



National Institute of Food and Agriculture

U.S. DEPARTMENT OF AGRICULTURE



BIOENERGY, CLIMATE, AND ENVIRONMENT



FOOD PRODUCTION AND SUSTAINABILITY



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FOOD SAFETY AND NUTRITION



INTERNATIONAL PROGRAMS



# The Age Discrimination Act of 1975

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# USDA NIFA

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE



# Objective

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To provide an overview of The Age Discrimination Act of 1975, to include requirements, permissible use of age distinctions, and best practices.



“No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

*-- USDA's implementing regulations for the Age Discrimination Act at 7 CFR 15c.3(a)*



## The Age Discrimination Act of 1975

- Protects students, participants, beneficiaries, and applicants to federally financially assisted programs and activities.
- Protects individuals of any age from age-based discrimination.
- Permits the use of certain age distinctions and factors other than age that meet the Act's requirements.
- Enforced by the federal agency providing financial assistance to a program or activity.

## The Age Discrimination in Employment Act of 1967

- Protects job applicants and employees.
- Protects individuals 40 years of age and older.
- Applies to hiring, promotion, discharge, compensation, or other terms, conditions, and privileges of employment.
- Enforced by the Equal Employment Opportunity Commission.



# Prohibited Actions

- Recipients of federal financial assistance may not take any actions – directly or through contractual, licensing or other arrangements – that have the effect of:
  - Exclusion from a program or activity on the basis of age;
  - Denial of benefits of a program or activity on the basis of age;
  - Discrimination on the basis of age; or
  - Limitation in opportunity to participate on the basis of age.
- Recipients of federal financial assistance may not utilize age distinctions unless doing so under an Age Discrimination Act exemption.



“A recipient is permitted to take an action, otherwise prohibited by this section, if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity.”

*-- USDA's implementing regulations for the Age Discrimination Act at 7 CFR 15c.3(d)(1)*



# Permissible Use of Age Distinctions

- If a program or activity provides special benefits to the elderly or to children, the use of age distinctions are presumed to be necessary to the normal operation of the program or activity, and are allowable.
- Any age distinctions contained in a rule or regulation issued by USDA are presumed to be necessary to the achievement of a statutory objective of the program or activity to which the rule or regulation applies, and are allowable.
- A recipient can also take an action based on a factor other than age, which has a disproportionate effect on individuals based on age, if the factor bears a direct and substantial relationship to the normal operation of the program or activity, or to the achievement of a statutory objective.



# Permissible Use of Age Distinctions

- Age distinctions may also be used if they meet all three of the below requirements:
  - Age is used as a measure or approximation of one or more other characteristics.
  - The other characteristics must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity.
  - The other characteristics are impractical to measure directly on an individual basis.



# Examples of NIFA programs with Allowable Age Distinctions

- Children, Youth and Families at Risk Sustainable Community Projects.
- Expanded Food and Nutrition Education Program's youth programs.
- Youth Farm Safety and Education Certification. Program notices define youth as those between 12-19 years of age.
- Secondary Education, Two-year Postsecondary Education, and Agriculture in the K-12 Classroom Challenge Grants Program.
- Hispanic-Serving Institution Competitive Grants Program for Hispanic Agricultural Workers and Youth.



# Age-based Harassment

Involves unwelcome and offensive conduct that is based on a person's age, such as:

- Derogatory ageist remarks or jokes;
- Age-based insults;
- Remarks reflecting hostility or animosity toward older or younger individuals;
- Comments that reflect negative, age-based stereotypes.



# Retaliation

As with all civil rights laws, The Age Act prohibits retaliation or intimidation against any person who attempts to assert their rights under the Act or who cooperates with any mediation, investigation, or compliance review under the Act.

*7 CFR 15c.8*



# Best practices

- Include age discrimination in your institution's nondiscrimination policy.
- Add modules on age discrimination to your civil rights training.
- Make outreach efforts to all age groups.
- Ensure that age is included as a protected characteristic on your discrimination complaint forms and nondiscrimination statements.
- Double-check that the age distinctions in your federally funded programs and activities achieve a statutory objective.
- Examine and challenge implicit biases related to age – whether those biases apply to younger or older individuals.



# USDA Non-Discrimination Statement

In accordance with Federal Civil Rights law and U.S. Department of Agriculture (USDA) Civil Rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior credible activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>, and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.



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Civil rights webinars: <https://nifa.usda.gov/equal-opportunity-resources>. Password: “EqualOpportunity”



Extension

UNIVERSITY OF WISCONSIN-MADISON

# Language Access in Wisconsin

Prepared for USDA/NIFA Monthly Webinar  
February 16, 2022

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# Objective

To share UW-Madison Division of Extension's operational strategies for language access in programs and services statewide.

