

COLLEGE OF AGRICULTURE & NATURAL RESOURCES  
**Human Capital & Compliance Corner**

**A Note from the Assistant Director of Compliance Programs**

Colleagues,

We would like to express our sincerest gratitude for your continued support of our efforts across human resources, compliance, and information-sharing. As we share our second edition of the *Human Capital and Compliance Corner* newsletter, there are a number of highlights to consider, including preparations for limited reintegration to our offices, facilities, and campus with the start of the Fall 2020 semester.

It is also imperative in this time to celebrate today, August 26th, as **Women's Equality Day**. Nearly 100 years ago, women of all colors, creeds, complexions, social classes, and economic statuses were prohibited from their constitutional rights and exercising free speech. There have been some strides over the last century; however, we have a long way to go on the road to eliminating biases, enhancing C-Suite representation, and closing the gender pay gap. Currently, women make 82 cents for every dollar earned by men, representing a gender wage gap of 18%. Wage differences are even more pronounced by race and ethnicity, with the wage gap as high as 38.6% among Black women, and 44% among Hispanic women (Institute for Women's Policy Research, 2019).

As today's focal point is women, let's also expand on the word "equality" as it shapes our united existence. Equality provides access and opportunities for individuals and removes barriers that may be physical, structural, and/or institutional. The identification of those barriers and reasonable efforts to eliminate obstacles creates diverse progressions for pioneers like *Sonia Sotomayor* (Associate Justice), *Katherine Johnson* (NASA Mathematician), *Pusan Helms* (Astronaut), *Lt. Lt. Madeline Swigle* (Tactical Fighter Pilot), and *Ann Veneman* (Former Secretary of Agriculture). However, women cannot get there alone; shared visions of allyship, sponsorship, mentorship, and continued support creates the environment of inclusion and yields powerful impacts.

With these thoughts to guide you today, thank you for reading the latest edition of our newsletter. Human Resources Management and Compliance Programs would like to provide several updates, including recent legal changes, policy updates, training opportunities, resources for transitioning from remote settings, ethical considerations for entering facilities and conducting research, and our pilot program "The Administrative Project."

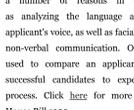
We look forward to empowering you!

*Dr. Latoya Hicks*

*\*Please note, our newsletters can found here and can be featured in multiple languages.\**

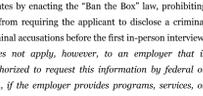
**The CROWN Act**

In November 2019, Montgomery County was the first local jurisdiction to introduce the "CROWN (Create a Respectful and Open World for Natural Hair) Act". In February 2020, the remainder of the state enacted the Act, which prohibits race-based hair discrimination in any employment and/or educational opportunity. The Act extends the definition of "race" as being inclusive of traits historically associated (or perceived to be associated with) with race, including but not limited to hair texture and protective hairstyles (braids, locs, twists, or bantu knots). The Act ensures that individuals who are discriminated against because of their natural hair can seek civil penalties, recognizing that hair discrimination remains a source of racial injustice. [Click here](#) for more information on House Bill 1444.



**Prohibition of Facial Recognition Services**

Effective October 1, 2020, employers are prohibited from the "Use of Facial Recognition Services" during an applicant's employment interview unless the applicant provides written consent or a signed waiver. The Act applies to certain facial recognition services; organizations used facial recognition software for a number of reasons in the past, such as analyzing the language and tone of an applicant's voice, as well as facial expressions and non-verbal communication. Often, data were used to compare an applicant against other successful candidates to expedite the hiring process. [Click here](#) for more information on House Bill 1202.



**Ban The Box**



Effective January 20, 2020, Maryland has joined a growing number of states by enacting the "Ban the Box" law, prohibiting an employer from requiring the applicant to disclose a criminal record or criminal accusations before the first in-person interview. *This law does not apply, however, to an employer that is expressly authorized to request this information by federal or state law, i.e., if the employer provides programs, services, or direct care to minors or vulnerable adults. UME employees are subject to a criminal background check for this reason.* [Click here](#) for more information on Senate Bill 839.

