

Newsletter Date  
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# Office of Civil Rights



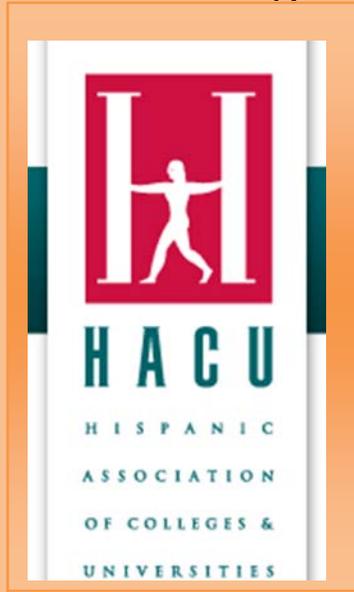
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**"Mission First,  
People Always"**

## Special Interest Articles by:

- Compliance and Programs Division
- Public Civil Rights Division
- Employment Complaints and Adjudication Division
- Policy

## HACU Strengthens Partnership



On March 12, 2013, DOI was represented at the Hispanic Association of Colleges and Universities (HACU) National Internship meeting. Equal Opportunity Specialist Acquanetta Newson said, "This is a meeting that takes place annually, where federal agencies meet with HACU to share best practices and discuss strategies to enhance and strengthen their partnership with HACU." Its mission is to champion Hispanic success in higher education by meeting the needs of government, business, and

industry through development and sharing of resources, information and expertise. Included was a representative from the Office of Personnel Management (OPM) who gave a presentation on the Pathways Program. HACU was established in 1986 with a founding membership of 18 institutions. Today, HACU represents more than 400 colleges and universities committed to Hispanic higher education in the United States, Puerto Rico, Latin America, Spain, and Portugal.

## Updates on Important Case Laws in Civil Rights

### Federal Sector Developments at the EEOC Office of Federal Operations (OFO)

\**Arroyo of Veterans Affairs, Appeal No. 0520120563 (2013)*

The Commission denied reconsideration in this case law. In doing so, the Commission reaffirmed that the basic Title VII analysis under McDonnell *Douglas v. Green*, 411 U.S. 792 (1973), applies in federal sector age discrimination cases, including the mixed motive analysis.

\**Vance v. Ball State University*, 11-1160 (US):  
On November 26, 2012,

the Supreme Court entertained oral arguments in *Vance v. Ball State* to clarify who qualifies as a supervisor for purposes of employer liability in a hostile work environment case. The question presented is whether the *Faragher* and *Ellerth* "supervisor" liability rule (i) applies to harassment by those whom the employer vests with authority to direct and oversee their victim's daily work, or (ii) is limited to those harassers who have the power to "hire, fire, demote, transfer, or discipline" their victim.

\**Scott v. Postmaster General, EEOC Appeal No. 0120103590 (2012)*. The Commission found a violation of the ADA, where agency counsel provided several witnesses a copy of the entire report of investigation, which included medical information about the complainant, including her diagnosis, surgery, and treatment history. The Commission found there was no legitimate need for the witnesses to have the information to participate in the hearing as witnesses.

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## PCR Coordinators Discuss Shared Used Paths



Shared Used Paths are often called trails or bike paths.

At the PCR Coordinators meeting February 21, 2013, one of the topics for discussion included the Shared Used Paths. BLM Accessibility Specialist Tina McDonald, who is also Chairperson of the DOI Disability Rights Technical Advisory Committee (DRTAC), asked that each bureau submit comments that would be consolidated by the DRTAC committee addressing this issue. Shared Use Paths, also known as multi use paths, and often called trails or bike paths, are separated from motorized vehicle traffic. They can be

built within a highway rights-of-way or within an independent right-of-way. On February 13, 2013, the U.S. Access Board released for public comment proposed requirements for accessible Shared Use Paths used by pedestrians, bicyclist, and others for recreation. These requirements would supplement guidelines the Board is developing for public-rights-of-way that were previously made available for comment. The proposed rights-of-way guidelines,

which covers access to sidewalks, streets, and other pedestrian facilities, provide requirements for pedestrian access routes, including specifications for route width, grade, cross slope, surfaces, and other features such as Shared Used Paths. "We need engineers or landscape architects to look at this," said McDonald.

