

Oregon Department of Forestry





Civil Rights for Grant Programs





Civil Rights Act of 1964

- Title VI
 - Public Programs

- Title VII
 - Employment





Title VI

No person in the United States shall, on the grounds 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.

[42 US Code 2000d](#)





Federally Assisted Programs

- ✓ Grants
- ✓ Agreements
- ✓ Commercial Special Use Permits
- ✓ Detail of Personnel





Prohibited from Discriminating on the Basis of:

- ✓ Sex
- ✓ Race
- ✓ Reprisal
- ✓ Age
- ✓ Color
- ✓ Disability
- ✓ National Origin





Compliance to Federal Civil Rights Laws

Oregon Department of Forestry's responsibilities for complying with Federal Civil Rights laws are:

- ✓ Sign an [assurance](#) certifying that the agency will comply with Civil Rights laws.
- ✓ Display the [“And Justice for All”](#) U.S. Department of Agriculture poster in public reception areas or other areas visible to the public.
- ✓ Include the [prepared statement](#) about non-discrimination and how to file a complaint in publications and outreach materials.





Compliance to Federal Civil Rights Laws

- ✓ Include in all federally-funded publications and outreach materials a [statement of affiliation](#) with the federal agency.
- ✓ Provide program information in alternative formats for people with disabilities and in alternative languages for people with limited English proficiency, as appropriate to the customer base.
- ✓ Provide outreach to a wide variety of communities to ensure diversity if advertising or marketing the program.





Compliance to Federal Civil Rights Laws

- ✓ Review all policies, procedures, and practices to ensure that they do not limit participation on the basis of age, sex, race, color, disability or national origin.
- ✓ Evaluate the accessibility of the programs and facilities.
- ✓ Report demographic information to the federal agency on how we conduct outreach to participants in our programs and activities.





Compliance to Federal Civil Rights Laws

- ✓ Identify a person to be responsible for ensuring the program is in compliance with Civil Rights requirements.
- ✓ Ensure that staff understands their Civil Rights responsibilities including their role in the federal complaint process.





RECIPIENT COMPONENTS

- RECIPIENT
 - Requirements are identified in grant agreement
- SUB-RECIPIENT
 - Requirements are identified in the sub-agreement.
 - All requirements of recipients are required of sub-recipients.
- CONTRACTOR
 - Requirements are identified in the contract.
 - Contractor must meet employment and program delivery requirements as applicable.
- BENEFICIARY (including potential beneficiaries)
 - May file complaint if they believe they are being discriminated against.





Discrimination Complaints

- Any person who feels a program or activity receiving Federal financial assistance is not in compliance with equal opportunity and anti-discrimination laws may file a complaint.
- Listen to the concern – ask for clarifying questions and make sure you understand the concern.
- Do not agree or disagree with them, but rather understand them.
- Document and gather as much information as possible regarding the concern.
- Report the incident as soon as feasible to your supervisor, Partnership and Planning Director or the Human Resources Director.





Discrimination Complaints

- The Supervisor, the Partnership and Planning Program Director and Human Resources Director will work to resolve the complaint at the most efficient and basic level within the program area.
- They will directly contact the complainant to gather as much information, if possible try to resolve any issues, and ensure the complainant has the necessary information to file a discrimination complaint to the Office of Civil Rights.
- The agency's representative will report the incident to the federal agency's representative.





Compliance Reviews

The federal agency representative will monitor the compliance with Civil Rights non-discrimination laws of programs and activities delivered by ODF.