**Salary History Ban**



Effective October 1, 2020, House Bill 123 prohibits employers from seeking wage history. Employers, however, may confirm wage history that is voluntarily provided by an applicant after an initial offer of employment and compensation is made. Upon request, employers must provide an applicant with a wage range for the position of interest. The Act prohibits an employer from taking negative actions against an applicant because the applicant did not provide a wage history or wage range. Furthermore, the employer cannot seek an applicant's wage history from former employers or their agents. *Montgomery County* (effective August 14, 2020) will neither seek nor rely on an applicant's salary history as a factor in determining whether to hire the applicant or when setting pay. The county may rely on salary history voluntarily disclosed by an applicant to offer the applicant a higher wage than initially offered if this does not result in unequal pay for equal work based on gender. However, the county must not retaliate or refuse to hire an applicant for not disclosing their salary history.

**Updates**

**The Administrative Project: Bridging the Gap**

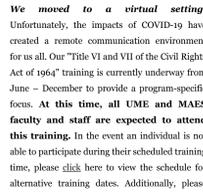


The Administrative Project will launch its first pilot program this Fall 2020! During the 2018 Internal Program Assessment, discussions took place with administrative support personnel with regards to revising the filing and record management systems to meet our land-grant requirements. The Compliance Program has formed a team of individuals from both UME and MAES to establish and implement a unified procedure for all of AGNR's Title VI administrative procedures.

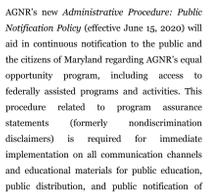
*We would like to thank the following for serving on the Administrative Project committee: Dr. Jennifer Bentleguski, Sheila Oscar, Carol Hill, Rhonda Barnhart, Tamaru Scott, Jamie Fleming, Diane Montgomery, and Kathy Decker. We look forward to working with you all soon!*

**USDA New Guidance: Civil Rights Policy for Employment and Land-Grant Programs**

On May 22, 2020, the Secretary of Agriculture issued a Civil Rights Policy Statement regarding the United States Department of Agriculture as an equal opportunity provider/employer with regards to federal financial assisted programs effectuating Title VI/VII of the Civil Rights Act of 1964. As a land-grant recipient, AGNR is required to ensure a heightened level of accessibility is provided to federally funded programs to reach potential and eligible audiences. [Click here](#) for the full policy.



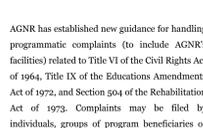
**2020 Compliance Training: Title VI/Title VII**



**We moved to a virtual setting!** Unfortunately, the impacts of COVID-19 have created a remote communication environment for us all. Our "Title VI and VII of the Civil Rights Act of 1964" training is currently underway from June - December to provide a program-specific focus. **At this time, all UME and MAES faculty and staff are expected to attend this training.** In the event an individual is not able to participate during their scheduled training time, please [click here](#) to view the schedule for alternative training dates. Additionally, please make sure your attendance is recorded to receive full credit. We look forward to training you!

**Administrative Procedure: Public Notification Policy**

AGNR's new *Administrative Procedure: Public Notification Policy* (effective June 15, 2020) will aid in continuous notification to the public and the citizens of Maryland regarding AGNR's equal opportunity program, including access to federally assisted programs and activities. This procedure related to program assurance statements (formerly nondiscrimination disclaimers) is required for immediate implementation on all communication channels and educational materials for public education, public distribution, and public notification of AGNR's federally assisted programs. [Click here](#) to view the full policy.

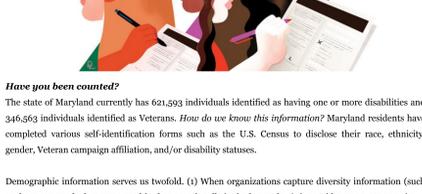


**How to File a Program Complaint**



AGNR has established new guidance for handling programmatic complaints (to include AGNR's facilities) related to Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, and Section 504 of the Rehabilitation Act of 1973. Complaints may be filed by individuals, groups of program beneficiaries or those legally acting on behalf of a program beneficiary in their custodial care. Complaints will have the following three options for filing: Informal Resolution, Intermediate Resolution, and Formal Resolution. For more information, check out the [Program Complaint Flow Chart](#) and the [Program/Facilities Complaint Form](#).