1. Language Access Plan
2. Centralized support for language access needs

# What do I mean by “language access?”

**Language access** refers to the strategic and systematic management of multilingual communication in all its forms.

Language access specifically refers to:

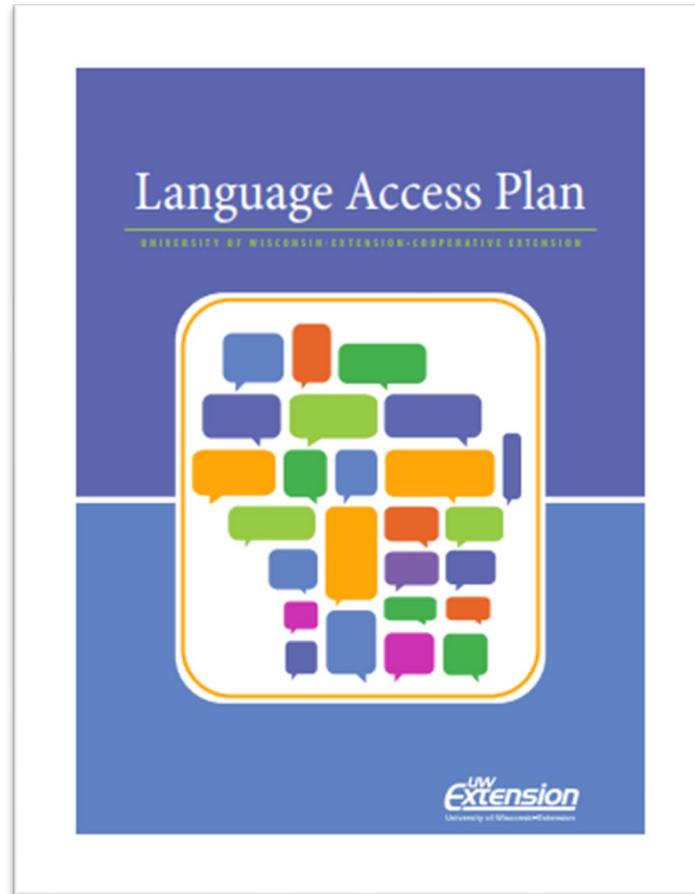
- a. Federal policy mandates to provide non-dominant speakers of English with meaningful access to Extension’s information, programs, and services
- b. Providing communicative accommodations for our clientele (e.g. multilingual documents, interpreter services, bilingual personnel)

(Ledesma, 2021)

# Evolution of language access in Extension

- [Translation & Interpretation Work Group Report \(2015\)](#)
  - Extension hires a Language Access Coordinator (2016)
- [Summative report on language groups in WI \(2016\)](#)
- Language Access Coordinator's initial assessment of language access needs (2016)
  1. [Divisional website that hosts language access resources, tools, policy guidance, data, reports, and other information](#)
  2. [Divisional Language Access Plan \(2018\)](#)
  3. Central roster of third-party language professionals and vendors
  4. [Create a centralized process for fielding statewide requests for language access accommodations](#)
  5. Language access awareness campaign for Extension professionals
- Office of Access, Inclusion, & Compliance (2019)

# Language Access Plan



# Language Access Plan (LAP): Successes & Limitations

## Successes

- Plenty of examples to guide state-level LAP development
  - [USDA/NIFA document](#)
  - [Division of Extension's LAP](#)
- Official document that establishes coherent
  - Policy
  - Implementation guidelines
  - Accountability structures
- Key component of our Federal non-discrimination responsibilities

## Limitations

- The LAP is an artefact
- Harmonizing policy & practice
  - Statewide implementation
- Balancing development of policy guidance and support systems
  - Data
  - Resources
  - Training
  - Coaching
  - Compliance efforts (documentation, reporting, etc.)



# Office of Access, Inclusion, & Compliance (O AIC)

# O AIC infrastructure (staffing, services, resources)

- Office of Access, Inclusion, & Compliance established (2019)
  - Equitable & inclusive programming
  - Workplace initiatives that espouse DEI priorities and principles
  - Civil rights compliance program
- Staffing (8 FTEs)
  - Includes two language professionals
    - Associate Language Access Coordinator (SPA-ENG)
    - Translation Project Manager (SPA-ENG)
- Central I.D.E.A. unit with a service-support model approach
  - Requests for translation, interpretation, and project consultations
  - Trainings & guidance documents

# O AIC's Language Access Support

Interpreter services

Document translation

Voice over for media projects

IDEA consultations for projects & programs

Coaching for linguistically inclusive strategies

Oral Proficiency Interviews

LEP Compliance

3<sup>rd</sup> party contract management

- T&I vendors
- Distance interpreter services

# Understanding statewide needs & impact

- [Data visualization of language access services](#) (2020)
- [Language access needs assessment for county offices](#) (2017)
- Process improvement surveys (to Employees)
- [Impact reports](#) compiled from our intake process (2017)
- [American Community Survey](#) (ACS) statistics

# Successes & Challenges

## Successes

- Statewide visibility
- Our progress moves language access *beyond* the status of a civil rights compliance matter
- O AIC “sandwich” strategy
  - The Division is investing significant resources a unit, personnel, and services
  - Service-support model is centered on equity and inclusion
    - Front-line approach
    - Holistic
    - Comprehensive

## Challenges

- Beyond “language access”
  - Ongoing education on how to carry out equitable and linguistically inclusive programming
- Most people still don’t know language access is a thing
- Limitations to current staff capacity
- Many public-serving institutions [still] operate in a paradigm that favors majoritized populations (i.e. predominantly white, able-bodied, non-immigrant, non-indigenous, monolingual, English-speaking persons)

# Questions & Discussion

Office of Access, Inclusion, and Compliance (OAIC)

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Video of this Training: [https://youtu.be/yg4xNk\\_Z9So](https://youtu.be/yg4xNk_Z9So)