



# **K-STATE**

## **Research and Extension**

**CIVIL RIGHTS  
PERFORMANCE PLAN  
for the  
COOPERATIVE  
EXTENSION DIVISION  
of  
K-STATE RESEARCH  
and EXTENSION**

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# K-State Research and Extension Civil Rights/Affirmative Action “Performance Plan”

## Goal Area I - Program Planning and Participation

Increase participation of people in underrepresented groups on local unit and statewide Extension advisory boards and expand participation in programs by those who have been traditionally underserved, including minorities and limited English proficiency persons.

### Objective 1 - Partnerships and Collaborations With Other Organizations and Agencies

The most successful Extension programs often demonstrate partnerships and collaborations with other organizations and agencies. Prior to providing significant programming assistance to any group or organization, extension educators must ensure that the entity is nondiscriminatory by having them sign a nondiscrimination statement. The Director for Extension provides a letter of explanation that includes a certification statement that can be used by faculty and staff. Signed certification statements shall be retained in local unit or departmental files to assure compliance with civil rights policies. A list of all county agencies/organizations that have submitted nondiscrimination statements should be on file in the local unit office and on a list attached to the periodic local compliance review.

Assurance of nondiscrimination by statewide organizations is the responsibility of the Director’s office. Such organizations include the Kansas Farm Bureau, commodity groups, and other associations and organizations that have a statewide "parent" organization.

All extension clubs, including 4-H, must also sign a nondiscrimination certification statement. It is the responsibility of the extension agent working with the group to obtain the documentation and see that it is appropriately filed. Clubs that do not sign the statement will be advised that extension agents cannot provide program assistance to them, nor will they retain their affiliation with K-State Research and Extension. Partner agencies, clubs and groups should sign a new non-discrimination certification statement every four years.

### Objective 2 - Cultural Competency Training

Developing an increased understanding of the diverse cultures that Cooperative Extension serves is vital to its success and to attracting participation in programs, activities, and employment. All Extension personnel will engage in cultural competency training consisting of sessions in cultural awareness, cultural understanding, cultural knowledge, cultural interaction, and cultural sensitivity. Training will be provided through statewide Navigating Difference sessions, at annual professional development conferences and at other venues which bring together Extension personnel for training and instruction.

### Objective 3 – Serving Limited English Proficiency Populations

#### K-State Research and Extension Limited English Proficiency Policy

On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency.

K-State Research and Extension is a recipient of USDA federal funding and therefore is obligated to take reasonable steps to ensure that those with Limited English Proficiency (LEP) have meaningful access to the programs, services, and information provided by Extension. The U.S. Census estimates that more than 324,000 (11.5%) individuals in Kansas speak a language other than English. Of this total about 212,000 (65%) speak

Spanish as their primary language with about 81,500 of them speaking English not well or not at all. Due to the diversity of the population of Kansas, and in the interest of serving those whose native language is not English, KSRE will make reasonable efforts to provide alternative methods of educational delivery.

#### K-State Research and Extension Guidelines

Limited English proficiency may limit participation in Extension programs. Reasonable efforts will be made in identifying LEP persons who require language assistance. Reasonable alternative methods of educational delivery will be explored, and provided so as not to cause an undue burden on the agency. The following four-factor analysis will be used to effect the KSRE Limited English Proficiency Policy:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient
- The frequency with which LEP individuals come into contact with the program
- The nature and importance of the program, activity, or service provided by the program to people's lives
- The resources available to the recipient and costs

Detailed LEP guidance can be found at: <https://nifa.usda.gov/resource/limited-english-proficiency> and [https://www.lep.gov/guidance/guidance\\_Fed\\_Guidance.html#USDA](https://www.lep.gov/guidance/guidance_Fed_Guidance.html#USDA)

Any reasonable efforts made in the above regard should be documented and maintained in the local unit's civil rights files.

#### Objective 4 - Increase Diverse Representation on Extension Boards and Program Development Committees

Increase the participation of underrepresented groups serving on program planning committees and local Extension boards. An annual review of the composition of Extension boards and program development committees will be conducted by each unit. Benchmarks will be established and annually reviewed to determine changes in participation by underrepresented populations on such boards and committees. Boards will certify that they have reviewed their demographic composition and that of their program development committees in the annual Excellence in Board Leadership Assessment and in the annual Civil Rights Mini-Review.