**Voluntary Self-Identification**



**Have you been counted?** The state of Maryland currently has 621,593 individuals identified as having one or more disabilities and 346,363 individuals identified as Veterans. *How do we know this information?* Maryland residents have completed various self-identification forms such as the U.S. Census to disclose their race, ethnicity, gender, Veteran campaign affiliation, and/or disability statuses.

Demographic information serves us twofold. (1) When organizations capture diversity information (such as those captured when you were hired or occasionally invited to update), it provides us an opportunity to communicate where systemic barriers may exist within policies, practices, and/or processes, and thus examine our operation to remove potential impediments. (2) By completing such forms, you are also represented in your county, which allows your community to plan for the future, secure county funding, and identify constituents and beneficiaries you serve as a land-grant federal funding recipient. Timely and accurate reporting expands the quality and quantity of demographic information available to you for student recruitment, isolating programs for diverse audiences within the state, and identifying program participants to meet grant outreach requirements.

**There are many ways to be counted!** *The U.S. Census* aims to count the entire population by race, ethnicity, gender, etc. Not only is completing the Census your civic duty, but it also affects the amount of funding your community receives and your representation in the state. *How do you capture the needs of the beneficiaries you serve without an accurate count?* Encourage reporting by leading the conversation and completing your Census disclosure.

Section 503 of the Rehabilitation Act of 1973 established guidelines for federal contractors and subcontractors to invite applicants and people with disabilities to voluntarily self-identify. UMD as a federal contractor has designed the *Voluntary Self-Identification of Disability* form to (1) ensure equal access to employment opportunities, and (2) encourage applicants and current employees to inform us of documented disabilities and engage in the *interactive process* for reasonable accommodations. Providing your documented disability status creates a footnote for the organization to ensure alternative forms of equipment, communication, devices, and services are readily available for our employees.

The *UMD Voluntary Self-Identification of Gender, Ethnicity, and Race* form is also used to aid in measuring equal employment opportunities to qualified applicants and current employees. AGNR is committed to fostering an environment free of discrimination and harassment and providing progressive opportunities to qualified individuals without regard to race, color, sex, religion, national origin, and/or any other legally protected statuses. **Diversity strengthens our institution; among other things, it encourages creativity, inspires ideas, empowers our vision, and shapes our research agenda.** Completing this form establishes more than conversations across departments because we can graphically analyze our workforce and examine talent needs. Have a question about self-identification reporting? Feel free to contact us at [agnrhrmq@umd.edu](mailto:agnrhrmq@umd.edu). We are here to help!

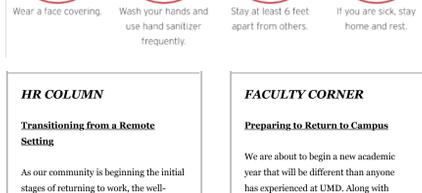
**Diversity, Equity & Inclusion Benchmarks**

The *Annie's Project* illustrates **diversity** in farm management by empowering women in overall farm decision-making while building local networks throughout the state. Since 2008, over 600 women have successfully participated in the project. As managed by Kent and Talbot County, the program focuses on agricultural women with a passion for business, farming, and farm operations. The state of Maryland has 5,668 women identified as primary producers (making executive decisions on farms), and another 8,148 as producers (managing day-to-day operations).

The *Carroll County Demonstration Garden* exemplifies **equity** by addressing the accessibility needs of both our volunteer base and public audiences in order to make teaching and learning open and welcoming to all. The garden has buildings to demonstrate accessible gardening and learning, as well as environmentally sustainable and food-safe building materials. This space holds an active learning garden that encourages the public to take a hands-on approach with exhibits. This enables and welcomes individuals of all backgrounds and abilities to join the program, participating as community educators with accessible platforms for Master Gardeners to showcase their talents.

