

Civil Rights COMMUNICATOR

April-June 2013
2nd Quarter

ANIMAL AND PLANT HEALTH INSPECTION SERVICE OFFICE OF CIVIL RIGHTS, DIVERSITY, AND INCLUSION (OCRDI)

OFFICE OF THE DIRECTOR

A Message from THE DIRECTOR

On behalf of the Office of Civil Rights, Diversity, and Inclusion (OCRDI) staff, it is my pleasure to welcome you to the new *Civil Rights Communicator*, a quarterly publication for USDA/APHIS employees. The *Communicator's* goal is to provide APHIS with relevant, informative, and interesting topics in the civil rights, diversity, and inclusion arena. We will also provide information about upcoming civil rights and diversity training opportunities, and other special events. Future editions will feature articles spotlighting the various programs and events we manage. Since my appointment as the OCRDI Director in January 2012, changes were made to the former Civil Rights Enforcement and Compliance (CREC) staff. We have a new name, and a new organizational structure, in order to be more inclusive of new functions, and to bring about greater accountability. The new structure includes the Office of Civil Rights, the Office of Diversity and Inclusion, and the Office of Tribal Programs. Two new branches were formed – the Compliance and Evaluation Branch, and the Counseling and Resolution Branch. Additionally, there is now an Outreach and Communications Staff, and a Resource Management Staff. OCRDI is diverse. We bring a wealth of experience, knowledge, skill, and talent to support the APHIS mission of protecting and promoting U.S. agricultural health, regulating genetically-engineered organisms, administering the Animal Welfare Act, and carrying out wildlife damage management activities. I am privileged to serve as the OCRDI Director. I am committed to building a dynamic OCRDI, where employees are dedicated to supporting the successful achievements of the APHIS mission, as well as trusting each other, saying what they mean, and doing what they say, being clear about the work to be done, completing work correctly and timely, and creating an environment where creativity and problem-solving flourishes. Employees enjoy their work, and work well together. Employees demonstrate their support for diversity and inclusion by their actions. I encourage you to explore all that OCRDI has to offer in the days ahead. Please feel free to contact me, or any member of the OCRDI staff, if we can be of service to you.

Kenneth E. Johnson, Director
OFFICE OF CIVIL RIGHTS, DIVERSITY,
AND INCLUSION

DIVERSITY AND INCLUSION

Celebrate Asian American/ Pacific Islander Month in May

 BY TAMMY H. LOWRY

In 1978, a joint congressional resolution established Asian Pacific American Heritage Week. The first ten days of May were chosen to coincide with two important milestones in Asian/Pacific American history: the arrival in the United States of the first Japanese immigrants (May 7, 1843), and contributions of Chinese workers to the building of the transcontinental railroad (May 10, 1869). On October 5, 1978, President Jimmy Carter signed a Joint Resolution designating the annual celebration, and in 1992, Congress signed the official designation of May as Asian-Pacific American Heritage Month into law. Per a 1997 Office of Management and Budget directive, the Asian or Pacific Islander racial category was separated into two categories: one being Asian, and the other Native Hawaiian and Other Pacific Islander. This year's theme is "*Building Leadership: Embrace the Cultural Values and Inclusion.*" Don't miss the opportunity to pay tribute to the generations of Asian and Pacific Islanders who have enriched America's history, by attending one of the upcoming Asian American/Pacific Islander observances offered at APHIS during the month of May.

OCRDI Management Team

Kenneth E. Johnson
Director

La Shon D. Cole,
Deputy Director
Office of Civil Rights

Cynthia Dickens, Branch Chief
Counseling and Resolution Branch

Steve Shelor, Branch Chief
Compliance and Evaluation Branch

VACANT, Deputy Director
Office of Diversity and Inclusion

**Terry W. Clark, D.V.M., Deputy
Director**
Office of the National Tribal Liaison

Sophia L. Kirby, Chief
Outreach and Communications Staff

Kim Ogle, Chief of Staff
Resource Management Staff

INSIDE THIS ISSUE...