#### Objective 5 – Expand Under-represented Racial and Ethnic Groups' 4-H Membership and Volunteerism

Expand 4-H membership and volunteerism among under-represented racial and ethnic groups in Kansas.

Increase the membership and parental involvement of underrepresented racial/ethnic minority group members in Structured 4-H youth and family/community clubs and in special interest and/or study groups.

- a. Annual comparisons of ES237 reports will be made to determine if membership numbers of underrepresented racial/ethnic minorities have changed as a result of statewide diversity training and 4-H actions from the previous year.
- b. Local unit program development committees will measure their effectiveness in expanding 4-H programs to under-served youth groups annually.

#### Objective 6 - ADA Accommodations and Tracking

Adjust educational programs to accommodate and meet the needs and interests of clients with disabilities.

- a. A review of the ADA requirements shall be conducted at all local Extension offices. Physical facilities utilized for Extension programs will be reviewed for ADA compliance. Staff will make reasonable accommodations for program participants with disabilities, and publication statements announcing programs will carry the KSRE approved accommodations statement: ***“K-State Research and Extension is committed to making its services, activities and programs accessible to all participants. Reasonable accommodations for persons with disabilities may be requested by contacting (insert name) at (insert phone number and email). Notify staff of accommodation needs as early as possible.”***

## Goal Area II – Notification Plan

K-State Research and Extension is committed to nondiscriminatory notification of all stakeholders regardless of race, color, national origin, sex, age, or disability for the programs and activities provided throughout the state.

### Objective 1 - Nondiscrimination Advisement

Advise potential program recipients of program availability and the requirements of nondiscrimination on the basis of race, color, national origin, sex, age, or disability.

- a. All reasonable efforts will be undertaken to inform potential program participants of Extension activities and programs. “All reasonable efforts” shall be defined as the minimum effort required of Extension personnel when conducting programs in ethnically diverse communities in order to achieve program participation reflective of racial, ethnic and gender parity within the community. All reasonable efforts shall be documented, including the utilization of mass media, personal letters, newsletters, personal visits to encourage the attendance of underrepresented groups, and Extension action plans for the inclusion of underrepresented groups in program efforts.
- b. All reasonable efforts will be made to develop, modify, and provide program materials for underrepresented groups including materials designed to accommodate language barriers, low literacy levels, and accommodation of those with disabilities.

### Objective 2 – “And Justice for All” Posters

Displaying the most current version of the “And Justice for All” poster, which communicates procedures for filing a complaint, openly and clearly to the public.

- a. The “And Justice for All” poster must be prominently displayed in each KSRE office and in public places regularly used and/or physically controlled by Extension agents at public meeting sites.
- b. As a best practice, Extension professionals should include the “And Justice for All” graphic in any presentations.

### Objective 3 - Affirmative Action Statements

All publications printed at the state or local level should be available in the dominant language(s) in each county and will use the appropriate affirmative action statement. When possible, these publications should also be made available to accommodate those with limited English proficiency.

The short statement shall be used on letterheads, newsletters, job announcements, flyers, and most brochures:

*K-State Research and Extension is an equal opportunity provider and employer.*

The long statement shall be used with brochures, fact sheets, and other numbered publications:

*Kansas State University Agricultural Experiment Station and Cooperative Extension Service. K-State Research and Extension is an equal opportunity provider and employer. Issued in furtherance of Cooperative Extension Work, Acts of May 8 and June 30, 1914, as amended. Kansas State University, County Extension Councils, Extension Districts, and United States Department of Agriculture Cooperating, J. Ernest Minton, Director.*

### Objective 4 - Nondiscriminatory statements, photos, and graphics

Use nondiscriminatory statements, photos, and graphics to convey the message of equal opportunity in

informational releases to the public. Extension will make all reasonable efforts to ensure that press releases, announcements, photographs, audiovisual works, and other communication media convey equal opportunity regardless of race, color, sex, national origin, age, or disability. Documentation of accommodations made shall be recorded and kept in local unit civil rights files.

#### Objective 5 – Gender-neutral Language

Use gender-neutral language in publications, communications, and programs. All educational materials shall be written and presented in such a manner as to eliminate the perception of gender bias. Publication developers must check all publications to ensure gender-neutral language and that appropriate civil rights statements are included in the publication.

