

July 2, 1965

SUPPLEMENTAL INSTRUCTIONS FOR ADMINISTRATION OF TITLE VI OF THE
CIVIL RIGHTS ACT OF 1964, IN THE COOPERATIVE EXTENSION SERVICE

AMENDMENT NO. I

Note: New and revised statements enclosed by asterisks:
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SUMMARY OF CHANGES:

Section B. I, Subsection A, Page 3. Statement added to eliminate requirements for assurance statements to accompany each request for new or additional funds if initial State assurance statement was acceptable.

Section B. I, Subsection B, Beginning on Page 3. Requires ALL States and Puerto Rico to submit statement regarding methods of administration. Minimum requirements cover plans and procedures for: (1) informing clientele and public of policies and requirements, (2) staff training, and (3) program reviews and evaluation.

Section B. II, Beginning on Page 4. Requirements for State compliance plans revised primarily in relation to methods of administration. This section applies only to States that submitted compliance plans. Following is a summary of major changes:

1. Requires statement of plans for desegregating membership in home economics clubs, 4-H Clubs, and other groups organized by the Extension Service, in which there now exists racial exclusion.
2. Requires written notifications of Extension Service civil rights policies to all organizations served. Also requires written response from each organization notified.
3. Requires description of any staffing changes necessary to meet Title VI requirements.

Section B. V, Page 7. Statement added to require informing general public of complaint procedure.

Section C. I, B, Page 8. Items 6 and 7 added to incorporate provisions of Secretary's Memorandum of June 23, 1964, on participation in segregated meetings. Item 8 added to limit service to 4-H Clubs

organized in segregated school systems to schools operating under desegregation plans or other arrangements accepted by the Department of Health, Education, and Welfare. Note: FES will arrange for Directors in the 15 States that submitted compliance plans to receive lists of schools that have plans or arrangements accepted by HEW.

Section C. III, Page 9. Item A. added to include as an example of discrimination prohibited the limiting or assignment of staff of one race, color, or national origin to serve clientele of like race, color, or national origin.

Attachment No. 1

U. S. DEPARTMENT OF AGRICULTURE
FEDERAL EXTENSION SERVICE

SUPPLEMENTAL INSTRUCTIONS FOR ADMINISTRATION OF TITLE VI OF
THE CIVIL RIGHTS ACT OF 1964, IN THE COOPERATIVE EXTENSION SERVICE

SECTION A - INTRODUCTION

I. Policy and Objectives

The purpose and objective of Title VI of the Civil Rights Act of 1964 is defined broadly in Sec. 601 as follows:

"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."

Recognizing that programs of Federal financial assistance are many and varied in purpose, the Congress did not specify detailed requirements and controls in the Act. Instead, each Federal agency responsible for administering programs of Federal assistance was directed in Sec. 602 to develop and issue regulations based on Agency programs and needs.

USDA regulations have been approved by the President and distributed to all Land-Grant University Presidents and State Extension Directors. The purpose of these instructions is to supplement USDA regulations as they apply in the Cooperative Extension Service, and to prescribe administrative procedures to be followed by State Extension Services under the Act.

Laws, regulations and instructions serve as a basis for controlling administrative decision and action. At best these instruments cannot anticipate and provide specific and unqualified answers to all questions that may arise. Our attitudes and sincerity of purpose in interpreting and applying the intent as well as the letter of the Civil Rights Act, the regulations and instructions will in large measure determine the success of our efforts.

Regulations that apply to continuing State programs (Sec. 15.4(b)) give special consideration to State Extension Services compliance, with an understanding that any non-compliance will be corrected. In establishing the need for this special treatment the Administrator has assured the Secretary of Agriculture that it would be used in good faith to accomplish the objectives of the Act.

II. Definitions:

- A. "Regulations" means USDA regulations.
- B. "FES" means the Federal Extension Service.
- C. "Administrator" means the Administrator of the Federal Extension Service.
- D. "Director" means Director of a State Extension Service.
- E. "Agency" when used in USDA regulations means the Federal Extension Service.
- F. "Recipient" as defined in regulations, Sec. 15.2 includes State Extension Services; and any public or private agency, institution, or organization, or other entity or any individual to which the State Extension Service furnishes services which are in turn provided by such groups to their membership.
- G. "Primary recipient" means a State Extension Service.
- H. "Ultimate beneficiary" means individuals whose educational interests and needs are served by or through direct participation in educational activities or events conducted by the Extension Service and receiving Federal financial assistance.
- I. "Application" includes cooperative agreements, project agreements, annual plans of work, budgets, and certification of offset funds required for continuing assistance under the Smith-Lever Act; and administrative documents required to obtain new or additional funds not included under fixed or formula distribution prescribed by the Smith-Lever Act.
- J. "Program" includes program areas in agriculture, youth (4-H), home economics, community or resource development and other programs or projects for which Federal financial assistance is provided.