OCRDI Staff News.....	2
OCRDI Organizational Chart.....	3
Black History Month Program.....	4
Civil Rights Q&A.....	5
Calendar of Events.....	5
Native American Summer Program.....	6
Civil Rights Impact Analysis.....	6
OCRDI Mission Statement.....	7
Civil Rights Compliance Reviews.....	7
OCRDI Vision Statement.....	7
Mediation vs. Litigation	8
Ag-Discovery 2013.....	8

La Shon D. Cole



Ms. Cole was appointed on November 19, 2012, to the position of Deputy Director of the OCRDI Office of Civil Rights. In her new position, she is responsible for Title VI and Title VII compliance and evaluations, in addition to EEO complaints and resolution. Ms. Cole, a

Washington, D.C. native, earned her Bachelor of Arts degree in Political Science from the University of the District of Columbia. She earned her Juris Doctor (J.D.) from the American University, Washington College of Law, in 2002, and is a member of the D.C. Bar. Ms. Cole began her Federal career immediately following law school, as a Presidential Management Fellow, working for the Assistant Secretary of the Army, Manpower and Reserve Affairs, Office of Equal Employment Opportunity and Civil Rights. Upon completing the two-year fellowship, she was selected to work for the Office of the Administrative Assistant to the Secretary of the Army (OAA), Equal Employment Opportunity Office. Ms. Cole left OAA in 2007, to further her Army experience, and served 11 months with the Walter Reed Army Medical Center, Garrison Equal Employment Opportunity Office. In the spring of 2008, Ms. Cole found herself once again at Headquarters, Department of the Army (DA), writing final agency decisions for the DA, with the Office of Diversity and Leadership (D&L), Equal Employment Opportunity Compliance, and Complaints Review (EEOCCR). Her work with EEOCCR included adjudicating EEO complaints, ensuring compliance with Federal laws, developing policies, procedures, and regulations for the Army, in support of that mission. Within EEOCCR, Ms. Cole advanced to the position of Compliance Chief, overseeing procedural compliance for the Department of the Army's EEO complaint program. Alongside her Federal career, Ms. Cole serves as board member for Youth Organizations United to Rise (YOUR), in Washington, D.C. She previously sat as the board chair from 2010-2013. In addition, she volunteers on a pro bono basis, serving clients of the District of Columbia Superior Court, Family Self Help Center. Ms. Cole currently resides in Maryland with her two sons.

Carl Etsitty

Mr. Etsitty joined the OCRDI staff as the Assistant Director for Native American Programs, on January 13, 2013. Prior to accepting his new appointment, he served as the Native American Program Manager/Tribal Liaison with the APHIS Plant Protection and Quarantine (PPQ) office in Fort Collins, Colorado. Mr. Etsitty is a member of the APHIS Native American Working Group (ANAWG), and a committee member and presenter for the Colorado American Indian Council. He has also developed and taught a curriculum on genetically engineered products, for the APHIS *Safeguarding Natural Heritage* summer youth program. Additionally, Mr. Etsitty previously worked for the APHIS Biotechnology Regulatory Services (BRS) compliance and inspection group, while also serving as the BRS Native American special emphasis program manager. At BRS, he held responsibility for development of the emergency response program, conducting inspection reviews, and developing inspector training. Prior to coming to APHIS, Mr. Etsitty worked at the Environmental Protection Agency (EPA), Office of Pesticide Programs (OPP), as a microbiologist. During his tenure there, he assumed many responsibilities, including liaison to the ILSI International Food Biotechnology Committee, and the American Indian/Alaska Native special emphasis program manager. Mr. Etsitty holds a Bachelor of Science degree in Environmental Sciences, and a Master's degree in Soil, Water, and Environmental Sciences, from the University of Arizona, Tucson. Mr. Etsitty was born and raised on the Navajo Nation in the northeastern corner of Arizona. He served in the U.S. Navy, as a submariner for four years, assigned to the USS Atlanta, and the USS Hunley.

Samantha Marin



Ms. Marin serves as a Management and Program Analyst on the OCRDI Compliance and Evaluation staff. She spent the last two summers in the USDA Public Service Leader Scholars Program, and recently completed her Master's Degree in Public Administration, from California State University. Ms. Marin also holds a Bachelor of Arts degree in Sociology and Chicano Studies, from the University of California, Santa Barbara. As a