(Continued on page 4)



## Women's History Month Celebrated

Rachel Carson, Marine Biologist, Alice Paul, Suffragist, Elizabeth Cady Stanton, Activist, and Virginia Woolf, Novelist, were just a few of the women celebrated across the nation during "Women's History Month." The Department of the Interior (DOI), Library of Congress, Smithsonian Institution, and the National Archives & Records Administration, joined in paying homage to the generations of women whose

commitment and fortitude have proved invaluable to society. The 2013 National Women's History Month theme, "Women Inspiring Innovation Through Imagination," is a testament that has resonated with women across the country. Women's History Month had its origins as a National celebration in 1981 when Congress passed Pub. L. 97-28, which authorized and requested the President to proclaim the week beginning March 7, 1982 as "Women's History

Week." Congress continued to pass joint resolutions designating a week in March. In 1987, after being petitioned by the National Women's History Project, Congress passed Pub. L. 100-9. This designated the entire month of March as "Women's History Month." Since 1995, Presidents Clinton, Bush, and Obama have issued a series of proclamations designating the month of March as "Women's History Month." According to the 2013,



Presidential Proclamation, "Women's History Month" is a time to remember those who fought to make freedom as real for our daughters as for our sons. Women are nearly half of the Nation's workforce and more than half of our college graduates. Previously, visionary women met and marched to prove what could have been self-

evident. Currently, too many women experience discrimination, a disparity of wages, higher premiums for health insurance, or inadequate options for family leave. This is why the Obama Administration has made the needs of women and girls a priority from signing the Lilly Ledbetter Fair Pay Act, to helping ensure women are

represented among tomorrow's top scientists and engineers. The proclamation also observed and celebrated International Women's Day on March 8, 2013 with programs, ceremonies, and activities. This corresponds with "Women's History Month" in the United States, tracing its beginnings back to the first International Women's Day held in 1911.

## How Do Assistive Listening Systems Provide Access?

Recently, the question was asked: How do assistive listening systems (ALS) provide access to persons with hearing loss? Office of Civil Rights EEO Specialist Mindy Hayden, who shared that she was diagnosed as deaf, at the tender age of two with a 50 decibel (db) loss in each ear, says she could not have her hearing if it was not for cochlear implant (CI) surgery. Mindy, who is still considered profoundly deaf even with two CI processors, said she has a 120+ db loss in both ears. A db is a measurement of sound loudness and grows more rapidly than a linear measurement. For example, 20 feet is 20 times longer than one foot but 20 db is 100 times more powerful than one db. According to experts, 28 million people in the United

States have a hearing loss which is an invisible disability. Approximately 19 million have some residual hearing that enables them to benefit from the use of ALS like Mindy. In August 2010, she was evaluated and tested by an audiologist at the Listen Center at John Hopkins in Baltimore, Maryland. "I sat in a soundproof booth with headphones on and given a button to press," she said. When you hear beeps, bips, and boops, that is called pure tone testing, she added. After listening to some sentences, Mindy heard nothing. "I sat there in shock," She had been 100 percent dependent on lip reading to understand speech. On October 12, 2010, Mindy elected to have her left ear implanted first, then on February 29, 2012, she had her second CI surgery, this time with the right ear was implanted. An

ALS is a amplification system utilizing transmitters, receivers, and coupling devices to bypass the acoustical spaces between sounds. The 2010 ADA Standards for Accessible Design states that ALS is required in assembly areas. This is a building or facility, or portion thereof, used for the purpose of entertainment, educational or civic gatherings, or similar purposes. This may include courtroom, theaters, classrooms, or facilities receiving certain types of federal financial assistance. said Mindy, "Without the cochlear processors on, I am completely deaf." A huge challenge has been understanding speech, unseen, she added. With the aid of ALS such as a captioned telephone, she can now hear speech over the phone and can respond.



