



UNIVERSITY OF MARYLAND

COLLEGE OF AGRICULTURE AND NATURAL RESOURCES

AFFIRMATIVE ACTION (AA) PLAN FOR MARYLAND AGRICULTURAL EXPERIMENT STATIONS (MAES)

The University of Maryland College of Agriculture and Natural Resources (AGNR) and Maryland Agricultural Experiment Stations (MAES) are dedicated to providing high quality and effective educational, research and demonstration programs that are in compliance with all civil rights, equal employment and affirmative action requirements.

The purpose of the guidelines in this document is to strengthen programming and ensure compliance with the requirements of Title IV of the Civil Rights Act of 1964; Title IX of the Education Amendment of 1972; Sec. 504 of the Rehabilitation Act of 1973; The Americans with Disabilities Act of (ADA) of 1990; The Civil Rights Act of 1991; and, Executive Order 13166 (2000).

Approvals:

5/16/13
Date

Dr. Cheng-i Wei, Dean and Director
College of Agriculture and Natural Resources
University of Maryland Extension

16 May, 2013
Date

Dr. Adel Shirmohammadi, Associate Dean and Associate Director
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COLLEGE OF AGRICULTURE AND NATURAL RESOURCES

Preface

The Dean and Director of College of Agriculture and Natural Resources (AGNR) and the Associate Dean and Associate Director of Maryland Agricultural Experiment Station (MAES) have agreed on an Affirmative Action (AA) plan that is designed to ensure that MAES shall not discriminate against our faculty, staff and clientele, and MAES facilities are accessible to all. MAES will revise the AA plan from time to time with the Dean, Associate Dean and Office of Human Resources Management approval.

MAES programs are open to all and will not discriminate against anyone because of race, age, sex, color, sexual orientation, physical or mental disability, religion, ancestry, or national origin, marital status, genetic information, or political affiliation, or gender identity and expression. All questions regarding EEO statements should be directed to the Director of Human Resources Management, College of Agriculture and Natural Resources, Symons Hall, College Park MD 20742.

Prepared by the College of Agriculture and Natural Resources,
Office of Human Resources Management,
College Park Maryland.

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I. Actions to ensure MAES faculty and staff conduct Programs in compliance with Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendment of 1972; Sec. 504 of the Rehabilitation Act of 1973; The Americans with Disabilities Act (ADA) of 1990; the Civil Rights Act of 1991; and, Executive Order 13166 (2000).

- a. MAES administrators are expected to show strong leadership and commitment to ensure MAES's compliance with Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendment of 1972; Sec. 504 of the Rehabilitation Act of 1973; The Americans with Disabilities Act (ADA) of 1990 and Executive Order 13166 (2000).
- b. All printed materials at MAES facility must contain the nondiscrimination and program accommodation statement.
- c. MAES will make all reasonable efforts to reach minority clientele during research and demonstration projects using all relevant communication techniques. MAES faculty and staff must retain documentation on clientele reached. This documentation must also include demographic information when known.
- d. **Public Notification**

A public notification procedure in all MAES program areas must be implemented which includes specific goals and procedures to notify the potential recipients of research and educational programs that MAES programs are open to all and will not discriminate against anyone because of race, age, sex, color, sexual orientation, physical or mental disability, religion, ancestry, or national origin, marital status, genetic information, political affiliation, or gender identity and expression.

- Programs such as research and demonstration projects or applicable educational programs conducted by MAES will be posted in public places frequented by all racial groups.
- Development announcements, flyers and posters to be placed in public places frequented by all racial groups.
- Mass media, including radio, newspapers, and television will be used when possible to inform potential beneficiaries of the program and opportunity to participate.
- Minority clientele will be identified and sent personal letters and circulars when feasible inviting them to participate in planned research programs (date, time and place of meeting will be included).
- Use gender-neutral language, eliminate sexually biased, and stereotypical language from materials used in research and educational programs.

- Contact community groups for assistance in informing potential minority clientele of available research and demonstration projects.