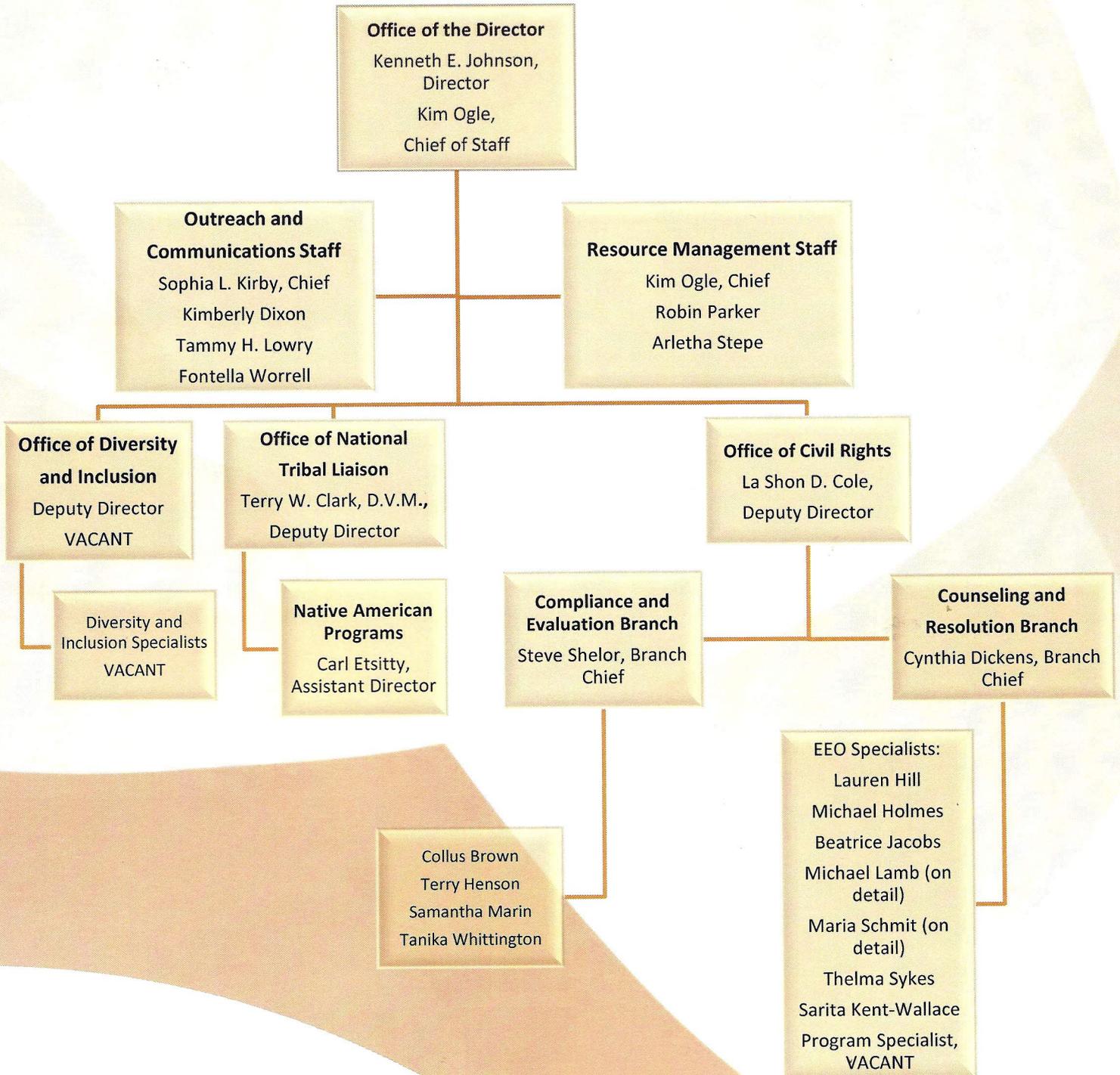
member of the Compliance and Evaluation staff, she conducts Title VI and Title VII compliance review analysis, and develops EEO feedback reports, to accomplish APHIS civil rights objectives. Her prior work experience with socio-economically disadvantaged youth, and elderly individuals, led to her interest in civil service, and she looks forward to a fruitful career within the APHIS civil rights arena. Originally from Los Angeles, California, Ms. Marin resides in Silver Spring, Maryland with her fiancé, Danny. She hopes to further her education with a law degree in the future.

