

Summary of Civil Rights
Laws, Rules and Regulations
Applicable to the Conduct of Programs
and Employment Practices of the
Michigan State University
Cooperative Extension Service

*not
required
for 660000
12/13/88*

February 1974

Laws, Rules and Regulations

(Annotations)

I. Laws

A. Civil Rights Act of 1866

"All citizens of the United States are granted the same rights as enjoyed by white citizens."

B. Civil Rights Act of 1964 - (P.L. 88-352)

1. Title VI - Nondiscrimination in Federally Assisted Programs

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance."

2. Title VII - Equal Employment Opportunity (Exempts Religious and Educational Institutions)

- a. It shall be an unlawful employment practice for an employer:
- (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment....
 - (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of race, color, national origin, sex, or religion.
- b. It shall be an unlawful employment practice for an employment agency:
- (1) to fail or refuse to refer for employment, or otherwise to discriminate against any individual.... or
 - (2) to classify or refer for employment any individual on the basis of his race, color, national origin, sex, or religion.
- c. It shall be an unlawful employment practice for a labor organization:
- (1) to exclude or to expel from its membership, or otherwise to discriminate against....

- (2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way, which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment.....
- (3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section, because of such individual's race, color, national origin, sex, or religion.

C. Equal Employment Opportunity Act of 1972 - (P.L. 92-261)

- 1. Includes educational institutions (nonreligious), State and local government agencies, and political subdivisions in its coverage.
- 2. The provisions of illegal discriminatory acts contained in Title VII of the Civil Rights Act of 1964 are included in the coverage of the Equal Employment Opportunity Act of 1972.
- 3. The Equal Employment Opportunity Commission, if unable to secure an acceptable conciliation agreement, may bring an action against the respondent in a U.S. district court.
- 4. Individual complainant may seek court remedy, if dissatisfied with EEOC handling; court may appoint an attorney to commence action without payment of fees.
- 5. Establishes two procedures for handling EEO complaints; i.e., one, in absence of State EEO Law; two, with State EEO Law.

II. Smith-Lever Act of 1914 (as amended)

Sec. 2. Cooperative Agricultural Extension work shall consist of the giving of instruction and practical demonstrations in agriculture and home economics and subjects related thereto to persons not attending or resident in said colleges in the several communities.....

And this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges or Territory or possession receiving the benefits of this Act.

Sec. 9. The Secretary of Agriculture is authorized to make such rules and regulations as may be necessary for carrying out the provisions of this Act.

III. Executive Orders

A. Executive Order 11246 - Equal Employment Opportunity

Part I Nondiscrimination in Federal Government Employment.

Part II Nondiscrimination in Employment by Government Contractors and Subcontractors.

Part III Nondiscrimination Provisions in Federally Assisted Construction Contracts.

B. Executive Order 11375 - Amending Executive Order No. 11246

Discrimination on account of sex is expressly prohibited.

C. Executive Order 11478 - Equal Employment Opportunity in the Federal Government

To provide equal opportunity for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each executive department and agency.

Part I of Executive Order No. 11246 and those parts of Executive Order No. 11375 which apply to federal employment were superseded.

V. Rules and Regulations (USDA)

A. Title 7 CFR 15 - Nondiscrimination in Federally Assisted Programs of the Department of Agriculture - Effectuation of Title VI of the Civil Rights Act of 1964

(1) General Discrimination Prohibited

"No person in the U.S. shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which these regulations apply. These regulations apply, but are not restricted, to unequal treatment in priority, quality, quantity, methods or charges for service, use, occupancy or benefit, participation in the service or benefit available, or in the use, occupancy or benefit of any structure, facility, or improvement."

(2) Specific Discriminatory Actions Prohibited

- A recipient under any program to which the regulations in this part apply may not, directly or through contractual or other arrangements:

- (i) Deny an individual any service, financial aid, or other benefit provided under the program;
- (ii) Provide any service, financial aid, or other benefit, to an individual which is different, or is provided in a different manner, from that provided to others under the program;
- (iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
- (iv) Restrict an individual in any way in the enjoyment of any advantage, or privilege, enjoyed by others receiving any service, financial aid, or other benefit under the program;
- (v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirements or conditions which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;
- (vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

- A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination, ...or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

B. Supplemental Instructions for Administration of Title VI of the Civil Rights Act of 1964, in the Cooperative Extension Service, July 1965

Discrimination is prohibited in the following areas; however, these examples are not exhaustive:

1. Programming Process

a. Program Planning

- Separate planning committees and plans; and
- Individuals excluded from planning committees because of race, color, or national origin.

