

PERFORMANCE PLAN FOR FISCAL YEAR 2008

US COMMISSION ON CIVIL RIGHTS

Our Mission

The United States Commission on Civil Rights (referred to as the “Commission”) is an independent executive branch agency whose mission is to inform the development of national civil rights policy and enhance enforcement of Federal civil rights laws. We pursue this mission by investigating alleged deprivations of voting rights and allegations of discrimination on the basis of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

Our agency performs an important role in identifying emergent civil rights trends and evaluating Federal agency civil rights enforcement programs. As the only independent agency in the Federal government to be exclusively concerned with the full range of issues related to civil rights, we are charged with informing the President, Congress and the public about current civil rights issues, including discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

The Government Performance and Results Act (GPRA) requires agencies to prepare an annual performance plan that covers each program activity set forth in the agency’s budget. This document constitutes our performance plan for fiscal year (FY) 2008.

Performance Plan

We have a total budget of \$8.4 million for FY 2008 and a staff of 42 full-time employees.

Total Agency Budget	
FY 2006	\$8.9 million
FY 2007	\$8.9 million
FY 2008	\$8.4 million

Our plan is to aggressively execute our mission consistent with these budgetary and human capital resources.

Employment Summary					
	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Total Onboard Civilian Full-time Employees	63	55	46	41	42

Commission activities in FY 2008 primarily focus on soliciting the input of renowned scholars and experts during multiple public briefings. During these sessions the invited scholars, experts and others share their experience, research, and recommendations for

changes to national civil rights policy and enforcement. This and other information collected by us will be considered and reflected in briefing reports that will contain specific findings and recommendations for action.

Also during FY 2008 we will conduct original research, increase our use of our State advisory committees (SACs), use our complaint referral program to partner with other federal agencies and share information, and continue improving our management and overall performance.

Our annual plan is explained in the following sections. Sections I through V provide an overview of the key elements of our FY 2008 performance plan. Section VI, organized by strategic goal, is a more specific discussion of the plan and our performance targets.

I. Holding Civil Rights Briefings and Issuing Reports

We plan to complete eight national office briefings on current and emergent civil rights issues of interest to the President, Congress, and the public.

- Religious Discrimination and Prisoner Rights
- The Patriot Act and Anti-Arab/Anti-Muslim Discrimination
- Religious Discrimination in K-12 Schools
- Corporate Diversity
- Racial Profiling: US Department of Justice Remedies
- Title IX in College Athletics: Is Cheerleading a Sport?
- Review of the Community Reinvestment Act
- The Faith-Based and Community Initiative

These briefings are a forum for various subject matter experts, with different views, opinions, and perspectives, to discuss civil rights issues. The panels of experts will include researchers and social scientists, lawyers, federal and state government decision-makers, national and local organizations, and those directly affected by the policies or alleged discrimination. Related briefing reports will be completed during FY 2008 and FY 2009.

Our performance plan also includes completing and approving several briefing reports based on briefings held in previous years. These reports may include:

- The Effectiveness of Historically Black Colleges and Universities,
- Minorities in the U.S. census,
- Racially Identifiable School Districts in Omaha,
- Minority Children in State Foster Care,
- School Choice and Anti-Catholic Blaine Amendments,
- Voter Fraud and Intimidation,
- Domestic Wiretapping, and
- Supplemental Education Services Under *No Child Left Behind*.

II. Completing an Annual Statutory Report on Federal Civil Rights Enforcement

The Commission's statute requires the completion and submission of an annual report that examines some aspect of Federal agency civil rights enforcement. This report is referred to as our "statutory report". In FY 2008, no later than September 30, 2008, this report will be issued on the topic of religious discrimination and prisoner rights. The report will deepen the understanding of the public, policy-makers, prison officials and others involved in corrections, of why, how, and to what degree religious discrimination takes place in federal and state prisons. Our work on this topic will identify:

- the efforts underway to combat religious discrimination in prisons,
- the degree to which religious discrimination has decreased or increased following the September 11, 2001, terrorist attacks on the United States,
- the ability of faith-based organizations to participate in traditional programs for prisoners,
- the accommodation of and discrimination against, the religions preferences and needs of prisoners, and
- the government's efforts to enforce federal civil rights laws prohibiting religious discrimination in the administration and management of federal and state prisons.

