

Office for Civil Rights and Civil Liberties Newsletter Vol. 14, #1 | September 2023

The Office for Civil Rights and Civil Liberties (CRCL) supports the U.S. Department of Homeland Security (DHS) as it secures the nation while preserving individual liberty, fairness, and equality under the law.



CRCL Holds EEO and Diversity Training Conference 2023

This month, CRCL hosted its third DHS Equal Employment Opportunity (EEO) and Diversity Training Conference, where approximately 250 EEO and Diversity professionals from across DHS gathered in person at the Transportation Security Administration Headquarters in Springfield, Virginia. Another 100 individuals participated remotely. The conference brought together the entire DHS EEO and Diversity workforce for the first time in five years.

The 2023 conference theme, *Governing Fair Employment Practices: Honoring 75 Years of Civil Rights in Federal Service* recognizes the 75th anniversary of Executive Order 9980 and the 50th anniversary of the Rehabilitation Act of 1973—two groundbreaking civil rights mandates, which marked a pivotal change by embedding the principles of equity and inclusion across the federal landscape. The theme pays tribute to the beginning of the Federal Government's decades-long commitment to ensuring equal employment opportunity for the American public, a commitment that DHS EEO and Diversity professionals work to uphold every day.

Over the course of three days, conference participants had the opportunity to engage in plenary sessions and cutting-edge breakout workshops led by experts from within the Department, other federal agencies, and the private sector, bringing a wealth of knowledge, insights, and fresh perspectives to the table. Participants heard remarks from Secretary Alejandro Mayorkas;

<u>Inside</u>

CRCL Holds EEO and Diversity Training
Conference 2023

<u>DHS Celebrates 50th Anniversary of</u> <u>Rehabilitation Act</u>

DHS Releases Title VI Fact Sheet

<u>DHS Announces AI Polices and</u> Measures Promoting Responsible Use

<u>CRCL and CISA Engage with South</u> Florida Stakeholders

<u>CRCL Engages with Stakeholders in</u>
Boston

<u>DHS Celebrates Hispanic Heritage</u> Month

DHS Celebrates Constitution Day and Citizenship Day

<u>September is National Preparedness</u> <u>Month</u>

CRCL on the Road

Contact Us

TSA Assistant Administrator for Civil Rights and Civil Liberties, Ombudsman, and Traveler Engagement, Christine Griggs; and CRCL's Officer for Civil Rights and Civil Liberties, Shoba Sivaprasad Wadhia.



DHS Secretary Alejandro Mayorkas provides remarks at the 2023 EEO and
Diversity Training Conference



DHS Secretary Mayorkas pictured with Veronica Venture, Deputy Officer and DHS Director of EEO and Diversity, CRCL (right) and Sara Fernandez, Equal Opportunity Specialist and Chair of the EEO and Diversity Training Conference Steering Committee, CRCL (left)

Conference attendees also had an opportunity to hear a panel discussion with Component leadership on how EEO and Diversity shaped their personal and professional experiences within DHS and beyond. Panelists included:

- Acting Commissioner Troy Miller, U.S. Customs and Border Protection (CBP);
- Director Jen Easterly, Cybersecurity and Infrastructure Security Agency (CISA);
- Deputy Administrator Holly Canevari, Transportation Security Administration (TSA);
- Admiral Steven Poulin, Vice Commandant, U.S. Coast Guard (USCG); and
- Director Kimberly Cheatle, U.S. Secret Services (USSS).

The conference concluded with an awards ceremony recognizing DHS employees from Headquarters and Operational Components, who have made a difference in promoting and achieving DHS's EEO, Civil Rights, and Diversity and Inclusion program goals.

DHS Celebrates 50th Anniversary of the Rehabilitation Act



Advancing Access and Equity – Then, Now and Next

On September 26, 2023, DHS celebrated the milestone 50th anniversary of the Rehabilitation Act of 1973 (Rehabilitation Act)—the landmark civil rights law prohibiting disability discrimination in the activities of the Federal Government. The passing of this historic civil rights legislation laid the groundwork for equity, access, and inclusion for people with disabilities in

programs conducted by federal agencies, programs receiving federal financial assistance, federal employment, and employment practices of federal contractors. The Rehabilitation Act would set the foundation for the Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008, which prohibit disability discrimination beyond the Federal Government, guaranteeing individuals with disabilities equal opportunity and full participation in many areas of everyday life.

To mark this golden anniversary, CRCL recently hosted a listening session with stakeholders to discuss disability access and equity at DHS and hear from our partners about the experiences of individuals with disabilities when they are served in a DHS or DHS-funded program or activity. CRCL Officer Shoba Sivaprasad Wadhia provided opening remarks and shared that DHS programs and services touch more people than any other federal agency, whether a person with a disability is traveling through an airport, crossing into our country at a border, becoming a naturalized citizen, or rebuilding their life following a disaster, DHS has an obligation to ensure nondiscrimination and equal opportunity under the Rehabilitation Act.