Media Statements for Flyers, Posters and Press Releases

Questions about requirements should be directed to the Director of Human Resources Management, Office of the Dean, College of Agriculture and Natural Resources, Symons Hall, College Park, MD 20742. MAES is an “Equal Opportunity Employer and Equal Access Programs”. Persons with disabilities who require alternate means of communication of program information should contact us at (telephone number), (fax number), (email address) and or use the Maryland Relay Service at 7-1-1 for text telephone service to our voice number.

e. **Personnel Files**

Secure Personnel files must include

- A list of their faculty and staff members with position descriptions, Annual Faculty Reviews (AFRs) and Performance Review and Development Forms (PRDs).
- Faculty members (AFR) and staff (PRD) evaluations must include language to ensure that all “reasonable efforts” are made to encourage balanced participation.
- Faculty and staff at each research facility must keep an accurate record of all research and demonstration projects and record attendance by race and gender for events when applicable on the Demographic Data Reporting sheet (DDRS).

f. **Training and Reference:**

Staff meetings will be scheduled to optimize participation of all employees. Training opportunities will be made available to all employees regardless of race, age, sex, color, sexual orientation, physical or mental disability, religion, ancestry, or national origin, marital status, genetic information, or political affiliation, and gender identity or expression. All MAES facilities shall maintain a list of their faculty and staff training annually.

II. Determination of “All Reasonable Efforts (ARE)”

Definition

- The minimum effort required of the facility leadership is to integrate all research and demonstration project areas accessible to all racial groups. The documentation should be kept in the facility central files for review purposes.

Therefore as a matter of policy, MAES faculty and staff must make “All Reasonable Efforts” to involve and increase participation of minority populations in research and demonstration projects.

Steps included in “All Reasonable Efforts”

- Take action on a continuing basis to ensure that all people, especially minorities, are aware of MAES research and demonstration projects.

Field Demonstrations

- When field demonstrations are planned, efforts should be made to ensure that all persons including minorities and people with disabilities have access and are able to participate.

Sponsored meetings and events

- Consideration should be given to a location and facility that will encourage minorities and individuals with disabilities to participate. Program announcements will contain contact information for requesting accommodation for persons with disabilities.

III. Compliance Review Schedule & Progress Reports

- **Compliance Reviews** will be completed by the Coordinator of Diversity & Training Programs, on a two year schedule beginning 2013.
- Progress reports will be prepared by the Coordinator of Diversity & Training Programs, no later than three months after completing the onsite review. Progress reports will be reviewed by the Associate Director MAES and Director of Human Resources Management. MAES Directors and Managers are responsible for ensuring that actions are taken to correct noncompliance. If it is determined that the requirements of the Plan were not met, the Directors shall take action to correct the noncompliance.

IV. EEO Efforts and Nondiscrimination in Employment Practices

The Associate Director of MAES, shall periodically review program activities of all personnel to determine whether there are conditions preventing any employee from fully carrying out his/her assignment because of race, age, sex, color, sexual orientation, physical or mental disability, religion, ancestry, or national origin, marital status, genetic information, or political affiliation, and gender identity or expression. Where those conditions exist, (a) identify specific personnel and the circumstances involved, and (b) take action to develop plans to overcome the conditions.

The Associate Director of MAES shall continue to ensure that MAES employment and programs do not discriminate on the basis of race, age, sex, color, sexual orientation, physical or mental disability, religion, ancestry, or national origin, marital status, genetic information, or political affiliation, and gender identity or expression. With respect to any assignment such as office space, use of facilities or provisions for secretarial assistance, travel allowances, and other staff facilities.

Training and Reference

- The Associate Director of MAES shall ensure that all employees have equal access to opportunities to enhance their skills and to perform at their highest potential and to advance in accordance with their abilities.

V. Limited English Proficiency

MAES shall develop capacity to offer research and demonstration projects and educational programs to Spanish speaking clientele when applicable to increase audience expansion. MAES policy uses Department of Justice criteria based on Executive Order 13166 (2000).