This report, like all our reports, will be transmitted to the President, members of Congress and other identified stakeholders by direct mail, and made generally available to the public via our Web site and in our civil rights library.

III. Increasing Our Utilization of State Advisory Committees

The Commission is charged with maintaining 51 State advisory committees or SACs, one in each state and the District of Columbia. Our performance targets for the SACs support the increased use of our SACs in data collection and research at the state and local levels.

We aim to consistently include our SACs in planning our national program activities by soliciting their ideas for national activities and SAC follow-up activities to national projects. This will be documented by issuing a written solicitation of input in or before October of each year. With greater SAC participation in our research, our national reports will increasingly reflect a state and local perspective and become an even more reliable source of information for state policy-makers.

Unless a SAC has an active 2-year charter it is unable to operate and support our mission. In FY 2007, 17 of 51 SACs were chartered, five advisory committee civil rights reports were issued, 16 advisory committee briefings, forums, and fact-finding meetings were held, and 143 advisory committee members were recruited under new agency criteria. During FY 2008, we plan to attain an average SAC member appointment packet and re-charter approval time of 60 days for newly expiring committees¹, increase the number of

¹ The 60-day target applies to approval by the staff director.

charters active during the year by 85 percent, and reduce the backlog of currently un-chartered SACs by 25 percent.

IV. Processing and Referring Civil Rights Complaints

Beyond supporting our SACs and informing policy-makers, the public, and scholars we will continue assisting citizens by serving as a clearinghouse for complaints and making timely and appropriate referrals to federal and state agencies with enforcement authority. During FY 2008 we will ensure that complaints we receive are timely processed and referred to the appropriate agencies within 30 days of receipt.

We aim to continue assisting Congress by increasing our contacts with congressional committees responsible for civil rights legislation. These contacts and consultations will allow us to:

- identify areas where we could provide research and data to inform the congressional debate on a range of civil rights issues,
- provide Congress timely and relevant information and data, and
- make ourselves available to provide expert testimony.

V. Continuing Improvement in our Financial, Operational, and Program Management

We are committed to serving as a model of management excellence, integrity, efficiency and accountability. In light of the importance of our mission we believe that the American people deserve no less from us. During FY 2008 we will, among other things:

- build upon reforms previously put into place for improving budget integration and providing accountability for performance at the office and/or division levels,
- complete and publish agency performance plans,
- complete a human capital and accountability system,
- complete succession planning,
- use performance management software,
- improve performance reporting, and
- reduce FISMA deficiencies.

In this vein, we will continue meetings with the Office of Personnel Management on the completion of our human capital and accountability system, consulting with the Office of Management and Budget on performance improvement, and working with the Small Agency Council Chief Information Officers' Council on information technology and security.

Performance Plan and Targets by Strategic Goal

VI.

To accomplish our mission we developed an FY 2008 annual plan based on the following four strategic goals:²

- Supporting a national conversation on current civil rights issues that identifies the priorities for policy makers;
- Enhancing the ability of federal agencies to raise public awareness and efficiently and effectively execute their civil rights enforcement responsibilities;
- Serving as an authoritative national clearinghouse and repository of civil rights data and information; and
- Normalizing the Commission's financial and operational controls, and modernizing its information technology, management and dissemination.

Below we discuss strategic objectives and plans for each of our four strategic goals, as well as performance targets. GPRa also requires agencies to briefly describe the operational processes; skills and technology; and the human capital, information, or other resources required to meet the agency's performance goals. This information is also presented in the following discussion.