During the call, DHS Components highlighted their successes in disability access under Section 504 and in compliance with DHS Directive 065-01, which establishes the policy and mechanisms for ensuring nondiscrimination for individuals with disabilities served or encountered by DHS. Under this Directive, DHS Components complete <u>self-evaluations</u> by reviewing their facilities, programs, policies, and practices to ensure program accessibility, physical access, effective communication, and reasonable modification procedures are in place. DHS has recently released a report highlighting the <u>Department's achievements in disability access</u> under the Directive.

Participants then had an opportunity to ask questions, make comments, and share ideas involving disability access and Section 504 compliance at DHS. Attendees raised a number of questions involving disability access before, during, and after disasters and emergencies; during immigration-related encounters; and involving information technology (IT) systems and applications. CRCL will be developing a public read-out of the session and engaging Components in considering the points raised by stakeholders.

CRCL thanked participants for their continued partnership and noted that CRCL looks forward to continued engagement and ongoing dialogue on disability access and equity at DHS.

Read Officer Shoba Sivaprasad Wadhia's recent blog post: <u>DHS Celebrates the 50th Anniversary of the</u> Rehabilitation Act.

DHS Releases New Fact Sheet on Title VI Enforcement

As part of the Department's work to implement the Biden-Harris Administration's National Strategy to Counter Antisemitism, DHS clarified that Title VI of the 1964 Civil Rights Act, which prohibits discrimination based on shared ancestry or ethnic characteristics, also prohibits forms of antisemitic, Islamophobic, and related forms of discrimination and bias in federally funded programs and activities. By taking this historic step, DHS will be able to expand upon its commitment to further protect the civil rights of America's faith-based communities.

DHS joins the Departments of Agriculture, Health and Human Services, Housing and Urban Development, Interior, Labor, Treasury, and Transportation in producing fact sheets that describe ways in which Title VI lends protections to individuals of many different faith traditions such as people who identify as Jewish, Muslim, Sikh, Christian, Hindu, or Buddhist. Agencies have distributed these fact sheets widely to educate people in the United States about these protections. DHS enforces Title VI through DHS's Office for Civil Rights and Civil Liberties, and the Federal Emergency Management Agency Office of Equal Rights. Fact sheets will be available in multiple languages.

Title VI of the 1964 Civil Rights Act applies to all programs and activities supported by federal financial assistance. These protections are wide-ranging and provide important tools to prevent and curb discrimination based on race, color, and national origin, including shared ancestry or ethnic characteristics, and therefore prohibit certain forms of antisemitic, Islamophobic, and related forms of discrimination and bias.

Read the DHS Fact Sheet.
Read the entire Press Release.

DHS Announces New Policies and Measures Promoting Responsible Use of AI

The Department recently announced <u>new policies and measures promoting responsible use of Artificial Intelligence (AI)</u>, including a policy governing the use, acquisition, and security of AI, with a focus on the protection of civil rights and civil liberties (<u>DHS Policy 139-06</u>). CRCL is leading efforts to ensure that DHS activities that rely on AI operate in an accurate and unbiased manner, are fundamentally fair, and advance equity for those that the Department services.

In her position as Vice Chair of the DHS Artificial Intelligence Task Force (AITF), CRCL Officer Shoba Sivaprasad Wadhia leads the Responsible Use Group (RUG), which brings together a broad range of internal stakeholders to govern AITF projects. The RUG provides guidance, risk assessment, mitigation strategies, and oversight for the protection of individual rights in projects championed by the AITF. The RUG's work supporting AITF projects will help inform development of new policies that will define how the Department can manage AI risks and help DHS employees in the AI space learn essential skills to ensure that this powerful technology operates in a way that respects individual rights and privacy, is fundamentally fair, and advances equity. The RUG will also ensure DHS use of the technology is transparent and accountable because responsible use is everybody's business when it comes to implementing AI.

Read more about how DHS uses AI technologies: Artificial Intelligence | Homeland Security (dhs.gov)

CRCL and CISA Collaborate to Share Protection Resources with South Florida Stakeholders

Over the past several months, CRCL's Community Engagement Section has partnered with CISA Protective Security Advisors (PSA) to share physical security resources with faith-based community organizations in the South Florida region. This collaboration has built on CISA's longstanding engagement with South Florida faith-based organizations, including providing site assessments, trainings, and support during special observances and events. As a result of CRCL's ongoing work to establish connections with groups that have not previously accessed DHS resources, CRCL has met with several organizations seeking assistance to bolster their security posture against potential threats. CRCL has facilitated introductions to CISA PSAs, who have in turn delivered important tools and resources, including the Houses of Worship Perimeter Security Considerations infographic to groups representing LGBTQI+,

faith-based, and family-service organizations. Such collaboration highlights CRCL's commitment to build trust and foster solution-focused dialogue between communities and federal officials and support the Department-wide priority to address targeted violence in all its forms, including threats to schools, infrastructure, and houses of worship.