## **Goal Area III - Civil Rights Training within Extension**

### Objective 1 – Staff training

The following specific plans and procedures to provide all staff training on civil rights and affirmative action are in accordance with regulations which include training on addressing complaints.

Continued diversity/cultural training will be offered to provide a better understanding of other cultures and to strengthen programming to diverse audiences. Venues for these presentations will include the annual extension professional development meetings, new staff orientation and regional training venues.

Conduct civil rights training at all levels (i.e., orientation and in-service training). KSRE will provide regular professional development training for employees at all levels to enhance awareness and understanding of diversity issues and to increase their ability to reach out to underserved and underrepresented Kansans. Field staff are required to participate in training and discussions held periodically in local unit staff meetings.

### Objective 2 – Extension Board and Program Development Committee Training

KSRE local units will conduct civil rights training for Extension boards and program development committees focused on the growing diversity in communities among actual and potential Extension clientele. Training regarding the importance of non-discrimination in the hiring process is required of all Extension board members who participate in the hiring of new Extension agents.

## **Goal Area IV - Civil Rights Compliance and Compliance Reviews**

### Objective 1 – Compliance Reviews

Continue the implementation of a systematic procedure for conducting internal civil rights reviews including the creation of annual parity reports. Both formal and informal reviews and follow-ups will be accomplished through the efforts of the Extension Operations Leader Local Unit Director and Regional Director.

Comprehensive local unit compliance reviews will be conducted once every five years for each local unit with “mini reviews” done annually.

Comprehensive reviews will include a review of the local unit civil rights records and procedures.

## **Goal Area V - Civil Rights Population and Clientele Projections (Parity Standards)**

### Objective 1 – Participant Pool

Annually, each local unit will determine the population eligible to participate in their Extension programs. They shall compare the most current US Census demographic information or most current projected demographics available and the reported number of Extension contacts to determine parity in the local unit.

- a. The chart below illustrates a parity calculation for the state of Kansas. It shows both the estimated 2018 statewide racial/ethnic and gender population percentages (US Census; Quickfacts) and the number of contacts made with racial/ethnic groups and each gender by K-State Extension in 2018 (PEARS). At the bottom of the chart, Percent Parity and an estimation of whether or not the parity target was met are shown.

Categories	Race						Total	Additional Identifiers		
	AM Ind/ AK Native	Asian	Black or African AM	Native HI or Pac. Islander	White	More than one race		Female	Male	Latino/ Hispanic
<b>Total from PEARS</b>	13899	8465	23482	6827	577171	7939	637783	347621	315981	52750
Proportion per PEARS	0.02	0.01	0.04	0.01	0.90	0.01		0.55	0.50	0.08
<b>Percentage per Census</b>	1.2	3.1	6.1	0.1	86.4	3	99.9	50.2	49.8	12.1
Proportion per Census	0.012	0.031	0.061	0.001	0.864	0.03		0.502	0.498	0.121
Ratio	1.82	0.43	0.60	10.70	1.05	0.41		1.09	0.99	0.68
Percent Parity	181.6	42.8	60.4	1070.4	104.7	41.5		108.6	99.5	68.4
Achieves Parity Target?	yes	no	no	yes	yes	no		yes	yes	no

#### Objective 2 – Extension Contacts

In order to establish parity goals, each local unit will use Quarterly Effort Reports to identify the number of clientele contacted as compared to the population of the local unit.

The state parity goal in any given year is to serve reach 80% parity in each group.



## Goal Area VI - Practices in Employment – Workforce Diversity

### Objective 1 – Hiring Practices

K-State Research and Extension follows the Kansas State University policy in regards to equal opportunity employment.

#### **Kansas State University Equal Employment Opportunity Policy Statement**

It is the policy of Kansas State University not to discriminate against any employee or applicant for employment based on race, color, ethnicity, national origin, sex, sexual orientation, gender identity, religion, age, ancestry, genetic information, military status, or because the person is an individual with a disability or disabled veteran, Armed Forces service medal veteran, recently separated veteran, or active duty wartime or campaign badge veteran, or thereafter referred collectively as “protected veterans”. It is also the policy of Kansas State University to take affirmative action to employ and to advance in employment, all persons—regardless of their status as individuals with disabilities, protected veterans, or members of another protected group pursuant to University policy—and to base all employment decisions only on valid job requirements. This policy shall apply to all terms and conditions of employment, including but not limited to recruitment, hiring, upgrading, promotion, transfer, demotion, layoff, recall, terminations, rates of pay or other forms of compensation, and selection for training, including apprenticeship, at all levels of employment. Furthermore, the University will provide qualified applicants and employees who request an accommodation due to a disability with reasonable accommodations, as required by law.