b. Program Execution

- All persons do not have equal opportunities to participate in tours, field days, and other program activities on a non-segregated basis. Includes activities planned and conducted by Extension; participation by Extension workers in planning and conducting events sponsored and conducted by others.
- Extension agents conducting educational programs for 4-H Clubs, Home Economics groups, and other organized groups which exclude individuals from participation....
- Distributing publications, research reports, announcements regarding new or changed programs, newsletters, and other information needed in planning and conducting particular educational programs....
- Providing program services based on race, color, or national origin.
- Reference to race, color, or national origin in correspondence, office signs, directories, titles, or in any other way that could be construed as implying that any program activity or service is being provided for, or restricted to, persons of one race, color, or national origin.
- Participating in an official capacity as an employee of the Extension Service in conferences or speaking before audiences where any racial group has been segregated or excluded from the meeting, from any of the facilities or the conferences or from membership in the group.
- Sponsoring, supporting, or financially assisting, directly, or indirectly, any conference, convention or meeting held under circumstances where participants are segregated, excluded, or are treated unequally because of race, color, or national origin.

- Serving 4-H Clubs organized in segregated school systems receiving Federal financial assistance unless assurances of compliance, desegregation plans, or other arrangements have been accepted by the Department of Health, Education, and Welfare.

2. Staff Housing and Facilities

- Agents located in offices in separate buildings or in separate locations in same building, when race is the basis for maintaining separate offices.
- Offices with separate entrances for clientele based on race, color, or national origin.
- Separate restrooms, drinking facilities, etc., for employees and clientele....
- Discrimination in providing supplies, equipment, office facilities, secretarial assistance, travel allowances, publications, or other staff facilities.

3. Staff Assignment and Development

- Extension workers limited or assigned by virtue of race, color, or national origin to service clientele of like race, color, or national origin exclusively.
- Equal training opportunities not provided all agents....
- Training and other professional improvement activities conducted on a segregated basis.
- State, district, or county staff conferences held on segregated basis.
- Staff participation on official time and/or expense for professional improvement purposes in conferences, seminars, conventions, or other events held on a discriminatory or segregated basis, whether conducted by the Extension Service or some other private or public organization.
- Publications, announcements, and other materials for professional improvement distributed on a basis of race, color, or national origin.

4. Special Events

- Equal opportunities not provided for all 4-H Club members and leaders to participate on a nonsegregated basis in all national and regional programs and features....
- Equal opportunity not provided for all 4-H Club members and leaders to participate on a nonsegregated basis in State, district, or county program features....

- Equal opportunity not provided all Home Economics Club members and leaders to participate on a nonsegregated basis in all women's short courses, county and State achievement days, leadership conferences, camps and tours, and other home economics programs and events.
- Equal opportunity not provided all farmers to participate on a nonsegregated basis in field days, farm and home week or conferences, tours, contests, achievement and recognition programs, and other agricultural programs and activities.

The following additional requirements are included in the Instructions:

Administrative Procedures

- Assurances Required for new or additional funds paid to States under authorities other than fixed or population formula distribution provisions of the Smith-Lever Act.
- Continuing State Programs require filing certification of compliance and submission of specific methods of administration.
- Compliance Plans are required to be submitted in lieu of a certification of compliance which sets forth noncompliance deficiencies and methods of administration for obtaining compliance.
- Compliance Reports. Recipient shall keep such records and submit compliance reports as the agency may determine to be necessary to ascertain compliance with regulations. In some instances it will be necessary to maintain records containing identification of race, color, or national origin of clientele served.

- Complaints

The procedure for filing complaints will be clearly and completely communicated to the general public.

- Compliance Reviews

State Extension Directors will establish necessary controls in their program evaluation and supervisory review process to insure that the Secretary's regulations are complied with....

C. Title 7 CFR 18 and Amendments - Equal Employment Opportunity in the State Cooperative Extension Services

Equal Employment Opportunity provided to each employee covered under the regulations without regard to race, color, national origin, sex, or religion.

(Consult your own Program for Equal Employment Opportunity for the major requirements of employment covered by these Rules and Regulations.)

D. Secretary's Memorandum No. 1662

"It is imperative that we renew and strengthen our efforts to insure equal access and opportunity in all aspects of our programs without regard to race, color, or national origin to the full extent of the law."

The major provisions of the Memorandum cover the following:

Training in Civil Rights

Evaluation of the quantity and quality of services being delivered to minority groups through programs.

Compliance Requirements in Programs

- Correct programs in which practices bar integration and thus allow or lead to participation only on a segregated basis. Review activities of all offices for existence of any practices leading to segregation; eliminate discrimination with regard to meetings, office space, and related facilities.
- Correct programs that have been conducted in ways that permit economic barriers or social inhibitions to limit participation of certain racial, color, or nationality groups, even though such programs are announced as available to all persons.
- Correct programs in which service to specific racial, color, or nationality groups is inferior because of the failure of Department employees or cooperators to work across racial lines regardless of their own race, color, or nationality.

Employment

To provide equal opportunity for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.