SECTION B - ADMINISTRATIVE PROCEDURES

I. Assurances Required

Sec. 15.4 provides for assurances under two basic types of fiscal arrangements:

Sub-section A - General. This sub-section should be interpreted in Extension as relating to new or additional funds paid to State Extension Services under authorities other than fixed or population formula distribution provisions of the Smith-Lever Act. This would include: Smith-Lever funds distributed on basis of special needs, 7 USC 343(b); Smith-Lever special project funds, 7 USC 343(d); Agricultural Marketing Act matching project funds, 7 USC 1623(b) and Agricultural Marketing Act contract funds, 7 USC 1624(d).

Applications for Federal financial assistance under above arrangements must contain or be accompanied by an assurance that the program will be conducted in compliance with all requirements imposed by or pursuant to USDA regulations. A sample assurance statement is included in these instructions as Exhibit A.

Sub-section B - Continuing State Programs. In the Cooperative Extension Service this sub-section will apply to all continuing programs that receive Federal financial assistance under fixed or population distribution formulas of the Smith-Lever Act. Within sixty days after the effective date of USDA regulations, each State University President or other authorized official must certify to the Administrator, FES, that all continuing State programs receiving Federal financial assistance are conducted in compliance with all requirements imposed by or pursuant to USDA regulations (see Exhibit A for assurance statement). In the absence of evidence of non-compliance established through investigation of complaints, audits conducted by the USDA Office of the Inspector General, or program reviews conducted by FES staff members, no action will be taken in States certifying compliance other than to require that annual compliance reports and certifications be submitted to the Administrator with annual certifications of offset to Federal funds.

If a State is unable to provide assurances as prescribed above, it will be necessary to submit within sixty days after the effective date of regulations, a plan which will include a statement of the extent to which the State is not in compliance and which will give reasonable assurance that any non-compliance will be corrected.

- II. Compliance Plans: Each plan shall include the following:
- A. Separate identification of each program or jurisdictional area of non-compliance. When applicable, statements shall include indication of the number of counties in which non-compliance exists.
 - B. The following information will be included as separate items under each area of non-compliance:

1. Action required to eliminate non-compliance.
2. Plans for eliminating non-compliance.
3. Schedule for action. Specific target dates shall be established for calendar year 1965 on which non-compliance will be eliminated. These dates will be subject to review and adjustment.

C. Approval of the University President or other authorized official and State Extension Director.

III. Review of State Plans: The Administrator will review State plans and when plans are determined to be inadequate, the Administrator or his designated representative will negotiate with the State Director in a joint effort to develop a satisfactory plan. The Administrator reserves the right to examine plans at any time. Any such examination will be discussed by the Administrator with Directors in full accord with the objectives stated in the Introduction Section.

IV. Compliance Reports: Sec. 15.5(b) USDA regulations requires that each recipient keep such records as the agency may determine to be necessary to ascertain whether the recipient has complied or is complying with regulations. In general, copies of State and county program plans, reports, and fiscal records required in the administration of the Smith-Lever Act will serve as basic records to determine compliance. In some instances it will be necessary to maintain records containing identification of race, color, or national origin of clientele served. The maintenance of such data for the sole purpose of establishing or determining compliance with the Civil Rights Act will not be construed as being inconsistent with the purposes of the Act.

The following quarterly reporting requirements will apply to all State Extension Services that submit plans for compliance in lieu of assurances that the State is in compliance with the provisions of Title VI of the Act:

On or before June 15, 1965, and on or before the 15th day prior to the first day of the month in which each subsequent quarterly payment of funds is due under the Smith-Lever Act, State Directors will submit to the Administrator, a report of developments and accomplishments under the State plan. Reports will include separate statements under each separate non-compliance area identified in the plan. The Administrator, FES, will review the reports and when the scope or rate of progress is determined to be unsatisfactory, the Administrator or his designated representative will negotiate with the State Director in a joint effort to develop a satisfactory solution.

- V. Complaints: Any person who believes himself or any specific class of individuals to be subjected to discrimination may by himself or by an authorized representative file a written complaint with the Secretary or Administrator, FES. A written complaint must be filed not later than 90 days from the date of the alleged discrimination unless the time for filing is extended by the Administrator, FES, or the Secretary. Any complaint received by a State Extension Service shall be promptly forwarded to the Administrator, FES. Such complaint shall be promptly referred to the Office of the Inspector General for investigation and report. Further action required shall be taken by the Administrator, FES, or the Secretary as may be warranted.
- VI. Effective Date: The Act does not apply to payments made prior to January 3, 1965, which is the effective date of regulations. The Act and regulations will apply to all payments made to State Extension Services on or after January 3, 1965, including quarterly payments made under fixed and formula funds under the Smith-Lever Act.
- VII. 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 and that no persons, on the ground of race, color, or national origin, are excluded from participation in, denied the benefits of, or subjected to discrimination under any Extension program or activity receiving Federal financial assistance.

SECTION C - DISCRIMINATION PROHIBITED

The following list of examples is provided as a supplement to the examples of discriminatory actions prohibited in Cooperative Agricultural Extension programs as listed in sub-sec. (d) (1) of Sec. 15.3. It is recognized that examples are not exhaustive and cannot be given to uniformly cover all local situations. Whenever doubt exists the State Director should communicate with the Administrator, FES.

