Action Plan

- Received July 13, 2022; 45-days to respond
- *Submitted further information on LEP training and LEP procedures*
- Develop plan to analyze and address disparities in grad student enrollment and assistantships and recruit underrepresented groups
- *Submitted further information on reasonable accommodation information*

Submitted Corrective Action

- Submitted Response to Corrective Action on August 20, 2022
- Now we wait...

USDA-NIFA Civil Rights Research Audit

Tips and Takeaways

- *Submitted response via email with attachments separately using Dropbox*
- *Don't go it alone; determine project leader, determine the response team*
- *Delegate tasks and provide deadlines*
- *Meet weekly with the response team*
- *Reach out to other Universities recently finishing a Research audit*
- *Appoint someone to gather the files and submit the initial response to NIFA*
- *The auditors were always available and happy to clarify our questions*

Lessons Learned

Prepare ahead of time

- Perform your own internal audit; review against the compliance guide, survey or visit with a sample of employees, etc.

Team effort required

- Gathering the data and submitting the response is a team effort

Take a deep breath

- Evaluate the auditors' response and review for strengths and weaknesses and implement any updates/changes

QUESTIONS