Assistive Listening Device



Assistive Listening Systems

## U.S. Access Board Provides Leadership in Accessible Design

The U.S. Access Board was created in 1973 to ensure access to federally funded facilities, and directly represent the public, specifically individuals with disabilities. The Board, which is comprised of 13 members from the public appointed by the President, and representatives from 12 federal departments, is the leading source of information on accessible design. It also provides technical assistance and training while continuing to enforce accessibility standards that cover federally funded facilities. Earlier this year, President Barack Obama appointed Michael Graves, an

architect in public practice from Princeton, New Jersey to the Board. Graves became a household name with his design for domestic products sold at Target stores in the U.S. In 2003, an infection of unknown origin left him paralyzed from the waist down. The Board's responsibilities include developing and maintaining design criteria for the built environment, telecommunications equipment, transit vehicles, and for electronic information technology (Section 508). A key mission of the Board is to set forth accessibility guidelines and standards under

several different laws, including the Americans with Disabilities Act (ADA). Recently the Board has released for public comment proposed requirements for accessible shared use paths used by pedestrians, bicyclists, and others for transportation or recreation. These requirements would supplement guidelines the Board is developing for public rights-of-way which cover access to sidewalks, streets, and other pedestrian facilities. Members of the public who wish to seek appointment to the Access Board should contact the White House Office of Presidential Personnel at (202) 456-9713.



Michael Graves



## OCR Welcomes Appointed Senior Advisor on Partnerships



Mark Oliver, Senior Advisor for Partnerships in OCR

In February 2013, the Office of Civil Rights (OCR) welcomed Mark Oliver, former Director for the Office of Small and Disadvantaged Business Utilization. He was appointed to a new position with the Office of the Secretary, OCR, as the Senior Advisor of Partnerships, covering the areas of education, community and volunteerism. His overarching responsibilities include supporting the Secretary's goal on diversifying the

Department's workforce, and promoting the President's agenda to ensure that the federal government promotes diversity and inclusion within the workforce. Oliver said, "In this new position, it is my intent to build upon the past, in order to enhance the future of the Department in the areas of educational and community partnerships."

Over the past six years, he has been a leader within the federal government's small business community. OCR is benefitting from his expertise as he takes on his new role that supports partnership agreements, initiatives, national programs and non-profit organizations, resulting in measurable outcomes on behalf of the Department.

## PCR Coordinators Discuss Shared Used Paths

(Continue from page 2)

Comments from the public on a supplemental rule to address access to Share Use Paths has urged Board to specifically address this issue since they are distinct from sidewalks and trails. Shared Use Paths, unlike most sidewalks, are physically separated from streets by an open space or barrier. They also differ from trails because they are designed not just for recreational purposes but for transportation as well. Several years ago, the Board published the guidelines in proposed form for public comments. The Board revised these guidelines based on the comments received, and released a draft of the final version which was made available for comments. The PCR Coordinators also discussed outdoor developed areas which can contain elements and facilities such as, drinking fountains, parking areas, restrooms, boating facilities, and fishing platforms that are addressed in the ADA-ABA. The deadline for public comments on Shared Use Paths is May 14, 2013. For more information, visit the Board's website (<http://www.access-board.gov>).

## Significance of Information Security in icomplaints



"It produces reports by laws that are provided to the Equal Employment Opportunity Commission (EEOC) and Congress."

—Leanne Kowalski, OCR IT Specialist

Computer security supports the mission of an organization. The purpose of computer security is to protect an agency's valuable resources such as data or information. Through the selection and application of appropriate safeguards, security helps by protecting the Departments physical and financial resources, reputation, legal position, employees, and other tangible and intangible assets. icomplaints is a DOI Enterprise system that tracks discrimination complaints throughout Interior. Leanne Kowalski, OCR IT Specialist said, "It produces reports by

law that are provided to the Equal Employment Opportunity Commission (EEOC) and Congress." It is also a DOI secured system, she added. Unfortunately, security is sometimes viewed as thwarting the mission of the organization by imposing inconvenient rules, and procedures on users, managers, and systems. By the contrary, well-chosen security policies and procedures do not exist for their own sake. They are put in place to protect important assets and thereby support the overall mission of the agency.