Kansas State University prohibits harassment of employees and applicants because they are individuals with disabilities, protected veterans, or members of another protected group pursuant to University policy. Kansas State University also prohibits retaliation against employees and applicants for filing a complaint, opposing any discriminatory act or practice, assisting or participating in any manner in a review, investigation, or hearing or otherwise seeking to obtain their legal rights under any Federal, state or local EEO law requiring equal employment opportunity for individuals with disabilities and protected veterans. Prohibited retaliation includes, but is not limited to, harassment, intimidation, threats, coercion or other adverse actions that may reasonably dissuade someone from asserting their rights.

As President of Kansas State University, I am committed to the principles of affirmative action and equal employment opportunity. In order to ensure dissemination and implementation of equal employment opportunity and affirmative action throughout all levels of the University, I have selected Scott Jones as the Director of the Office of Institutional Equity & Title IX Coordinator for Kansas State University. One of the Director of the Office of Institutional Equity & Title IX Coordinator’s duties will be to establish and maintain an internal audit and reporting system to allow for effective measurement of Kansas State University’s programs.

In furtherance of Kansas State University’s policy regarding affirmative action and equal employment opportunity, Kansas State University has developed a written Affirmative Action Program (AAP) which sets forth the policies, practices and procedures that demonstrate that Kansas State University is committed to nondiscrimination and equal employment opportunity for qualified individuals with disabilities and qualified protected veterans. This AAP is available for inspection by any employee or applicant for employment upon request between Monday-Friday from 8 a.m. to 5 p.m. at Kansas State University’s Office of Institutional Equity. Any questions should be directed to Scott Jones, Director of the Office of Institutional Equity & Title IX Coordinator.

Signed,  
Richard B Myers  
President—Kansas State University  
June 5, 2017

## Objective 2 - Affirmative Action (AA) and Equal Employment Opportunities (EEO) Complaints

Chapter 3010 of the Kansas State University Policy and Procedures Manual details the University's policy prohibiting discrimination, harassment, sexual violence, domestic and dating violence, and stalking, and procedure for reviewing complaint.

Kansas State University's Office of Institutional Equity investigates complaints. The process is as follows and can be found with references at <https://www.k-state.edu/policies/ppm/3000/3010.html>.

### **Step 1-The Initial Complaint or Report.**

Reports or initial complaints may be submitted through the Office of Institutional Equality (OIE).

Any person making a report or initial complaint under this Policy may either (a) submit it to the Office of Institutional Equity; or (b) submit it to the head of the department or unit in which the conduct occurred. , but if that person's conduct is the reason for the report or initial complaint, then submit the report or initial complaint to the next higher level of supervision. Students and graduate students respectively may also submit their initial complaint to the Office of Student Life or to the Graduate School.

All reports or initial complaints received by administrators, and by supervisors for potential Policy violations within their area of supervision, must be submitted to OIE as soon as practicable in accordance with Section C; however, anyone may submit a report or initial complaint directly to OIE.

It is important for all persons to preserve any relevant evidence related to a report, initial complaint, or complaint.

The initial complaint or report may be oral or written. It should include as much information as possible regarding the alleged conduct, including but not limited to: the dates and location(s) of the conduct; the persons involved; the effect the conduct has had on employment, learning or living environment or the complainant's ability to participate in university programs or activities; and the name and title of the person alleged to have engaged in the conduct.

In the event that a person discusses a sexual violence, domestic or dating violence, or stalking matter with a Center for Advocacy Response and Education ("CARE") staff member, the CARE staff member should interview the complainant, with the understanding that the CARE staff member may, but is not obligated to make a report to OIE or other appropriate University body unless there is an imminent risk of future harm. The CARE staff member will explain this Policy and that OIE is the point of contact for implementing this Policy to the person, encourage the person to make a report under the Policy, and ask whether the person would prefer keeping the information undisclosed by not referring it for processing by OIE. The University encourages reporting to OIE whenever the matter involves prohibited conduct under this Policy, so that it can process the matter under this Policy. Regardless of whether the information results in processing under this Policy, CARE will provide support and advocacy services to the extent feasible. Although this Policy protects confidentiality by limiting knowledge of complaints to those persons with a need to know, the University cannot ensure complete confidentiality.