Transitioning to Improve Service

Office of Civil Rights, Diversity, and Inclusion

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202-799-7020



http://www.aphis.usda.gov/about_aphis/programs_offices/civil_rights

APHIS Celebrates Black History Month

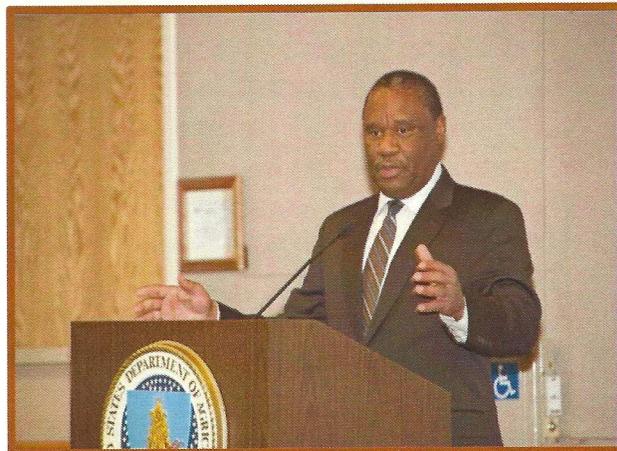
BY SOPHIA L. KIRBY | TAMMY H. LOWRY | PHOTOGRAPHS BY ANSON EAGLIN

“Why do we have Black History Month? It’s really not Black History. It’s U.S. History.”

~ Mr. Kevin Shea

“Let us use Black History Month to Celebrate the men and women, the great ones, who gave their lives for all races and shades, and genders, to sacrifice, and move our great Nation forward ... to create a more perfect union of principles, and universal equality and justice,” said Alvin Thornton, Ph.D., the guest presenter for the APHIS Black History Month program on February 14th. Dr. Thornton is the Senior Advisor for Academic Affairs, in the Office of the President, at Howard University. His message was clear: although much progress has been made to attain equality for all people that isn’t based on race, gender, or anything else, in this country, much more still needs to be done to create a more “perfect union,” allowing all people to be treated as equal citizens. He noted that many people, including women and immigrants, have benefitted from the principles of equality and justice accomplished by the pioneers of the past. In alignment with the 2013 Black History Month theme, *“Changing America: The Emancipation Proclamation, 1863, and the March on Washington, 1963,”* Dr. Thornton reflected on “the crossroads between freedom and equality in our Nation,” as he discussed how President Abraham Lincoln began a long train of presidential actions by signing the Emancipation Proclamation. Although the Proclamation wasn’t perfect, many historical moments ensued, including various amendments to allow voting rights for all people, and equal rights for women. He reiterated how we must never give up the fight for democracy. Even now in 2013, debates exist about universal rights, such as health care, and access to educational opportunities that all Americans should be entitled to. And in 2013, there is still work to do. Black History today isn’t about segregation. It’s about understanding the struggles of the past, awareness of who we are, and how we must move forward in the future.

Dr. Alvin Thornton

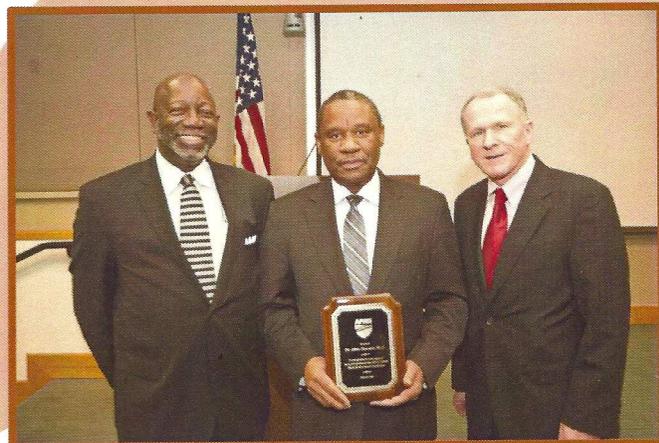


“Injustice didn’t just hurt black people ... it hurt our Nation.”

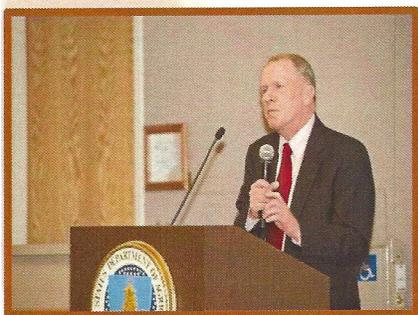
~ Dr. Alvin Thornton

“Make the Constitution Live for Us.”

~ Dr. Alvin Thornton



Left to right: OCRDI Director Mr. Ken Johnson, Dr. Alvin Thornton, & APHIS Acting Administrator, Mr. Kevin Shea.



Above: OCRDI’s Mr. Collus Brown served as Master of Ceremonies.