Long Civil Rights Statement

“MAES programs are open to all and will not discriminate against anyone because of race, age, sex, color, sexual orientation, physical or mental disability, religion, ancestry, or national origin, marital status, genetic information, political affiliation, or gender identity and expression.

Short Civil Rights Statements

“MAES is an Equal Opportunity Employer with Equal Access Programs.”

Americans Disabilities Act (ADA) Statement

The following statement could be added to notices for all public meetings and program announcements associated with your facility to inform prospective participants as to how to secure needed accommodation.

“If You Need Special Assistance to Participate In the (research and demonstration projects), Please Contact (Name, Agency/Office) At (Telephone Number) By (Date)”

Spanish Materials Statement

Some materials may be available in Spanish upon request.

VI. GLOSSARY

Civil Rights

Civil Rights Act of 1964

- Civil Rights Act of 1964 is a comprehensive federal law which makes it illegal to discriminate on the bases of race, color, religion, gender and national origin. Title VII of the law was the first to specifically ban discrimination in the employment setting and is enforced by the Equal Employment Opportunity Commission (EEOC). Title VI ban discrimination in programs and services.

Equal Employment Opportunity Commission (EEOC)

- Established by Congress, the EEOC is made up of members appointed by the President and receives, processes, and investigates charges of employment discrimination under Title VII of the Civil Rights Act of 1964, Title I of the Americans with Disabilities Act, the Equal Pay Act of 1963, and the Age Discrimination in Employment Act of 1967. If the commission determines that there is reasonable cause to believe that the law has been violated, it first tries to obtain remedies for the affected individuals through conciliation and can bring suit in federal district court if conciliation efforts fail.

Equal Employment Opportunity

- A system of employment practices under which individuals are not excluded from any participation, advancement, or benefits due to race, color, religion, gender, national origin, or any other action which cannot lawfully be the basis for employment actions

Affirmative Action Plan (AAP)

- Actions, policies and procedures undertaken by an employer in recruiting, hiring promotions and all other personnel actions that are designed to achieve equal employment opportunity and eliminate the present effects to prevent discrimination. Affirmative Action requires (1) through, systematic efforts to prevent discrimination from occurring or to detect and eliminate it as promptly as possible; and (2) recruitment and outreach measures.

Employment Practices

- Any recruitment hiring, selection practice, transfer or promotion policy, or any benefit provision or other function of the employer's employment process which operates as an analysis or screening device.

Good Faith Efforts

- Actions voluntarily developed by employers to achieve compliance with equal employment opportunity and affirmative action clauses. The basic components of good faith efforts are: 1). Outreach and recruitment measures to broaden candidate pools from which selection decisions are made to include minorities and women: and 2). Systematic efforts to assure that selections thereafter are made without regard to race, gender or other prohibited factors. Results of these efforts are measured in terms of their effectiveness in assisting the employer in meeting or making progress toward targets set to correct underutilization.

Discrimination

- Illegal treatment of a person or group of persons based on race, gender, or other prohibited factor.

Disparate Impact

- Disparate impact discrimination can be found when an employer's use of an otherwise neutral selection standard – such as a test, and interview, or a degree requirement – disqualifies members of a particular race or gender at a significantly higher rate than others and is not justified by business necessity or job relatedness. An intent to discriminate is not necessary to this type of employment discrimination; the disparate impact theory can be used to analyze both objective and subjective selection standards.

Disparate Treatment

- A theory of category of employment discrimination. Disparate treatment discrimination can be found when an employer or employee treats an individual or group differently because of its race, color, religion, gender, national origin, disability or veteran status. An intent to discriminate is a necessary element in this type of employment discrimination and can be shown by direct evidence or inferred through statistical, anecdotal, and/or comparative evidence.

Non-compliance

- Failure to follow equal employment opportunity or affirmative action guidelines and the regulations applicable to them.

Ethnic Group

- A group identified on the basis of religion, color or national origin e.g. Hispanic origin.

Race

- Race is a division of humankind with certain distinguishing characteristics in common which indicate distinctive origins.

American Indian or Alaskan Native

- A person having origins in any of the original peoples of the Americas (North, South or Central America) who maintains cultural identity through tribal affiliation or community attachment.