If a person believes that criminal conduct has occurred, then the person should report that conduct to the police. CARE staff should also encourage the person to file a complaint with the police and will provide assistance in doing so if asked. The CARE staff member will also advise the person that he/she may decline to notify the police directly. The criminal justice system and this Policy are separate procedures, however, and complaints/reports must be made under both procedures if a complainant wants both processes to go forward. Persons may also request a protection from abuse order from a court under the Protection from Stalking Act, K.S.A. 60-31a01, et seq. KSU police will enforce such orders on campus.

## **Step 2-Initial Determination Regarding Jurisdiction and Validity**

All reports and initial complaints are processed by OIE. Upon receipt of a report or initial complaint, OIE makes an initial evaluation to determine if there is jurisdiction to investigate a violation of this Policy, and whether the alleged conduct, if true, would constitute a violation of this Policy. If there is no jurisdiction or if the allegations would not constitute a violation of this Policy, even if true, then OIE will notify the complainant and/or the person making the report that the circumstances do not warrant further review under this Policy. That notice will explain OIE's decision and refer the complainant to the appropriate University office, if any. This determination by OIE is final and not subject to further review within the University.

If there is jurisdiction and if the allegations would constitute a violation if true, then OIE will move forward to form an Administrative Review Team (ART) as described in Step 3.

Notwithstanding the foregoing, if additional facts are needed before making the determination regarding jurisdiction and/or whether the conduct, if true, would constitute a violation of this Policy, then OIE may form an ART, which would then perform the initial evaluation as described in Step 4.

## **Step-3-Formation of the Administrative Review Team**

If OIE determines that a report or initial complaint warrants a review after OIE's initial evaluation, OIE will inform the appropriate Responsible Administrator(s), unless that person's conduct is the reason for the initial complaint. Depending on the circumstances, OIE may ask the president, provost and senior vice president, a vice president, an associate vice president, or a dean to designate the Responsible Administrator to serve on the ART. The OIE staff member and the Responsible Administrator(s) become the ART for the complaint. OIE staff members receive regular training regarding this Policy and how to conduct investigations under it, and they provide training to the other member(s) of the ART.

## **Step 4- Administrative Review Team's Initial Evaluation of the Complaint**

The ART will interview the complainant as soon as possible so that the ART members hear the initial complaint and get sufficient information to decide how to process it. If the ART determines after initial evaluation that there is no jurisdiction or the alleged conduct, even if true, would not constitute a violation of this Policy, then the ART will notify the complainant that the initial complaint does not warrant further review under this Policy. That notice will explain the ART's decision and refer the complainant to the appropriate University office, if any. This determination by the ART is final and not subject to further review within the University.

A complainant's failure or refusal to participate in the ART process may prevent the ART from investigating the alleged conduct. To the extent possible, the ART will proceed with an investigation if a report or initial complaint alleges conduct that would constitute a violation of this Policy.

## **Step 5-Written Complaint**

If the ART determines that the alleged conduct, if true, would constitute a violation of this Policy, the ART will obtain or produce a written complaint and conduct a thorough, prompt, fair and impartial investigation, as set forth in the steps below. If the complainant does not prepare the written complaint, then the ART will ask the complainant to read and, if necessary, to make corrections for accuracy and sign the complaint. If the complainant does not sign the complaint, the ART may still move forward with the unsigned complaint.

## **Step 5-Investigation**

If the complaint warrants an investigation, the ART will inform the respondent of the content of the complaint and allow a full opportunity to be heard.

The ART will:

- Meet with the respondent to provide a copy of the complaint, explain procedures, caution against retaliation, ask the respondent questions pertaining to the complaint, provide an opportunity for respondent to provide an oral or written response within ten (10) calendar days, and inform the respondent that the review will proceed with or without the response;

Receive, clarify and evaluate the respondent's response to the complaint, if a response is made; and Interview any persons with specific knowledge of the alleged incident(s) and review relevant policies, procedures, files, documents, and records.