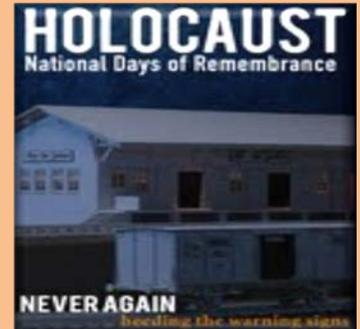
Good security on a DOI Enterprise system has to be periodically reassessed after a three year period. The reason why this occurs is that the systems and environments that they operate in, and the security requirements are constantly changing. Many types of changes affect a systems security for example, technological program upgrades, or developments applied to a system, connecting to external networks, or the emergence of a new threat. In essence, a good security system benefits us all because the OCR DOI security system is less likely to be used for fraud, or negatively impact or affect us.

## DOI Joins the Nation in Observing Days of Remembrance of the Holocaust

The Department of the Interior (DOI) joins the Nation in observing **National Days of Remembrance of the Holocaust on April 7-14, 2013**. Congress established the Days of Remembrance as the Nation's annual commemoration of the Holocaust. The theme designated for the 2013 observance is "Never Again: Heeding the Warning Signs." The Holocaust was a state sponsored persecution and murder of approximately six million Jewish people by the Nazi regime and its collaborators. "Holocaust" is a word of Greek origin meaning *sacrifice by fire*. The Nazis, who came in power in Germany in

January 1933, believed that Germans were "racially superior." During the era of the Holocaust, Nazi authorities targeted many groups because of their perceived "racial inferiority." For example, Jewish people, individuals with disabilities, sexual orientation, and other groups were persecuted on behavioral, political, and ideological grounds. At this time, the population of Europe stood at over nine million Jews, most of who lived in countries that Nazi Germany occupied or influenced during World War II. In the early years of the Nazi regime, the National Socialist government established concentration camps. In the final months of war, those in camps were moved by train or on forced marches, often called "death marches" that continued until May 7, 1945. This was

the day the German armed forces surrendered. In the aftermath of the Holocaust, many survivors found shelter in displaced camps. Between 1948 and 1951, almost 700,000 Jews immigrated to Israel. In remembrance, the United States Holocaust Memorial Museum was created as a permanent living memorial. In April, the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) are sponsoring an exhibit to commemorate the Days of Remembrance. The exhibit space is located in the Bison Bistro of the Department of the Interior (DOI) Main Interior Building.

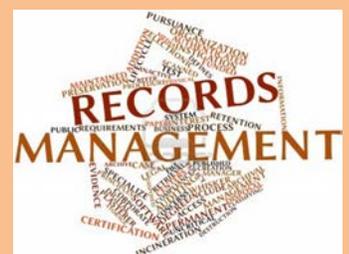


## Good Records Management is the Backbone to Government

Currently, the federal records management system is based on an outdated approach involving paper and filing cabinets. In November 2011, a Presidential memorandum was signed to move the process into the digital age, so the public can have access to clear and accurate information about the decisions and actions of the federal government. The objective is to reform records management policies and practices documenting agency actions and decisions, while developing and issuance of a records management directive.

Office of Civil Rights (OCR) Records Management Specialist Judy Banks said, "The goal is for all federal agencies to have electronic records by fiscal year 2019." The directive also launches a huge project for the federal records centers, where the National Archives and Records Administration (NARA), will need to bring in an outside source to convert all records in storage into an electronic format, said Banks. At a NARA webinar training session, the agenda included the deadlines for federal agencies to be completed as part of this directive, which is good records

management. Banks stated in light of these massive changes to the federal records programs, the Office of Personnel Management (OPM) is in the process of having a new classification series for records management professionals. "The OCR will need to move the bureaus forward in their responsibilities in converting to an electronic platform for records," said Banks. According to NARA, this will ensure transparency, efficiency, and accountability. This will also demonstrate compliance with federal records regulations.