Left: Mr. Stanley Cornelius (PPQ), delighted the audience with “Lift Every Voice and Sing.”



Civil Rights Q & A

Calendar of Events

Q. What is Title VII?

A. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination, based on race, color, religion, sex, and national origin.

Q. Is pregnancy discrimination prohibited by Title VII?

A. Yes. Discrimination based on pregnancy, or related medical conditions, is a type of sex discrimination. Pregnancy, childbirth, and related medical conditions, must be treated in the same way as other temporary medical illnesses or conditions.

Q. What are special emphasis programs?

A. USDA Special Emphasis Programs (SEPs), address the unique concerns of the following individuals: African Americans, American Indians/Alaska Natives, Asian Americans/Pacific Islanders, persons with disabilities, Gay, Lesbian, Bisexual and Transgender individuals, Hispanic individuals, and women, in achieving diversity, inclusion, and equal opportunity in employment activities. Currently, the following special observances fall within the scope of, and support the objectives of, the Department's current SEPs:

Martin Luther King, Jr. Birthday Celebration (January)

Black History Month (February)

Women's History Month (March)

Asian /Pacific American Heritage Month (May)

Lesbian/Gay/Bisexual/Transgender Pride Month (June)

Hispanic Heritage Month (September 15 - October 15)

Disability Employment Awareness Month (October)

Native American Heritage Month (November)

Veteran's Day (November)

Send your questions for the OCRDI staff to:
AskOCRDI@aphis.usda.gov.

.....**April 1, 2013**.....
Deadline for Ag-Discovery applications

.....**April 4, 2013**.....
Administrator's Civil Rights Awards Ceremony
Riverdale, MD

.....**April 6-12, 2013**.....
Association for Research Directors Biennial Research
Symposium, Jacksonville, FL

.....**April 8-10, 2013**.....
The Deaf and Hard-of-Hearing in Government 2013
National Training Conference, Washington, D.C.

.....**April 17, 2013**.....
Federal Inter-Agency Holocaust Remembrance
Day Program, Washington, D.C.

.....**May 2013**.....
Asian/Pacific American Heritage Month

.....**May 5, 2013**.....
Cinco de Mayo

.....**May 6-10, 2013**.....
OCRDI Onsite Compliance Interviews in
Fort Collins, Aurora, and Lakewood, CO

.....**May 6-10, 2013**.....
Federal Asian Pacific American Council (FAPAC) 28th
National Training Program, Long Beach, CA

.....**May 12, 2013**.....
National ADA Symposium, San Antonio, TX

.....**May 18, 2013**.....
34th Annual Asian American & Pacific Islander
Heritage Festival, New York, NY

.....**June 2013**.....
Lesbian, Gay, Bisexual, Transgender (LGBT)
Pride Month

.....**June 17-22, 2013**.....
LULAC 84th National Convention & Exposition
Las Vegas, NV

Safeguarding Natural Heritage Program: Strengthening Navajo Youth Connections to the Land

BY CARL ETSITTY

Safeguarding National Heritage is an outreach program for teenagers with an interest in plants, agriculture, natural resources, and the environment. The program allows students to spend time at Dinè College in Tsaile, Arizona, performing hands-on activities on the reservation, while learning from tribal elders, professionals from various Navajo practitioners, university college professors, field personnel/scientists from APHIS, and other Federal counterparts. The 12-day summer program is designed for students who are 14 to 17 years old, with an interest in safeguarding their natural heritage, both within and outside of the Navajo Nation. APHIS partners with Dinè College (a federally recognized, tribal college), to sponsor the *Safeguarding National Heritage* program. Dinè College hosts and coordinates the program participants at its Arizona campus, and provides the necessary materials to facilitate the students' learning experience. Ms. Benita Litson, the Land Grant Director for Dinè College, facilitates the program. Students selected to participate in the program are required to pay only the cost of their transportation to and from Dinè College. The cost of tuition, dormitory housing, meals, field trips, lab fees, and other activities, is covered by APHIS. Five of the agency's programs – Plant Protection and Quarantine, Wildlife Services, Biotechnology Regulatory Services, Veterinary Services, and Animal Care, furnish the instructors for the program.