Our strategies for accomplishing the objectives of goals 1 through 3 include, but are not limited to:³

- Examining various federal and state laws and regulations that are applicable to the various briefings and reports;
- Planning briefings on substantive civil rights policy issues that include presenters with varied and opposing views and perspectives on a range of civil rights issues;
- Using public briefings, and related press releases and advisories, to raise public awareness of civil rights laws prohibiting discrimination and current civil rights issues;
- Collecting civil rights data and other relevant information from several federal agencies;
- Providing the public an opportunity to submit comments and provide additional information on issues that are examined by the Commission; and
- Beginning the initial planning and preparations for a national conference or forum in FY 2009 on civil rights in the 21st century.

² The agency's FY 2008 budget submission and annual performance plan are crafted around a draft Strategic Plan that contained these four goals. Subsequently, we adopted a final *Strategic Plan for FY 2008-FY2013* in October 2007 which is available on the Commission's Web site.

³ Many of the strategies discussed in this plan were adopted prior to the final approval of the *Strategic Plan for FY2008-FY2013*. Additional strategies identified in the final strategic plan may also be implemented in FY 2008.

To further support strategic goal 3, we will review GAO report and recommendations, evaluate and monitor implemented corrective actions, and revise actions as determined necessary to achieve desired results; and use designated senior agency managers to evaluate and monitor internal controls and operations, and propose appropriate corrective measures.

The fourth strategic goal, which focuses on improved management and accountability, relies upon these and other strategies:

- Expanding the collection of financial and performance data to improve budget integration and provide accountability for performance at the office and/or division levels;
- Ensuring that office and division heads understand and comply with internal policies requiring that proposed program activities be linked to the Commission’s five-year strategic plan in order to be proposed for funding;
- Requiring office and division heads to develop an annual performance plan and measures that are linked to the Commission’s five-year strategic plan;
- Resolving financial audit weaknesses (if any);
- Implement internal control and financial management changes, as necessary, to receive a clean financial audit in FY 2009;
- Develop, implement, and evaluate the effectiveness of existing human capital management systems to ensure that support the President Management and the Commission’s strategic goals and objectives; and
- Formalize the role of regional operations in the program planning process.

In reviewing the below comparative charts on strategic goals, performance targets, and activities and strategies it should be remembered that some of the FY 2008 strategic goals and performance targets are not applicable to FY 2007. The strategic plan for FY 2007 was in draft and is different in some respects from the plan used for FY2008.

<p>Strategic Goal 1 <i>Support a national conversation on current civil rights issues that identifies the priorities for policy makers.</i></p>
<p>Objectives:</p>
<p>1. Reinvigorate the Commission’s State Advisory Committees (SACs).</p>
<p>2. Energize the Commission’s SACs by enhancing their institutional role in program planning and increasing their productivity.</p>
<p>3. Commission a 50-state report, requesting the Commission’s individual SACs to identify civil rights priorities facing their states/regions.</p>

4. Convene a national conference in FY 2009 to elicit varied, multidisciplinary and bipartisan perspectives on civil rights in the 21st century.

During FY 2008 we aim to:

Hold three public civil rights briefings on current topics that are of interest to the public and policy-makers, specifically:

- Faith-Based and Community Initiatives,
- Community Reinvestment Act, and
- Patriot Act and Anti-Arab/Anti-Muslim Discrimination.

Increase the number of re-chartered SACs.

Decrease the backlog of un-chartered SACs.

Decrease the amount of time required to renew expiring SAC charters.

Include the SACs in national program planning.

To support a proposed FY 2009 national civil rights conference we plan to establish a working group in FY 2008 to handle preliminary planning and coordinate the effort. The national conference will result in a report in FY 2010 that will be distributed to stakeholders through our website, direct mail, and our Rankin National Civil Rights Library.

This conference will serve as the vehicle for identifying any areas where our powers and mission could be expanded to make our agency more effective. The target is the identification of at least 4 areas by FY 2010 and the issuance of a “white paper” or other document suitable for distribution by FY 2011. This information will lay the foundation for updating the Commission’s Strategic Plan in 2011.