## Interior Observes Dr. Martin Luther King Jr., Holiday

### Birthdays for January—

#### April

##### January

David Quirino  
January 13

##### February

Mark Oliver  
February 9

Joyce Corley  
February 18

##### March

Acquanetta Newson  
March 8

Lola Hatchers-Capers  
March 29

##### April

Christina Bui  
April 19

### SPECIAL EVENTS

Asian American/Pacific  
Islanders Heritage Month  
(May)

Asian American Government  
Executives Network (AAGEN)  
Leadership Workshop  
(Arlington, VA June 6, 2013)

League of United Latin  
American Citizens (LULAC)  
(Las Vegas, NV June 17-22)  
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The Bureau of Land Management (BLM) worked with U.S. Fish and Wildlife Service (FWS) to host the Department of the Interior's (DOI) special observance of the Dr. Martin Luther King Jr., Holiday on January 15, 2013. BLM's Chief of Civil Rights, Alexie Rogers, welcomed the large exuberant crowd at the South Interior Building (SIB) Auditorium. The observance, titled "Inspired by the Dream: Building a Diverse and Inclusive Workplace," not only celebrated King's life, but also recognized the 50<sup>th</sup> anniversary of Dr. King's "I Have a Dream Speech" in 1963, and the 150<sup>th</sup> anniversary of the Emancipation Proclamation in 1863. Following opening remarks, local singer and songwriter Francese Brooks sang hymns of the civil rights era as a slide show of King's life played in the background. Robert Stanton, senior advisor to the Secretary, and long time Interior employee briefly recalled the sacrifices and struggles of the civil rights era. Stanton, who became the first African American to

serve as National Park Service (NPS) Director, and who also grew up in the South, acknowledged unexpected guest Harry E. Johnson Sr., president and CEO of the MLK Memorial Project Foundation, known as the "man behind the memorial." The joyously unrestrained and enthusiastic audience was treated to a presentation from keynote speaker Dr. Christopher Metzler, Associate Dean, Georgetown University, Masters of Professional Studies at the School of Continuing Studies. Metzler acknowledged DOI's commitment to diversity and inclusion through its Diversity Change Program.

### Civil Treatment Workshop Addresses Diversity and Inclusion

On February 13, 2013, the Compliance and Programs Division attended a Civil Treatment training workshop for federal government employees.

What is Civil Treatment? Civil Treatment (CT) is consistent, equitable, and professional behavior toward others. The workshop, which was geared toward how to fulfill the agency's commitment to comply with the President's Executive Order 13583, to promote diversity and inclusion, was provided by ELI Incorporated. Even though CT covers a wide range of issues, it is recommended that creating a culture that encourages collaboration, flexibility, and fairness will enable individuals to participate to their full potential. It will also build respectful and inclusive cultures, and reduce legal and ethical risk. According to experts, maintaining a CT workplace is the responsibility of both supervisors and employees. This will help build a professional, inclusive and diverse workplace in line with the vision of President Obama's executive order to promote diversity and inclusion in the federal workforce.

### Recognitions and Observances

\*Annual Holocaust Days of Remembrance Program, April 17, 2013, 11:30 a.m.-1:00 p.m. at the Lincoln Theater, 1215 U Street, NW, Washington, D.C.

\*National Association for Equal Opportunity in Higher Education (NAFEO) 39<sup>th</sup> National meeting April 14-17, DC

\*June is Lesbian and Gay "PRIDE" or LGBT Month

## Spotlight



Alpha Griffin is a fellow with the President's Management Council Inter-Agency Rotation Program. The program, which was launched in 2011, matches high potential GS-13 to GS-15 employees with a six month inter-agency rotational assignments that enables them to expand their management skills, broaden their organizational experience and foster networks they can leverage in the future.

**Q. What is your background?**

"I was born and raised in Ohio, attending Ohio Wesleyan University with a double major in Pre-Professional Zoology and Environmental Science with a minor in English. I attended Capital University Law School in Columbus, Ohio studying labor and employment law and governmental affairs. Since that time, I have focused my job interests on civil rights and equal opportunity."

**Q. What are you responsible for?**

"Reviewing the EEO complaints process within the Department."

**Q. What do you like to do for extracurricular activities?**

"I am an avid reader, and also love trying out new restaurants. I am particular to Indian, Middle Eastern and Ethiopian cuisines."

**Q. Do you have any particular hobbies?** "I am learning to play guitar, which has been a work in progress for the last two years."

Birthday: June 7<sup>th</sup>

Zodiac Sign: Gemini

## The Director's Corner

Spring, glorious spring is here! All the colors of green, yellow, pink, lavender and white are bursting out from winter. All the tourists are here in DC to admire the Cherry Blossoms and wind up blocking the streets, Think wonderful spring!!