Asian or Pacific Islander

- A person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes for example China, Japan, Korea, the Philippine Republic and Samoa; and on the Indian subcontinent, includes India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim and Bhutan.

Black (or African-American)

- An individual, not of Hispanic origin, with origins in any of the black racial groups of Africa.

Hispanic

- A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race. This does not include persons of Portuguese descent or person from Central or South America who are not of Spanish origin or culture.

Caucasian

- An individual, not of Hispanic origin in any of the original peoples of Europe, North Africa, or the Middle East.

Minorities

- Men and women of those minority groups for whom EEO-1 reporting is required; that is black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native. The term may refer to these groups in the aggregate or to an individual group.

National Origin

- The country including those that no longer exist of one's birth or of one's ancestors' birth. "National origin" and "ethnicity" often are used interchangeably, although "ethnic group" can refer to religion or color, as well as country of one's ancestry.

Religion

- Included all aspects of religious observance and practice, and religious beliefs.

Disability

- A disability is a physical or mental impairment, which substantially limits one or more major life activity, a record of having such an impairment, or being perceived as having such impairment.

Qualified Disabled Person

- A Qualified Disabled Person is an individual with a disability who is capable of performing a particular job, with or without reasonable accommodation.

Disabled Veteran

- A person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty and who is entitled to a 30% or more disability payment under regulations of the Veteran's Administration.

Qualified Disabled Veteran

- A special disabled veteran who is capable of performing a particular job with or without a reasonable accommodation to his or her disability. A Qualified Disabled Veteran is a disabled veteran capable of performing a particular job, with or without reasonable accommodation.

Reasonable Accommodation

- Used in connection with affirmative action or disabled persons: Changes in the job or workplace which enable the person with a disability to perform the job for which they are otherwise qualified. Such accommodations should be such that they do not create a business hardship and may involve such actions as adjusting the physical environment, equipment, schedules or procedures.
- Used in connection with discrimination based on religion: Requirement that employer grant an employee time off for religious reasons. These accommodations may be adjustments to hours or days worked or other similar

actions which will make it possible for employees to fulfill their religious obligations.

Limited English Proficient Person

- Person for who English is a second language and whose ability to speak and understand English is limited. LEP persons are protected under Executive Order 13166 (2000), which stipulates that legal, medical, health, and safety related information be provided in the native language. Information related to eligibility, application, and notification of programs should also be provided in the native language.

Unlawful Employment Practice

- Any policy or practice that has discriminatory intent or effect and cannot be shown to be essential to the successful performance of the job in question.

CENTRAL CIVIL RIGHTS FILE DOCUMENTS

The following documents should be available in every department's Central Civil Rights File

- 1). Affirmative Action Plan
- 2). List of faculty and staff by race and gender
- 3). Demographic Data Reporting Sheet
- 4). ADA Self Evaluation
- 5). Facility Training Log
- 6). Mailing List Log
- 7). Public notification and media methods
- 8). EEO Statements
- 9). Translation Resources
- 10). Internal Compliance Review Response Plan
- 11). Internal Compliance Review Report
- 12). Internal Compliance Review Schedule
- 13). EEO Advisors
- 14). Facility (ICR) Self - Evaluation

**MAES ICR
Review Schedule**

2013

Clarksville	CMREC
Paint Branch (Turfgrass)	CMREC
Upper Marlboro	CMREC
Beltsville	CMREC
Wye	

2014

WMREC	
Salisbury	LESREC
Poplar Hill	LESREC

2015

Clarksville	CMREC
Paint Branch (Turfgrass)	CMREC
Upper Marlboro	CMREC
Beltsville	CMREC
Wye	

2016

WMREC	
Salisbury	LESREC
Poplar Hill	LESREC

2017

Clarksville	CMREC
Paint Branch (Turfgrass)	CMREC
Upper Marlboro	CMREC
Beltsville	CMREC
Wye	

2018

WMREC	
Salisbury	LESREC
Poplar Hill	LESREC