- [Pre-award reviews](#)
 - Conduct a pre-award review of applicants prior to receipt of Federal Funds Award.
- [Post award reviews](#)
 - Reviews progress made during grant as defined in the pre-award phase



Agency Resources



Human Resources Director

➤ Patricia Kershaw

Telephone: 503.945.7296

Email: Patricia.E.KERSHAW@oregon.gov





**This presentation was produced in collaboration with the USDA
Forest Service and Oregon Department of Forestry**

Narration provided by Sasha Mann, Oregon Department of Forestry





APPENDICES



42 USC 2000 – Sec. 2000d-7

- (1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [[29 USC 794](#)], title IX of the Education Amendments of 1972 [[20 USC 1681](#) et seq.], the Age Discrimination Act of 1975 [[42 USC 6101](#) et seq.], title VI of the Civil Rights Act of 1964 [[42 USC 2000d](#) et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

- (2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State. (b) Effective date The provisions of subsection (a) of this section shall take effect with respect to violations that occur in whole or in part after October 21, 1986.

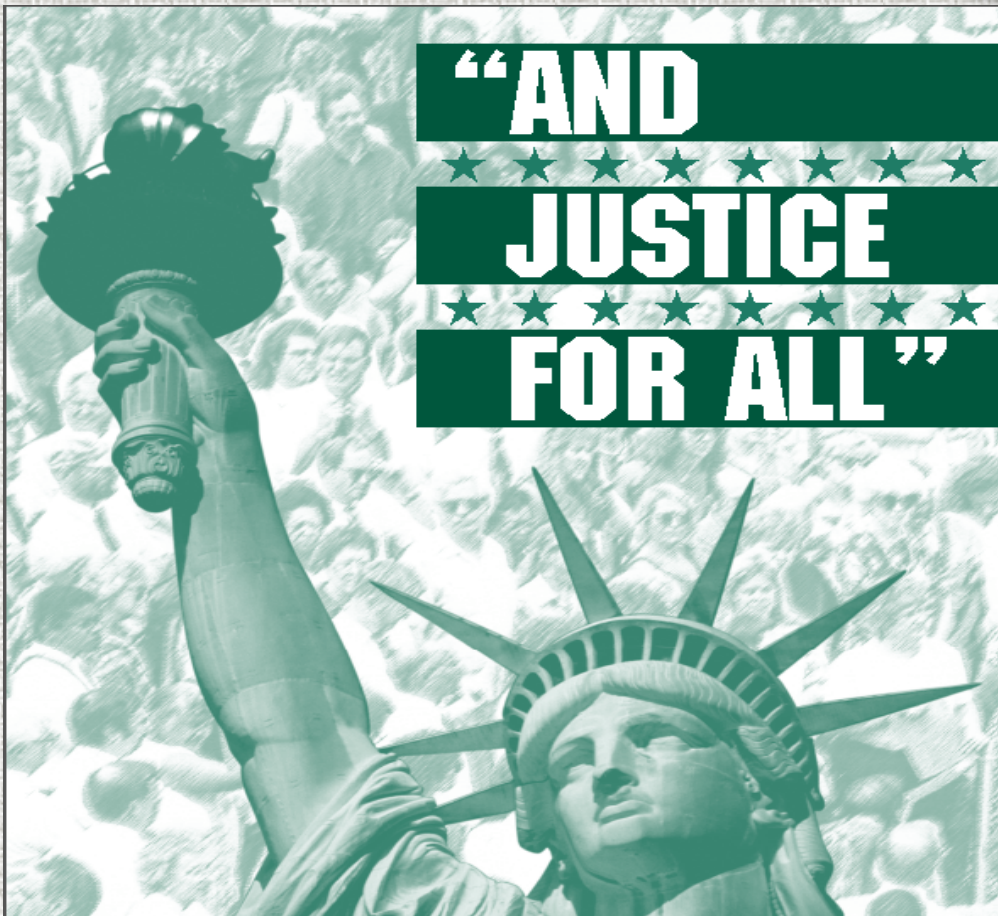
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42 USC 2000 – Sec. 2000d-7



Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:

- (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin;
- (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C, §§1681- 1683, and 1685-1686), which prohibits discrimination on the basis of sex;
- (c) Section 504 of the Rehabilitation Previous Edition Usable Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps;
- (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-61 07), which prohibits discrimination on the basis of age;
- (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
- (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (PL 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
- (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
- (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
- (j) the requirements of any other nondiscrimination statute(s) which may apply to the application. [Return](#)



“AND JUSTICE FOR ALL”



In accordance with Federal Law and U.S. Department of Agriculture (USDA) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (in education and training programs and activities), age, disability, or retaliation. (All prohibited bases apply to all programs.)