I want to welcome back Christina Bui from her six-month detail to Department of Justice, Civil Rights Division as part of her training and development this year. Lola Hatcher-Capers is on detail to Department of Treasury as a Budget Analyst as a Presidential Management Career (PMC) intern program from OMB. Lola returns the end of June. OCR has two PMC Interns that just started with us: Camille Beben from Dept. of Energy and Kay Margaret-Cronk from Dept. of Treasury. Alpha Griffin is also a PMC intern here in OCR, who will return to USDA at the end of April. The PMC Interagency Rotation Program enables emerging Federal leaders at the GS 13, 14,15 levels to expand their management skills, broaden their organizational skills and foster networks they can leverage in the future. We also have Sally Kiel with us from GSA, also in the PMC program. I must publicly take time to recognize Tanisha Edmonds and Vanessa Green Victor for managing the Dept. FAD work load between them. That allowed Christina to be out of the office for six months and pick up new skills. Alvin Dillings and Sloan Farrell also completed FADs to keep the work flowing! The PCR division has reviewed and provided comments to a draft Section 504 compliance manual of the Rehabilitation Act of 1973 for BIE. BIE provides 504 training to all BIE funded schools. A real OCR team effort. Thanks!.

Ophelia continues to work with EEOC on the new data collection system. We are also working with IBC to improve the data collection system. Thankfully, we have Dr. Charles Davis of FWS to help all of us get the MD-715 out on time. See you next quarter! Sharon D. Eller

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### News from the Bureaus:

Each newsletter will highlight a report of events or information considered as a subject of choice from two bureaus.

**The featured Bureaus for this quarter's newsletter are the Office of Surface Mining (OSM) & the Bureau of Reclamation (BOR)**

### THE BUREAU'S QUARTER



### Office of Surface and Mining (OSM)

\*On March 28, 2013, in commemoration of Women's History Month and this year's theme "Women Inspiring Innovation through Imagination," the **Office of Surface Mining's Office for Equal Opportunity (OEO)**, sponsored a Lunch and Learn presentation titled "*Factor's Influencing Women in Science.*" The presenter Ms. Linda Gundersen is a recently retired scientist from the U.S. Geological Survey.

\***The Office of Surface Mining Reclamation & Enforcement (OSM) Office for Equal Opportunity (OEO)** held its annual Black History Month celebration on February 26, 2013. This year's program featured Dr. Elizabeth Lewis-Clark, professor of History and Director of Public History program at Howard University. Dr. Clark spoke on the contributions of African Americans to the coal mining industry, many of whom have made significant contributions to American Society, and the DOI's past recruitment and outreach efforts to African American students. Mr. Robert Stanton, Senior Advisor to the Secretary, who is well known throughout the Department for his recruitment efforts and partnerships with Howard University, introduced Dr. Clark. The celebration also featured Ms. DeAna Warren, guest soloist and student from Suitland High School Center of Visual and Performing Arts, in Suitland, Maryland.

Later this month, **OSM's Office of Equal Opportunity** will welcome its new Equal Employment Opportunity (EEO) Complaints Manager, Mr. David Williams.

### NPS: What happened with the **BOR (Reclamation)** this past quarter?

#### **BSEE EEO NEWS**

## **EXTRA! EXTRA!**

\*At the end of May, DOI Denver's first year of sponsoring **Project Search** will draw to a close. **Reclamation** Diversity Specialist Duriye Powell coordinated the program on behalf of DOI, in conjunction with the Jefferson County School District, Colorado Department of Vocational Rehabilitation (DVR) and the Developmental Disabilities Resources Center (DDRC).

Twelve students served three 10-week rotational internships in the **Denver Bureaus**, developing meaningful work and work life skills. This has been an amazing journey for all involved, as the students have blossomed and grown in confidence and capability. At least three initial permanent hires are scheduled from this first class.

**Reclamation** is in initial discussions with Jefferson County, DVR, and DDRC to plan for the 2014 school year. The potential for expanding the **Project Search** program to other federal agencies, as well as the private sector is being considered.