The Civil Rights Impact Analysis

BY TANIKA WHITTINGTON | STEVE SHELOR

The APHIS Office of Civil Rights, Diversity, and Inclusion (OCRDI), is required to conduct Civil Rights Impact Analysis (CRIAs), according to guidelines outlined in USDA Departmental Regulation 4300-004. The regulation mandates that APHIS analyze the civil rights impact of policies, actions, or decisions, that will affect the APHIS workforce, programs, and activities. APHIS uses CRIAs to determine the scope, intensity, direction, duration, and significance of civil rights effects of the Agency's proposed employment and program policies, actions, and decisions, and to identify whether a proposed Agency decision will have an adverse civil rights impact on persons who are members of a protected class. The CRIAs help to advise APHIS managers and supervisors about whether the proposed action or decision will have an adverse civil rights impact, and, if so, what mitigating strategies can be used to lessen the impact. APHIS completes CRIAs on new, revised, or interim rules, regulations, and notices to be published in the Federal Register, and the Code of Federal Regulations, charters for advisory committees, councils or boards, and notices, proposed reorganizations, reductions in force, and transfer of function proposals. CRIAs are completed for other policies, programs, or activities which have potential adverse civil rights impact.

For further information concerning CRIAs, contact the OCRDI Compliance and Evaluation Branch:

Steve Shelor, Branch Chief
Steve.Shelor@aphis.usda.gov
202-799-7013

Tanika Whittington
Management and Program Analyst
Tanika.C.Whittington@aphis.usda.gov
301-851-4204

OUR MISSION... To provide leadership, direction, coordination, evaluation, and support to the civil rights efforts of the Animal and Plant Health Inspection Service.

COMPLIANCE AND EVALUATION

Civil Rights Compliance Reviews

BY PHILLIP WASHINGTON | STEVE SHELOR | BETH GASTON

Compliance reviews help APHIS improve by evaluating the Agency's employment and program delivery processes, policies, and functions, and to providing guidance and technical assistance to APHIS managers and supervisors, to correct any civil rights compliance deficiencies. The OCRDI office conducts the reviews to determine compliance with applicable civil rights statutes, regulations, policies, and standards. The reviews are required, and defined by the Equal Employment Opportunity Commission (EEOC), Federal Regulations and Departmental Regulation 4300-005.

The purpose of the compliance review is proactive – not punitive. Its goal is to ensure we create conditions, as stated by our Acting Administrator, Kevin Shea, in the APHIS 2012 Civil Rights Policy Statement:

“Animal and Plant Health Inspection Service (APHIS) employees are responsible for the fulfillment of programs critical to the success of American agriculture. Ensuring that equal opportunity is the standard for delivering our programs, and providing opportunities to our employees and employment applicants is essential – and integral – to our mission. We must not only conduct our programs in a non-discriminatory manner, but also reach out to all persons who can potentially benefit from APHIS programs and services.”

OCRDI follows three steps in the compliance review process:

Step One: Identify work units or programs for review. All work units and programs are subject to a preliminary review and analysis on a fiscal year schedule. OCRDI considers workforce profile data (race, national origin, sex, and disability), and the results from an employee survey.

Step Two: Determine and conduct an appropriate level of review. OCRDI may conduct two possible levels of a review – a *desk audit* or an *onsite review*. The desk audit is an interim level of review, which is conducted without a visit to the unit. An onsite review is the highest level of interviews.

OCRDI considers eight compliance review categories when rating a program. The ratings are done in narrative form, not numerically.

- Demonstrated Commitment from Leadership
- Integration of EEO into the Agency's Strategic Mission
- Management and Program Accountability
- Proactive Prevention of Unlawful Discrimination
- Efficiency
- Responsiveness and Legal Compliance
- Advisory Committees/Special Emphasis Programs
- Nondiscrimination in Program Delivery

What is the manager's role in the review process?

- Provide OCRDI with data/documents requested, and assist with review logistics (interview scheduling, opening briefings, etc.)
- Encourage employees to participate fully in the review process, and convey any concerns or issues to the review team.
- If necessary, work with OCRDI to implement recommendations, and other actions related to the report.

Questions concerning compliance reviews may be directed to:

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Management and Program Analyst

Tanika.C.Whittington@aphis.usda.gov

301-851-4204

Steve Shelor, Branch Chief

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OUR VISION... To ensure non-discrimination in the workplace, to identify, and remove barriers that impede employment and advancement opportunities for all employees, and deliver programs fairly, and impartially, to all customers.

Mediation vs. Litigation: Why Mediate to Resolve Disputes?