More information on CISA's resources for protecting houses of worship, included translated products, is available at: <u>Protecting Houses of Worship Resources</u>. To contact your local CISA PSA and other support, visit: <u>CISA Regions</u>. To contact CRCL Community Engagement regarding CRCL's South Florida engagements, please contact: <u>communityengagement@hq.dhs.gov</u>

CRCL Engages with Haitian Community Members in Boston

This month, CRCL representatives met with Haitian community members in Boston, Massachusetts to discuss CRCL's investigation of the September 2021 mass migration event in Del Rio, Texas. Representatives from CRCL's Compliance Branch shared key findings of the investigation and thanked community members who shared their stories with Compliance staff who investigated complaints filed by members of the public, which alleged poor conditions in the partially fenced staging area under the Del Río-Ciudad Acuña International Bridge where migrants waited for processing and transportation. The complaints also alleged disparate and discriminatory treatment based on race and nationality and concerns related to the deployment of USBP Horse Patrol Units. CRCL's Anti-Discrimination Group staff contextualized the recommendations for language access within CRCL's ongoing oversight of DHS Component language access plan implementation and advice to DHS Components in understanding and meeting their language access obligations. CRCL's Community Engagement staff facilitated the engagement, which included Haitian community faith leaders, service providers, and local civil rights partners.

<u>CRCL's Recommendation Memo to CBP Concerning Response to Migrant Activity in Del Rio, Texas</u> and the one-page <u>summary</u> are available here: <u>Transparency in Civil Rights Investigations</u>. For more information on Language Access in DHS Component Programs and Operations, visit the <u>DHS Language Access webpage</u>

DHS Celebrates National Hispanic Heritage Month



DHS proudly celebrates National Hispanic Heritage Month from September 15 through October 15. During this time, and throughout the year we celebrate the achievements, histories, traditions, and cultural diversity of Hispanic/Latino/Latinx Americans whose heritage is rooted in 20 Latin American countries and territories: Spain, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Colombia, Venezuela, Ecuador, Peru, Bolivia, Paraguay, Chile,

Argentina, Uruguay, Cuba, Puerto Rico, and the Dominican Republic.

This year's theme is "Todos Somos, Somos Uno – We Are All, We Are One" emphasizing the diversity inherent within the Hispanic community, as well as the power that comes from unity. The theme reinforces the need to ensure diverse voices and perspectives are welcomed in decision-making processes, thereby helping to build stronger communities and a stronger nation. At DHS, we recognize our Hispanic and Latino employees at every level of leadership for their dedication to protecting the American people, our homeland, and our values each day over the past 20 years. DHS strives to create an inclusive and equitable workforce reflecting the full talents of the country we serve.

National Hispanic Heritage Month began 50 years ago on September 15, 1968, as Hispanic Heritage Week under President Lyndon B. Johnson. President Ronald W. Reagan signed National Hispanic Heritage Month into law on August 17, 1988. National Hispanic Heritage Month begins on September 15th to recognize the anniversary of independence from Spain for five Latin American countries: Costa Rica, El Salvador, Guatemala, Nicaragua, and Honduras. The celebration also encompasses the declaration of independence by Mexico from Spain on September 16, 1821, Chile from Spain on September 18, 1810, and Belize from Great Britain on September 21, 1981.

DHS Celebrates Constitution Day and Citizenship Day - September 17, 2023

Each September 17th, our nation celebrates the formation and signing of the most influential document in American history, the <u>U.S.</u>

<u>Constitution</u>. This document established the framework of our government and protects the fundamental rights and freedoms that "We the People" enjoy today. To honor this enduring document, Congress designated September 17 as "Constitution Day and Citizenship Day" and later named the week beginning September 17 and ending September 23 each year as "Constitution Week." During



this time, we pause to reflect on the rights and responsibilities of citizenship and the principles of our democratic process. On this day we also welcome new citizens from every part of the world and celebrate their contributions to our country and our democracy.



<u>September is National Preparedness Month</u>

Each September we recognize National Preparedness Month to raise awareness about the importance of preparing for disasters and emergencies that could happen at any time. Learn more about how to prepare today!

Plan Ahead for Disasters | Ready.gov

CRCL on the Road, September*

Seattle, Bellingham, and Spokane, Washington From September 5-8, CRCL hosted stakeholder engagements in Seattle, Bellingham, and Spokane. Boston, Massachusetts On September 15, CRCL hosted a stakeholder engagement in Boston.

*CRCL's Community Engagement team conducts in-person, virtual, and hybrid engagements with federal, state, local, and civil society stakeholders across the country. We remain available to respond to any stakeholder questions or concerns via email at: CommunityEngagement@hq.dhs.gov.

Additional information, and contacting us

The goal of this periodic newsletter is to inform members of the public about the activities of the DHS Office for Civil Rights and Civil Liberties, including: how to file complaints; ongoing and upcoming projects; opportunities to offer comments and feedback; etc. We distribute our newsletters via our stakeholder email list and make them available to community groups for redistribution. Issues of the newsletter can be accessed online at: www.dhs.gov/crcl-newsletter.

If you would like to receive this newsletter via email, want to request back issues, or have other comments or questions, please let us know by emailing crcloutreach@hq.dhs.gov. For more information, including how to make a civil rights or civil liberties complaint about DHS activities, visit: www.dhs.gov/crcl.

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