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: "....."

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 2. 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.
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 Service compliance, with an understanding that any noncompliance 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.

July 1965-(Amend. I)
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:

Subsection A - General. This subsection should be interpreted in Extension as relating to new or additional funds paid to State Extension Services under authorities other than fixed or population

July 1965-(Amend. I)
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. If the State is operating under a compliance plan. This does not apply to States that have submitted assurances that have been accepted by USDA.

Subsection B - Continuing State Programs. With the exception of programs enumerated in Subsection A above, all Cooperative Extension Service activities will be considered as continuing State programs subject to the requirements of USDA regulations 7 C.F.R. 15.4(b).
In order for the Extension Service to continue its support to these activities, it will be necessary for the Land-Grant University President, or his designated authorized official, and the State Extension Director to certify that all Extension activities covered by this subsection are and will continue to be conducted in compliance with Title VI of the Civil Rights Act of 1964 and all appropriate USDA and agency regulations issued thereunder. (See Exhibit A for the specified form for the certification.) In addition to the certification of compliance, each State must provide FES with a statement setting forth specific methods of administration the State Extension Service will adopt to ensure that compliance is continued. These methods must include as a minimum:

1. Specific procedures whereby all present and potential beneficiaries, and the public in general will be informed of the policies and requirements of the State Extension Service under the Civil Rights Act of 1964. This includes informing the public completely of the rights and procedures regarding the filing of complaints. Examples of informing the public include:

a. Personal visitations by Extension workers with present and potential clientele.

b. Group and community meetings for the specific purpose of interpreting and communicating Extension Service policy and for explaining the rights afforded under the Civil Rights Act.

c. Group workshops and training sessions to ascertain resources and to discuss and develop action programs for promoting positive compliance within the community.

July 1965-(Amend. 1)
Note: The word, "group," in items b. and c. above includes commodity associations, and church, civic, professional and social organizations within the community.

d. Use of newsletters, pamphlets, bulletins, posters, journal and newspaper articles, radio and T.V. interviews, and displays of information materials at fairs, training sessions, and association meetings. Informational materials may be those prepared by FES, the State Extension Service or developed by individual workers, as well as information materials available through the U. S. Commission on Civil Rights and agricultural or civil rights organizations.

2. Specific plans and procedures for providing staff training and orientation of all Extension workers in the policies and requirements of the Civil Rights Act of 1964 and how these are to be implemented in accordance with regulations promulgated now and hereafter by USDA, FES, and the State Extension Service. This includes instructing all employees of procedures to be followed in forwarding promptly to FES any complaint received.

3. Specific plans and procedures, including assignment of responsibility, for periodic program review and evaluation in order to guarantee continuing compliance.

II. Compliance Plans

If a State is unable to provide assurances as prescribed above, it will be necessary to submit a plan which will include the following:

A. Statement of Noncompliance. Specific identification of the particular practices constituting noncompliance in the functional areas listed under Section C of these instructions. The statement must include information under each functional area. If a State is not in full compliance in a particular area, a statement to this effect should be included. Practices which constitute noncompliance include unequal treatment in the following:

1. Provision of services, financial aid or other benefit, either in quantity or quality.

2. Manner of treatment in providing such services, financial aid or other benefit.

3. Use of facilities.

July 1965-(Amend. I)
4. Opportunities to participate.

5. Advantages, privileges, or accommodations.

6. Criteria or methods of administration which have the effect of discriminating against a person or class of persons because of race, color, or national origin or which may in any way impair the purpose of the Extension program.

Where applicable, the political subdivision where noncompliance exists, must be identified.

B. Methods of Administration. Specific listing of those methods of administration which, in addition to the three general methods outlined in items 1, 2, and 3 under Section I, Subsection B., will be applied to each practice of noncompliance in order to eliminate it completely. Where applicable, include a realistic schedule for eliminating noncompliance to the end that the Extension Service may be fully in compliance not later than December 31, 1965. In listing the methods of administration, describe those procedures which will be followed in effecting compliance in each area of noncompliance. (For example, procedures used to eliminate segregated county offices might include meetings with county officials, space requests filed with General Services Administration or the Post Office Department, as well as other action planned or taken.) Where applicable, include copies of memorandums, letters, articles or other forms of communication used to effect these methods of administration. Include the FES among distribution of all materials of this order that are developed by and used at the State and county level in the future.

Forms of corrective action required by this paragraph include:

1. Setting forth plans and providing specific procedures and times whereby any 4-H Club, Home Economics Club, or other community group or organization which is organized and served by the Extension Service, in which there now exists racial exclusion, will desegregate its membership not later than December 31, 1965, as a condition for continued assistance.

2. Written notification on Extension Service civil rights policies to appropriate officials of adult organizations, and adult leaders of youth organizations other than those organized by the Extension Service as specified in item 1, above. Notification should include a statement 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 subject any person to discrimination because of race,

July 1965-(Amend. I)
color, or national origin. The plan should list the types of organizations such as commodity and livestock associations, marketing firms including cooperatives, and general farm organizations to which notifications will be sent. Notification to such organizations should also include the offer of technical assistance and guidance by the Extension Service staff in facilitating the desegregation process.

In addition, the plan should provide for obtaining written responses from all organizations indicating whether or not the organization has policies or practices that do not conform with conditions stated in the notification. These written responses become public documents and will be used by the Extension Service in notifying clientele and the general public.

3. Description of any staffing changes to meet compliance requirements of Title VI, including the elimination of any policies or restrictions that result in Extension staff members being limited or assigned by virtue of race, color, or national origin to serve clientele of like race, color, or national origin exclusively.

4. Specific assignments to staff members for implementing requirements under Title VI.

5. Reporting systems that will be established and records that will be maintained to provide data for administrative review and control.

Note: The emphasis of this section of the compliance plan lies in the detailing of not only the corrective action that is required to eliminate practices of noncompliance but how the methods are to be applied and administered. The adequacy of this section will in large measure determine the ability of the Extension Service to continue its support to State Extension activities.

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.

July 1965-(Amend. 1)
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 purpose 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 noncompliance 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. *The procedure for filing complaints will be clearly and completely communicated to the general public. Actions whereby this is accomplished must be listed under methods of administration submitted by each State.*

July 1965—(Amend. I)
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. 153. 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 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.

July 1965-(Amend. 1)
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.

6. 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.

7. 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.

8. 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 U. S. Department of Health, Education, and Welfare, under Regulations of that Department for Title VI of the Civil Rights Act of 1964.*

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 restrooms, 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.

July 1965-(Amend. I)
III. Staff Assignment and Development

A. Extension workers limited or assigned by virtue of race, color, or national origin to service clientele of like race, color, or national origin exclusively.

B. Equal training opportunities not provided for all agents without regard to race, color, or national origin.

C. Training and other professional improvement activities conducted on a segregated basis.

D. State, district, or county staff conferences held on segregated basis.

E. 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.

F. 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.

July 1965-(Amend. I)
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.

Approved

/s/ Joe Robertson  
Assistant Secretary for Administration  

July 2, 1965  
Date

July 1965-(Amend. I)
ASSURANCE OF COMPLIANCE WITH THE U. S. DEPARTMENT OF AGRICULTURE
REGULATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

(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)
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