Complainants, respondents, and witnesses are generally not permitted to have an individual accompany them to interviews with the ART. If sexual violence, domestic or dating violence, or stalking is alleged, then the complainant and respondent may be accompanied to any related meeting or proceeding by one advisor of their choice. The complainant and respondent shall provide prior notice to OIE that an advisor will attend and whether their advisor is an attorney. Advisors (including attorneys) are not permitted to participate during the interview, other than to speak to their advisee. An advisor who disrupts the process (as determined by the ART) may be excluded from the interview. An investigation shall not be delayed more than one time on account of an advisor.

### **Step 7-Determination and Written Report**

The ART will consider all of the information it gathered and decide whether or not the respondent violated this Policy, based on the preponderance of the evidence. Possible outcome of the review is either: (1) a finding of no violation of this Policy; or (2) a finding of violation of this Policy. If the ART determines that the respondent did not violate this Policy, it will provide the complainant, the respondent, and the Deciding Administrator a written report that describes the review, makes findings of fact and any recommendations, and describes what the complainant must do to file an appeal. If the ART determines that the respondent violated this Policy, it will prepare a written report to the Deciding Administrator that describes the review, makes findings of fact, and provides recommendations for sanctions (and, if applicable, remedial actions, referrals, and follow-up). The complainant and the respondent shall be provided a copy of the written report at the same time as the Deciding Administrator.

The time required for reviews will vary; however, the goal is to complete reviews within 60 calendar days. But many factors, such as availability of witnesses and responsiveness of the parties or witnesses, can increase the time required for an investigation. Complainants and respondents may request a status update from OIE at any time.

### **Step 8-Appeal if No Violation Found**

If the ART determines that there was no violation of this Policy, then the complainant may submit an appeal to the Deciding Administrator. That appeal must be submitted in writing to the Deciding Administrator within ten (10) calendar days from the date the ART's written report was issued. The appeal must state every ground on which the appeal is based.

On appeal, the Deciding Administrator does not conduct a new investigation. The Deciding Administrator may only decide, based upon the written information presented and the ART's file, whether the ART's determination was "clearly erroneous" (i.e., plainly in error). The Deciding Administrator will defer to the ART for all credibility decisions (e.g., who is telling the truth). If an error(s) was made that would not have changed the determination (i.e., "harmless error"), then that error must be disregarded. In the event that a Deciding Administrator decides that an ART finding is clearly erroneous, the Deciding Administrator shall refer the matter back to the ART for further investigation and shall provide the ART with a specific written basis for the "clearly erroneous" determination.

If the Deciding Administrator determines that the ART's findings are not clearly erroneous, then the Deciding Administrator's ruling is final and not subject to further review within the University.

The Deciding Administrator should rule on an appeal in a timely fashion, preferably within thirty (30) calendar days after receipt of the appeal. Rulings should be made in writing, with copies to the complainant, respondent, OIE, and the Office of General Counsel.

### **Step 9-Decision on Sanction if Violation Found**

If the ART determines that this Policy was violated, then the ART will make a recommendation regarding sanctions in its written report. The Deciding Administrator decides the sanctions and is responsible for ensuring

compliance with the sanctions. Within ten (10) calendar days from the date the ART's written report was issued, the complainant and respondent may submit written comments to the Deciding Administrator regarding the ART report. Decisions on sanctions should be made in a timely fashion after the expiration of the ten (10) day comment period, and preferably within thirty (30) calendar days after receipt of the ART's report. Once sanctions are decided, they shall be implemented immediately, regardless of whether the complainant or respondent intends to appeal.

If the Deciding Administrator determines, based on the written submissions during the comment period and the ART's file, that the ART's Policy violation determination was clearly erroneous, as defined in Step 8, then the Deciding Administrator shall remand the matter back to the ART for further investigation and shall provide the ART, complainant, and respondent with a specific written basis for the "clearly erroneous" determination. The process then returns to Step 6. A decision to remand to the ART is not subject to appeal.

Decisions should be made in writing, with copies to the complainant, respondent, OIE, and the Office of General Counsel. Decisions that impose sanctions should identify the appropriate Appeal Administrator and the ten-day period in which an appeal must be submitted.

### **Step 10-Appeal of a Sanction**

If the Deciding Administrator imposes a sanction, then a written appeal by either the complainant or respondent may be submitted to the Appeal Administrator within ten (10) calendar days from the date of the Deciding Administrator's written decision.

A respondent's appeal must be in writing and the appeal must state every ground on which the appeal is based. A complainant's appeal must be in writing, must state every ground on which the appeal is based, and may appeal only the severity of the sanction(s).

