Federal Civil Rights Laws and Terms

Federal Civil Rights Laws

Title VI of the Civil Rights Act of 1964
Title VI of the Civil Rights Act of 1964 specifies that no person in the U.S. shall, on the grounds of race, color, religion, sex, 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. Affirmative action measures should be taken to assure equal opportunity and make up for historic and continuing discrimination.

Title VII of the Civil Rights Act of 1964.
Title VII of the Civil Rights Act of 1964, as amended, is the federal law that prohibits employment discrimination based on race, color, religion, sex, or national origin. The Equal Employment Opportunity Act of 1972 extended Title VII to cover federal, state, and local public employers and educational institutions. In 1978, Title VII was amended to include the Pregnancy Discrimination Act, which requires employers to treat pregnancy and pregnancy-related medical conditions the same as any other medical disability in the administration of employment practices and employee health benefits.

Title IX of the Education Amendments of 1972.
Title IX of the Education Amendments of 1972 prohibits sex discrimination against students and employees in federally assisted education programs or activities.

Title I states that no entity shall discriminate against a qualified individual with a disability because of the individual's disability in regard to job application procedures, hiring, advancement, discharge, compensation, training and other terms, conditions and privileges of employment.

Title II of the Act states that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.

A “qualified individual with a disability” is any individual with a disability who, with or without reasonable modifications to rules, policies or practices; the removal of architectural, communication or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements of employment, receipt of services or participation in programs or activities provided by a public entity.

The Civil Rights Act of 1991 (CRA)
The Civil Rights Act of 1991 reverses in whole or part several Supreme Court decisions interpreting Title VII. The 1991 CRA includes the following provisions: factors also motivated the challenged actions. Allows employees to challenge a seniority system allegedly adopted with a discriminatory purpose when that system adversely affects them, or when they become covered by it. Extends Title VII and ADA coverage to U.S. citizens employed by U.S. companies abroad. Permits charging parties to secure jury trials in Title VII and ADA disparate treatment actions. Provides for compensatory and punitive damages for victims of intentional discrimination under Title VII and ADA. Includes expert witness fees in the definition of recoverable attorney’s fees under Title VII and the ADA.
Age Discrimination
A number of federal laws address age discrimination. These include Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967, as amended; the Equal Pay Act of 1963, as amended; and sections of 501 of the Rehabilitation Act of 1973, as amended. Collectively, these acts protect workers from arbitrary age discrimination in hiring, discharge, promotions, fringe benefits, and other aspects of employment.

Family and Medical Leave Act, 1993
Provides unpaid leave for employees under specific conditions. 12 workweeks during any 12 month period. Paid leave may be substituted for unpaid leave.

Federal Executive Orders

Executive Order 11246
Solidifies a working relationship between the Equal Employment Opportunity Commission (EEOC) and the Department of Labor to ensure that there are no discriminatory practices in hiring practices within federal government and companies doing business with the federal government.

Executive Order 11375
Gender discrimination in Federal government this was signed in 1967 and added gender to the list of protected classes.

Executive Order 11478
Established each department of the federal government to develop an affirmative action plan and comply with AA/EEO laws.

Executive Order 12250
Reinforces non-discrimination in programs supported by federal dollars. This order makes the Attorney General responsible for monitoring compliance.

Executive Order 13160

Executive Order 13166 LEP
The newest of the Executive Orders. Ties into Title VI of the Civil Rights Act of 1964 prohibiting discrimination based on national origin by groups receiving federal funds. All programs, materials, services, etc. must be reasonably accessible for those whose first language is not English.

Civil Rights Terms

Adequate Public Notification
Non-discrimination poster should be visible. All promotional materials, including correspondence should include the non-discrimination statement and a statement on who to contact if accommodations are needed. Promotional materials, photos, and other graphics must include diverse groups of people. Extension cannot conduct programs with any organization or group that excludes any person because of race, color, religion, sexual orientation, national origin, gender, age, disability or veteran status.

Affirmative Action
Proactive measures to assure equal opportunity, mandated in Title VI of the Civil Rights Act of 1964. Affirmative action activities are undertaken to make up for historic and continuing
All Reasonable Effort
Extension must be able to demonstrate that federally funded programs or activities have been made available to the maximum possible potential audience of a given locale or area. Three steps are required to demonstrate that all reasonable efforts have been made: (a) the use of all available mass media; (b) the use of personal letters and/or flyers or publications; and (c) the use of personal contacts (invitations to participate) by Extension staff.

Parity
An Extension program is in parity when the participation of individuals of minority groups reflects the proportionate representation in the population of potential recipients. A program will be considered in compliance when its participation has reached 80% of parity.

Potential Audience/Recipients
Potential recipients are persons or groups within your defined geographic area who might be interested in or benefit from the educational program.

Potential recipients should be estimated for each program carried out in the county Extension office. For instance, county Extension educators may conduct family living programs in nutrition, family financial finances and parenting. Potential recipients should be estimated for each of these three efforts. Potential recipients are estimated by using a combination of county demographic data and the Extension educator's knowledge and information about the population of the county. When a target audience is defined during program planning, it should be inclusive of the entire potential recipients as defined by demographic data.

Protected Classes
Certain groups of people are protected against discrimination under legislation. These classes are identified below. Race, color or national origin - five groups are designated for protection against discrimination. They are White, Black, American Indian, Hispanic, and Asian/Pacific Islander. Religion, gender, and age - discrimination based on these factors is not permitted. Disability - a disability is defined as a physical or mental impairment that substantially limits one or more of an individual's major life activities. Reasonable accommodations must be made in order to preclude discrimination.

Policies of University of Wisconsin - Extension prohibit discrimination against all groups protected by federal laws. In addition, University of Wisconsin - Extension and any employee of the university will not discriminate against individuals based on ancestry, sexual orientation, marital status, political affiliation, arrest or conviction record, identity as a veteran, disabled veteran, Vietnam Veteran, or any component of the military forces of the United States or this state.

Proving Nondiscrimination
In discrimination cases, it is not necessary for the plaintiff to prove intent to discriminate, but only to illustrate that the protected class in question is disproportionately under-represented. This type of discrimination is referred to as "adverse impact". The burden of proof in an adverse impact case lies with the defendant to show non-discrimination.

Sexual Harassment
Sexual harassment is any unwelcome sexual advance, request for sexual favor, reference to gender or sexual orientation, or other physical or verbal conduct of a sexual nature when: a) Submission to or rejection of such conduct is used either explicitly or implicitly as a basis for any decision affecting terms or conditions of an individual's employment, participation in any program or activity, or status in an academic course; or b) Such conduct has the effect of unreasonably interfering with an individual's work performance
or educational experience, or creates an intimidating, hostile, or offensive environment for working, learning or living on campus and has no legitimate relationship to the subject matter of the work or educational program.