- I. Programming Process
- A. Program Planning
1. Separate planning committees and plans based on race, color, or national origin.
 2. Individuals excluded from planning committees because of race, color, or national origin.
- B. Program Execution
1. All persons do not have equal opportunities to participate in meetings, tours, field days, and other program activities on a non-segregated basis. This includes such activities planned and conducted by Extension and participation by Extension workers in planning and conducting such events sponsored and conducted by others.

2. Extension agents conducting educational programs for 4-H Clubs, home economics groups, and other organized groups which exclude individuals from participation because of race, color, or national origin.
3. Distributing publications, research reports, announcements regarding new or changed programs, newsletters, and other information needed in planning and conducting particular educational programs, on the basis of race, color, or national origin.
4. Providing program services based on race, color, or national origin.
5. 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.

II. Staff Housing and Facilities

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

III. Staff Development

- A. Equal training opportunities not provided for all agents without regard to race, color, or national origin.
- B. Training and other professional improvement activities conducted on a segregated basis.
- C. State, district, or county staff conferences held on segregated basis.
- D. 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.

- E. Publications, announcements, and other materials for professional improvement distributed on a basis of race, color, or national origin.

IV. Special Events

- A. Equal opportunities not provided for all 4-H Club members and leaders to participate on a non-segregated basis in all national and regional programs and features including: National 4-H Club Congress, National 4-H Conference, National 4-H Dairy Conference, National youth conferences or youth sections of national conferences, and other national and regional 4-H programs or activities.
- B. Equal opportunity not provided for all 4-H Club members and leaders to participate on a non-segregated basis in State, district, or county program features including: fairs and shows, 4-H member training meetings, 4-H State or district conferences, short courses, Club weeks, and other 4-H Club program meetings and events.
- C. Equal opportunity not provided all home economics club members and leaders to participate on a non-segregated basis in all women's short courses, county and State achievement days, leadership conferences, camps and tours, and other home economics programs and events.
- D. Equal opportunity not provided all farmers to participate on a non-segregated basis in field days, farm and home week or conferences, tours, contests, achievement and recognition programs, and other agricultural programs and activities.

SECTION D - AMENDMENTS

- I. These instructions may be supplemented at any time as the need arises.

ASSURANCE OF COMPLIANCE WITH THE U. S. DEPARTMENT OF AGRICULTURE
REGULATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

_____ (hereinafter called the "Applicant")
(Name of Applicant--College or University)

HEREBY AGREES THAT The Cooperative Extension Service will comply with title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Agriculture (7 CFR Part 15) issued pursuant to that title, to the end that, in accordance with title VI of that Act and the Regulation, 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 otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Dated _____ (Applicant)

BY _____
(President, Chairman of Board of Trustees
or comparable authorized official)

Dated _____
Director, Cooperative Extension Service

(Applicant's mailing address)

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL EXTENSION SERVICE
WASHINGTON D.C. 20250

*Cooperating with Land Grant
Colleges and Universities*

October 6, 1965

AMENDMENT TO SECTION B, II, B, 2 OF SUPPLEMENTAL INSTRUCTIONS FOR
ADMINISTRATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, DATED
JULY 2, 1965

Traditionally, the Cooperative Extension Service has used group instruction as an effective means of reaching the largest number of clientele. The nature and scope of program relationships with organizations range from an occasional request to speak at a meeting, to continuing cooperative working relationships in promoting educational projects or activities of mutual interest and concern. While private organizations are used by the Extension Service as a means of conducting group educational programs, it must also be recognized that in these cooperative program relationships the Extension Service provides a benefit for members of the organization that is construed as providing Federal financial assistance under Title VI of the Civil Rights Act. For this reason, the Cooperative Extension Service cannot assist or conduct educational programs through any group or organization that follows discriminatory practices based on race, color, or national origin.

Section B, II, B, 2 of our instructions provides for methods of administering this requirement.

In light of the great variety of organizational relationships and local situations in which Extension is involved, Section B, II, B, 2 is hereby replaced by the following section, to reflect intended flexibility in administration:

- "2. Each State Extension Director shall be responsible for determining that extension personnel assist or conduct programs only through those private organizations that do not discriminate on the basis of race, color, or national origin with respect to participation in and benefits from activities of the organization. Written notification of this Extension Service policy must be made to appropriate officials of private organizations with which extension workers maintain continuing assistance or continuing cooperative relationships in conducting extension programs. This notification should make it clear that the Cooperative Extension Service cannot provide assistance to any organization that excludes any person from membership or participation

in any activities of the organization, or subjects any person to discrimination because of race, color, or national origin.

"State Extension Directors will be responsible for developing and maintaining policies and procedures under which extension staff members, before speaking to, conducting programs through, or otherwise assisting an organization, will determine that the group is not discriminatory on the basis of race, color, or national origin. It is, however, the responsibility of the State Director to assure himself and the Department of Agriculture that Extension Service staff members do not work through private organizations that discriminate. He should require such records and such reports by staff members as he deems necessary for this purpose."

Approved

/s/ Lloyd H. Davis
Administrator

October 6, 1965
Date