On appeal, the Appeal Administrator does not conduct a new investigation. The appeal may only decide, based upon the written information, whether the ART's violation determination and/or the Deciding Administrator's sanctions were "arbitrary and capricious." This means that there must be no reasonable basis, under circumstances presented, to uphold the sanctions imposed by the Deciding Administrator. The Appeal Administrator must defer to the ART for all credibility decisions (e.g., who is telling the truth). A Deciding Administrator who follows the ART's recommended sanction will be presumed not to have acted arbitrarily or capriciously, unless conclusively demonstrated otherwise.

If the Appeal Administrator determines that the ART's Policy violation determination was arbitrary and capricious, then the Appeal Administrator shall remand the matter back to the ART for further investigation and shall provide the ART with a specific written basis for the "arbitrary and capricious" determination. The process then returns to Step 6. A decision to remand to the ART is not subject to appeal.

If the Appeal Administrator determines only that the Deciding Administrator's sanctions are arbitrary and capricious, then the Appeal Administrator shall refer the matter back to the Deciding Administrator for further review and shall provide the Deciding Administrator with a specific written basis for the "arbitrary and capricious" determination. The process then returns to Step 9. A decision to remand to the Deciding Administrator is not subject to appeal.

The Appeal Administrator should rule on an appeal in a timely fashion, preferably within thirty (30) calendar days after receipt of the appeal. Rulings should be made in writing, with copies to the complainant, respondent, OIE, and the Office of General Counsel. A ruling by the Appeal Administrator that affirms the Deciding Administrator's decision is not subject to further review within the University

## Objective 3 - Hiring Process

K-State Research and Extension works with Kansas State University's Human Capital Services (HCS) department to hire for open positions. Talent acquisition specialists work closely with Human Capital associates housed within Extension to manage the recruiting and hiring process and follow EEO requirements. A search committee participates in the hiring process for all open positions. Whereas Extension agents are jointly employed by the local Extension board and Kansas State University, those positions are screened by a hiring committee consisting of the Extension Operations Leader, the appropriate Regional Extension Director, the relevant Program Leader Coordinator(s) and, in some cases, the Local Unit Director. The interview committee for an Extension agent position is comprised of members of the local Extension board and the Regional Director.

To attract a diverse pool of candidates, open positions are advertised as follows:

- HigherEd Jobs
- DisabilityJobs.net
- DiversityJobs.net
- Facebook
- KANSASWORKS
- VeteranJobs.net
- WeHireWomen.com
- AAILGBTJobs.com
- Handshake
- Extension Job Bank
- MANRRS
- APLU Job Bank
- Local Newspapers and Social Media

## Area VII - Administrative Oversight for the Performance Plan

### Objective 1 – Civil Rights Staffing

Identify personnel with leadership responsibilities for civil rights; indicate the area(s) they represent and breadth of their responsibility; their administrative sign-off authority for civil rights; and their data preparation responsibility staff.

- a. *Gregg Hadley, Director for Extension*  
Directs overall system-wide policy and makes decisions relative to civil rights compliance and implementation in programs and employment. Informs faculty and staff about civil rights and affirmative action requirements.
- b. *Jennifer Wilson, Extension Operations Leader*  
Provides day-to-day leadership for assuring civil rights policies and procedures are communicated to the statewide Extension system. Works with program leadership and regional directors in developing guidelines and procedures for assuring open access to programs and services offered by Extension agents.
- c. *Laurie Chandler, Associate Program Leader*  
Coordinates the gathering of reporting information for the purposes of completing Extension-mandated federal and state reports.
- d. *Kellie Wilson, Senior Strategic Partner, University Talent Acquisition*  
Works with Extension search committee chairs to ensure that University recruitment policies and procedures

are being followed.

- e. *Charlotte Self, Director University Employee Relations and Engagement*  
Consults with Extension on employee relations matters. Assists with addressing accommodations for both employees and extension clientele relating to the Americans with Disabilities Act.

Plan updated August 2019 with the assistance of the KSRE Civil Rights Advisory:  
Jennifer Wilson, Leader for Extension Operations  
Dr. Paula Peters, Associate Director for Extension Programs  
Dr. JD McNutt, Southeast Regional Director  
Wade Weber, State 4-H Program Leader  
Carl Garten, Central Kansas Extension Director  
Mirna Bonilla, Wild West District Agent

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