If you require the information on this poster in alternative format (Braille, large print, audio tape, etc.), contact the USDA's TARGET Center at (202) 720-2600 (voice or TDD).

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

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 tollfree, (866) 632-9902 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 577-8642 (relay voice users). USDA is an equal opportunity provider and employer.

De acuerdo con la Ley Federal y con la política del Departamento de Agricultura de los Estados Unidos (USDA por sus siglas en inglés), esta institución prohíbe la discriminación ya sea por la raza, color, nacionalidad, sexo (en programas y actividades de educación y adiestramiento), edad, incapacidad de las personas, o por represalias. (No todas las prohibiciones se aplican a todos los programas.)

Si usted necesita la información de este anuncio en un formato diferente (Braille, letras grandes, o por medio de sonido, etc.), llame al Centro TARGET del Departamento de Agricultura al teléfono 202-720-2600 (voz o TDD).

Si usted necesita información sobre este programa, actividad o instalación en un idioma diferente del inglés, llame a la agencia del Departamento que maneja este programa o actividad, o a cualquier oficina del Departamento de Agricultura.

Para presentar una queja de discriminación, escriba al USDA, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, o llame gratis al 1-866-632-9902 (voz). Para llamadas TDD, llame al USDA al número 1-800-877-8339 o al número 1-866-577-8642. El Departamento de Agricultura ofrece oportunidades de programas y de empleo libres de discriminación.

[Return](#)



Recipient shall include the following statement, in full, in any printed, audiovisual material) or electronic media for public distribution developed or printed with any Federal funding.

“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, creed, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer."

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text.

"This institution is an equal opportunity provider"

[Return](#)



Statement of Affiliation

Recipient shall acknowledge federal agency's support in all publications, audiovisuals, and electronic media developed as a result of this award:

“This publication made possible through a grant from the <insert federal agency>.”

Proper agency logos will be used in addition to the statement. The Partnership and Planning Program can provide you with the proper logos to use.

([Return](#))



Pre-Award Reviews

- Set tone of partners in public service
- Emphasize Equal Opportunity as the law & as good business
- Use Form FS 1700-6 EO Program Delivery Compliance Review Record.
- Overview of CR laws and regulations, Emphasize Equal Opportunity. Ask how they plan to fulfill them
- Assurance on file (SF 424B and SF 424D)
- CR responsibilities contained in FS Brochure: FS 850, USDA Posters AD 475 C (provided after award is signed)

[Return](#)

Accessibility Resources



- Policy – State of Oregon
 - <https://www.oregon.gov/das/Policies/50-020-10.pdf>
- State of Washington – Dept of Services for the Blind
 - <http://www.dsb.wa.gov/resources/links.shtml>
- 508 Awareness TRN
 - <http://www.section508.gov/508awareness/html/lessons.html>
- US Government Benefits Help
 - <http://www.usgovernmentbenefits.org/hd/index.php?t=rehabilitation+act+section+504>
- National Accessibility Program Manager
 - WO RHWR Janet Zeller, (202) 205-9597
 - www.fs.fed.us/recreation/programs/accessibility