BY LA SHON D. COLE | CYNTHIA DICKENS

Mediation is a problem-solving process in which a neutral, skilled third person – the mediator, helps parties in a dispute to reach a voluntary agreement. The mediator does not decide how the dispute should be resolved, but instead helps the parties develop agreements satisfactory to all parties. When you are faced with conflict, and can't "agree to disagree," a mediator can assist with developing an effective communication and negotiation process. In many disputes, the mediator's neutral perspective can enable the parties to take a fresh look at the conflict, and at potential solutions. The mediation process offers a safe, private setting, in which parties can peacefully express their feelings, share information, and address underlying needs and problems which may not necessarily be known to the other participant. The parties can design a complete plan or settlement agreement to move forward to maintain workplace harmony, and accomplish their organization's mission without compromise.

Here are several attractive benefits of mediation:

Mediation is a process that focuses on the future, and not the past. With mediation, you do not keep "putting salt on old wounds." Instead, you consider ways of working together to make the future better. **Litigation** is a legal proceeding in a court; a judicial contest to determine and enforce legal rights.

Mediation fosters creativity in the resolution of disputes, concentrating on a cooperative win/win strategy, wherein all parties can derive benefits. In **Litigation**, there is typically a winner and a loser.

Mediation enables parties to control the process of communication and dispute resolution, allowing parties to work together, and agree on the procedures that best serve their collective interests. The **Litigation** process is largely dictated by legal rules and procedures.

In **Mediation**, parties control the outcome of disputes. In **Litigation**, the outcome is determined by a judge or a jury.

Mediation promotes confidentiality in the process, and the outcome can be made private by the terms of the agreement itself. In **Litigation**, the process and outcome are largely open to the public.

Mediation facilitates settlement compliance. The parties choose the terms of their agreement, therefore, are typically more likely to comply rather than resist, because they feel comfortable with the terms of the agreement they helped create. In **Litigation**, the judgment is imposed on you. Most of us do not like to be controlled, nor have judgments forced upon us.

Mediation significantly reduces legal fees and costs. The mediator's fees very often tend to be a small fraction of the total fees, and costs incurred in litigation. APHIS/OCRDI provides this service to employees at no cost.

Communicator Editor, Lay-out, & Designer:
TAMMY H. LOWRY

Litigation legal fees and costs are often unpredictable, and often can even exceed the amount in dispute. At the end of the litigation process, even in victory, your finances could be "in the red."

In **Mediation**, the resolution happens quickly, often in one session or one day. **Litigation** can deprive you of many years of your time, effort, peace of mind, and opportunity. Litigation can be time consuming, and last several years.

In **Mediation**, parties attempt to communicate, resolve differences amicably, and work with each other, allowing parties to restore and maintain working relationships. In **Litigation**, parties are adversaries; fighting, and working against each other.

OUTREACH

Ag-Discovery 2013: Investing in the Future of American Agriculture

BY TERRY HENSON | BEATRICE JACOBS

Ag-Discovery is a two-to-four week summer outreach program, designed to introduce students to careers in agriculture, which includes, but is not limited to, plant and animal science, wildlife management, and agribusiness. The program allows participants, ages 12-17, to stay on a college campus, and learn about agricultural science from university professors, practicing veterinarians, and Government professionals. Students gain experience through hands-on labs, workshops, field trips, and other group, and teambuilding activities. The 2013 Ag-Discovery program will sponsor nearly 250 students, hosted at 17 college campuses. Eleven of the host schools are 1890 Land Grant Universities. The objective of the program is to:

- provide students an opportunity to reside on a college campus, while learning about agricultural sciences, through a series of workshops, labs, and field trips, facilitated by college professors, Plant Protection and Quarantine Officers, veterinary medical officers, and veterinary, and agricultural students;
- provide demonstrations in veterinary medicine, animal science, and plant pathology, and
- increase awareness of career opportunities in APHIS.

Students apply by submitting an application, which includes a two-page essay, and three letters of reference. Selected students pay only the cost of their transportation for travel to and from the university campus. All other program costs are covered by the sponsoring program. The 2013 participating universities are: Alcorn State University, Delaware State University, Florida A&M University, Fort Valley University, Iowa State University, Kentucky State University, Lincoln University, North Carolina State University, South Carolina State University, Tuskegee University, University of Arizona, University of Arkansas, University of Hawaii, University of Illinois, University of Maryland Eastern Shore, University of Maryland College Park, and Virginia State University.