

NON-DISCRIMINATION GUIDELINES

Our policy is to provide equal opportunity for all. We do not discriminate in any aspect of employment or service because of race, color, sex, national origin, religion, age, mental or physical disability (including HIV/AIDS), sexual orientation, or any other improper criterion.

Whether in Corporation offices or campuses, in other work- or service-related settings such as service sites, training sessions, or work- or social-related social events, such discrimination is unacceptable and will not be tolerated.

NON-DISCRIMINATION AND CIVIL RIGHTS

Non-discrimination and civil rights laws **protect everyone**, either directly or by what some call "reverse" suits.

Non-discrimination and civil rights laws are very complex, and neither direct evidence of discrimination nor direct proof of intent to discriminate is needed for discrimination to be found.

DEFINITION OF DISCRIMINATION

Dictionary: Different treatment.

Statutes: Different treatment **because of** a difference in race, color, religion, sex, national origin, age, mental or physical disability, or political affiliation.

Statutory Expansion: Different treatment **because of** retaliation or reprisal for:

- ▣ participating in the discrimination complaint process, or
- ▣ expressing opposition to an action made illegal by the civil rights acts.

CORPORATION FOR NATIONAL SERVICE CIVIL RIGHTS POLICY

Recognizing that the fabric of our society is strengthened by the diversity of its citizens, the policy of the Corporation for National and Community Service is to ensure a mutual respect for all differences among us.

Participation in the Corporation and its programs and projects will be based on merit and equal opportunity for all, without regard to factors such as race, color, national origin, sex, sexual orientation, religion, age, disability, political affiliation, marital or parental status, military service, or religious, community, or social affiliations.

By adhering to this policy, the Corporation will be able to foster civic responsibility, strengthen the ties that bind us together as a people, and provide educational opportunity for those who make a substantial commitment to service.

(in effect since June 1994)

DETERMINATION OF DISCRIMINATION

Direct evidence: Straightforward evidence can establish an action was **because of** prohibited discrimination. This can include, but is not limited to:

- 📖 Racial epithets, sexual slurs, repeated jokes about accent, religion, or heritage, requiring “English only”
- 📖 Direct or indirect comments or oral or written statements to complainant or others, etc.
- 📖 Presumptions about a person or capabilities based on stereotypes

Circumstantial evidence: Comparisons are made between persons who are **similarly situated** to one another, i.e., where it is reasonable to expect they would receive the same treatment under the circumstances. Unless a legitimate, non-discriminatory reason is given for the difference in treatment, it is presumed that the difference is because of the person’s race, sex, national origin, etc.

BURDEN OF PROOF

Generally, the **complainant has the burden of proof** and must establish the case by a preponderance of the evidence, i.e., if evidence is a football field, the complainant must carry the ball over the 50 yard line.

Exception: **direct evidence of discrimination is shown.**

Management has the burden of proof.

Exception: **both discriminatory and non-discriminatory motives are established**

Management must prove, by clear and convincing evidence that no discrimination occurred, and that the same action would have been taken.

If management meets this, it is still liable for discrimination. However, relief is limited to declaratory relief, certain injunctive relief, and attorney's fees and costs. Relief may not include personal relief such as retroactive hiring, reinstatement, and compensatory damages.

CLAIMS OF DISCRIMINATION

The Corporation encourages, but does not require, persons to first bring discrimination concerns to appropriate department or project personnel. Management should facilitate prompt resolution of these concerns.

At any time, persons who believe they have been subjected to discrimination in violation of discrimination provisions of applicable laws, regulations or this policy may raise a claim with the Corporation's Equal Opportunity Office. However, claims not brought to the EO Office within 45 days of occurrence may not be accepted in a formal complaint of discrimination.

The Corporation does not retaliate, or tolerate any attempt at retaliation, against a person who raises discrimination concerns in good faith.

Our EO Office may be reached at:

(202) 606-5000, ext. 312 (voice), (202) 565-2799 (TDD), eo@cns.gov, or through www.nationalservice.org.

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