Civil Rights Action Plan

FY 2016/2017



- **Action:** Grant administrative provisions require grantees to acknowledge the US Forest Service support in any publications, audiovisuals, and electronic media developed as a result of the award. The Oregon Department of Forestry generally does a very good job in this area - particularly in the programs of Urban Forestry and Forestry Assistance (including Forest Stewardship and Genetics). There are numerous examples provided that support this action and compliance.
- **Action:** “The ODF Partnership Development Program will serve as the Department’s lead in monitoring and ensuring that any new publications, informational materials, and all ODF Division or Program websites acknowledge affiliation with the US Forest Service when S&PF programs are discussed. This ongoing effort and action is applicable to all S&PF programs.” Norm Miller, Program Director ODF Partnership Development Program, explained that grant affiliation information is available on ODF websites near the grant information. Action: ODF web pages relating to grants administered by the Protection from Fire program will be reviewed and updated to acknowledge the US Forest Service.
- **Action:** The Citizens Fire Academy project developed promotional and training materials. Some of the materials developed were found not to recognize the Forest Service. ODF worked with the program developer to appropriately recognize the Forest Service’s role in the development of all materials for this successful project. Forest Service recognition is now on the Project Website.



Civil Rights Action Plan

FY 2016/2017

- **Action:** ODF used grant funds for Public Service Announcements to make people aware of fire danger. Those announcements had Forest Service recognition.
- **Action:** ODF will continue to work toward providing training on non-discrimination in program delivery, including the program complaint process. A power point presentation on non-discrimination and program compliance was developed in conjunction with the Forest Service and Washington Department of Natural Resources (WDNR). Feedback received from recipients was that this training could be more efficiently provided as an electronic online training module. ODF, in collaboration with FS and WDNR, will continue to pursue this effort by developing an electronic version of the training by December 31, 2016. ODF is still planning to bring this project to conclusion.
- **Action:** ODF does not produce many federally funded publications that depict people - most illustrations are of natural resources. Where people are included in media illustrations, however, the diversity of individuals in most publications appear to be largely limited to gender and age. The Department does distribute FS national and regional publications, as well as other partner information, that depict individuals representing diversity. ODF will continue to give consideration to depicting a diversity of individuals in promotional illustrations when developing Department publications.

Civil Rights Action Plan

FY 2016/2017



- **Action:** ODF has provided all field offices with the "And Justice for All" posters. These posters are visible to employees and customers receiving assistance and training in employee offices and meeting rooms. Effort will be made to increase the visibility by making the posters available in office reception areas.
- **Post Award:** Partnership Development Program seeks out opportunities in public agencies, private parties and organizations within local communities, or other available sources, to acquire the ability to accommodate requests for program information in languages other than English.
- **Post Award:** An analysis was completed using the Butler information. This sample showed 84% of the forest landowners to be white, 7% Hispanic, 5% Native American and 4% mixed race. The sample size was very low, 159 sampled out of a population of approximately 85,000. The standard error in percent ranged from 20% - 98% depending on the ethnicity/race category. This data was compared with three years' worth of data collected from landowner contacts. This data shows that 98% of the contacts were of the white race. The numbers of actual contacts statistically fit within the ranges developed through the Butler sample. It should be noted that neither of the sets of data addressed potential language barriers in interactions with forest landowners.

[\(Return\)](#)



- Providing information to the Forest Service on your outreach to participants in your programs and activities.

What does the Forest Service do to ensure compliance with nondiscrimination responsibilities?

The Forest Service will conduct reviews of your programs and activities on a periodic basis to ensure they comply with Civil Rights laws. The Forest Service is your partner in providing equal opportunity to the public. For more information, please contact your local Forest Service office.

What Federal Civil Rights laws must you follow to ensure compliance?

U.S. Code	Statute	Prohibits Discrimination on the Basis of:
(42 USC 2000d-2000c)	Title VI of the Civil Rights Act of 1964	Race, Color, or National Origin
(20 USC 1681-1686)	Title IX of the Education Amendments of 1972	Sex (in educational programs and activities)
(42 USC 6101 et seq)	Age Discrimination Act of 1975, as amended	Age
(29 USC 794)	Section 504 of the Rehabilitation Act of 1973, as amended	Disability



United States Department of Agriculture
Forest Service
Grants and Agreements

Complying with Civil Rights Requirements

Your Responsibilities as a Partner with the USDA Forest Service

The U.S. Department of Agriculture (USDA) prohibits discrimination in all 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, genetic information, political beliefs, reprisal, 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, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or for Forest Service issues please call, toll free, (866) 632-9992 (Voice). TDD users can contact USDA through local relay or the Federal Relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice users). USDA is an equal opportunity provider and employer.



“ Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. ”

— President John F. Kennedy, in his 1963 message calling for the enactment of Title VI of the Civil Rights Act



Who is required to comply with Federal Civil Rights laws?

If you receive Federal funds or assistance from the Forest Service such as a grant or agreement, by law you must provide equal opportunity for all people to participate in the programs and activities you offer. For example, you should not deny or exclude anyone from programs, services, aids or benefits. Also, you must not retaliate in any manner against a person who files a complaint or opposes any unlawful or discriminatory practice. The back of this brochure shows Federal Civil Rights laws that apply.

This brochure provides a basic overview of your responsibilities for ensuring nondiscrimination in the delivery of your programs and activities to the public on bases covered by federal law. These bases include race, color, national origin, sex (in educational programs or activities), age, and disability.

What are some types of Federal funding and assistance?

- Federal monies given by grants, sub-grants, cooperative agreements, challenge cost-share agreements, cost-reimbursable agreements, or loans
- Training presented by a Federal agency
- Loan/temporary assignment of Federal personnel (e.g., a Forest Service employee instructing a course at a local university)
- Loan or use of Federal property at below market value

Are you a recipient of Federal funding and assistance?

You are a "recipient" if, through a partnership with the Forest Service, you receive Federal funding or assistance (either directly or through another recipient) to conduct a program you offer to the public.

Recipients include:

- Any individual receiving Federal funding or assistance
- A State or local government
- American Indian or Alaska Native individual, Tribe, corporation, or organization
- Any public or private agency, institution, or organization (e.g., university, college, or non-profit)

What are your responsibilities for complying with Federal Civil Rights laws?

As a partner with the Forest Service, your responsibilities for complying with Federal Civil Rights laws include, but are not limited to:

- Signing an assurance certifying that you will comply with Civil Rights laws. If you have sub-recipients, obtain a signed assurance from them. An example of a sub-recipient is a local community organization receiving a sub-grant from a state forestry agency.
- Displaying the "And Justice for All" U.S. Department of Agriculture poster (AD-475C) in your public reception areas or other areas visible to the public. Contact your Forest Service office to obtain copies.
- Including the following statement about nondiscrimination and how to file a complaint in your publications and outreach materials:

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability. (Not all prohibited bases apply to all programs.)"

To file a complaint of discrimination: write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington,

D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer."

- If the publications or materials are too small to permit the use of the full statement, at a minimum include the following statement, in print size no smaller than the text: *"This institution is an equal opportunity provider."*
- Including in any of your publications and outreach materials related to a grant or agreement project, a statement of affiliation with the Forest Service, e.g., *"This publication made possible through a grant from the USDA Forest Service."* OR *"This research was conducted in cooperation with the USDA Forest Service."* OR *"This research was funded by a grant from the USDA Forest Service."*
- Providing program information in alternative formats for people with disabilities and in alternative languages for people with limited English proficiency, as appropriate to your customer base.
- Identifying a person to be responsible for ensuring your program is in compliance with Civil Rights requirements.
- Reviewing all your policies, procedures, and practices to ensure that they do not limit participation on the basis of race, color, national origin, age, disability, or sex (in educational programs and activities).
- Evaluating the accessibility of your programs and facilities. If they are not now accessible, develop a transition plan for making them accessible and then carry out the plan as appropriate.
- Ensuring that your staff understands their Civil Rights responsibilities including their role in the USDA complaint process.
- Providing outreach to a wide variety of communities to ensure diversity if you advertise or market your program.