The *Somerset 4-H Sewing Club* has focused on diversity recruitment not only with youth, but with volunteers from all ages, races, and genders. This club recognizes that it is critical to provide an inclusive environment for a diverse group of volunteers to help provide children with a sense of belonging in meetings and gatherings. The Sewing Club believes the **inclusion** of diverse role models will provide positive and lasting effects on the lives of program participants while partnering with our sister land-grant (University of Maryland Eastern Shore) to demonstrate collaborative efforts in positive youth education.

**Fruits for Faculty & Human Resources**



Wear a face covering. Wash your hands and use hand sanitizer frequently. Stay at least 6 feet apart from others. If you are sick, stay home and rest.

**HR COLUMN**

**Transitioning from a Remote Setting**

As our community is beginning the initial stages of returning to the office, the well-being and safety of our employees, students, and clientele will drive our actions as we reopen offices, labs, Research & Education Centers, and Extension offices. Each will present unique and unprecedented challenges. There are many resources available to you. Let us draw your attention to a few key areas:

- 1) The University has designed a **three-step gradual phase approach** that will include: 1) coordinating a return of employees in a step-by-step process to ensure appropriate physical distancing, availability of personal protective equipment (PPE), monitoring and testing capabilities, and contact tracking for COVID-19; 2) assessing requests for expanded staffing based on mission-critical operations, the ability to control and manage specific work environments, and necessity of access to on-campus resources; 3) the continuation of meeting physical distancing requirements while finding ways to support units that can effectively work remotely until gatherings are eased for larger gatherings. A detailed outline of this plan can be found in the [Employee Guide - Returning to Campus and Manager Guide - Returning to Campus](#).
- 2) The *University of Maryland Counseling Center* offers support services to faculty and staff, and lists  **coping strategies and virtual resources**, such as the *CDC's Recommendations for Managing Anxiety and Stress*, on their website. Additionally, the *Faculty and Staff Assistance Program (FSAP)* is now providing Zoom and telephone appointments.
- 3) *University Human Resources (UHR)* regularly sends emails and provides updated announcements on their website regarding COVID-19 regulations, including guidance on UMD teleworking and leave policy, safety practices, the required training video for all UMD employees to complete prior to returning to work at all on and off-campus locations, as well as a copy of UMD Community Responsibility Pledge.

Watch out for our AGNR/HR emails providing updates, and check out the updates on our page! Remember, Terps have to protect Terps and others!

**FACULTY CORNER**

**Preparing to Return to Campus**

We are about to begin a new academic year that will be different than anyone has experienced at UMD. Along with challenges for teaching and training face-to-face, synchronous or asynchronous teaching online, or restructuring classes and/or Extension programs to fit hybrid approaches, our faculty have the added responsibility of integrating teaching, research, and Extension programs in a safe, responsible manner. There are obvious questions on how to appropriately engage, integrate, and mentor students and stakeholders in your academic, research, and/or Extension obligations. From a campus, college, and Extension perspective, these challenges require responsible and ethical actions on your part. In a recent article in the *Chronicle*, there was an alarming concern that many individuals are still too cavalier about the realities of COVID-19. Students and young people are not practicing social distancing and/or wearing face coverings. While there are strict safety coverings and protocols for each "Phase of the" reopening" of our state, UMD has many resources to help you to understand and practice responsible precautions. Before you return to campus or your regional offices, please check out the [Keep Terps Safe Portal](#) and the [USM Testing Requirements](#) websites.

From an ethical and moral perspective, it is not only each person's responsibility to follow all the safety standards, but also to hold each other accountable. Remember, while we indeed value intellectual freedom, we are also a family, and family members look out for each other. Consider the approach to working with your students, stakeholders, and colleagues during this time in a similar manner as a physician interacting with their patients. In this regard, two key bioethical principles apply: beneficence and non-maleficence. Simply put, beneficence directs us to actively promote the well-being of others and non-maleficence requires that we, "Above all, do no harm." In other words, as faculty, we should never cause unnecessary injury or harm to those under our watch or care. In both cases, whether through the active actions of beneficence and the passive actions of non-maleficence, we as faculty are entrusted with the education and well-being of our students, stakeholders, and colleagues.