Annual Performance Targets for Strategic Goal 1		
	FY 2007 (actual)	FY 2008 (target)
Increase the # of SACs re-chartered	33% chartered (Baseline Year)	85%
Eliminate the backlog of un-chartered SACs	13% reduction (Baseline Year)	25%
Achieve an average re-charter time of 60-days	N/A	60 days
Complete public briefings	6	3
Complete reports	3	3
Provide SACs an opportunity to provide input on programming	1	1

Budgetary Resources for Goal 1 Briefings and Reports		
	Total Cost	Total Hours
The Faith-Based and Community Initiative	\$77,982	1,565
Review of the Community Reinvestment Act	\$88,479	1,565
The Patriot Act and its Relationship to Anti-Arab/Anti-Muslim Discrimination	\$47,489	1,043
Regional Activities (e.g., SAC recruitment, re-charters, and meetings, reports)	\$2,072,377	33,392
TOTAL	\$2,286,327	37,565

Strategic Goal 2

Enhance the ability of federal agencies to raise public awareness and efficiently and effectively execute their civil rights enforcement responsibilities.

Objectives:

1. Study the role and effectiveness of the different federal enforcement agencies and make recommendations as to how those agencies might enhance their effectiveness.
2. Partner with other federal civil rights agencies to raise public awareness of civil rights laws.
3. Partner with other civil rights agencies to collect and analyze data on various civil rights topics.
4. Partner with other civil rights agencies in studying the effectiveness of current civil rights laws, in developing reasonable interpretations of unclear laws, and in making recommendations for updates or changes to current law.
5. Promote public awareness of current civil rights laws, remedies and enforcement agencies.

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By using the strategies previously mentioned we aim to:

Publish an annual statutory report on the civil rights enforcement efforts of a federal agency.

⁴ We plan on having 85% of our SACs (forty-three SACs) chartered in FY 2008.

⁵ The baseline number for the backlog is 34 SACs. Consequently, eight SACs should be re-chartered from the backlog to reduce it to twenty-six.

This applies to SAC charters expiring after January 30, 2007 and 60 days refers to approval by the staff director.

⁷ This performance target was not applicable in FY 2007. During FY 2007, as per our *Performance and Accountability Report*, Strategic Goal 1 provided that the Commission would “Conduct hearings, briefings, and issue civil rights-related reports; Examine allegations of the denial of the right to vote; and Study and collect data on denials of equal protection or in the administration of justice.”

⁸ During FY 2007 the performance target for then existing Strategic Goal 1 created a target of six briefings during the entire year. In FY 2008, we plan to conduct a total of eight briefings, three of which are specifically aligned with the new FY 2008 Strategic Goal 1.

⁹ SAC input should be solicited, at least annually in October, for national program planning and ideas for SAC follow-up activities on national office projects at the regional, state, and local levels.

¹⁰Cost includes the briefing and briefing report.

- Religious Discrimination and Prisoner Rights
- Conduct two briefings and issue related briefing reports.
- Religious Discrimination and Prisoner Rights
 - Racial Profiling: US Department of Justice Remedies
- Receive and promptly refer citizen and other civil rights complaints to the appropriate federal agencies.

Annual Performance Targets for Strategic Goal 2		
	FY 2007 (actual)	FY 2008 (target)
Issue statutory report by September 30th	1	1
Increase congressional contacts	2 (Baseline Year)	Baseline + 20%
Host briefings or hearings on civil rights issues	N/A	5
Issue press releases on civil rights issues	18	10
Hold press conference on the statutory report or other significant Commission publication or activity	N/A	1
Post all public meeting, briefing transcripts, and approved reports on the website	12	21
Maintain a 30-day complaint referral response time	100%	100%
Increase participation in public policy symposia and venues	0 (Baseline Year)	Baseline +1%

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Budgetary Resources		
	Total Cost	Total Hours
Religious Discrimination and Prisoner Rights (briefing and briefing report)	\$218,485	4,174
Racial Profiling: US Department of Justice Remedies	\$95,278	2,087
Religious Discrimination and Prisoner Rights (statutory report)	\$349,597	5,217
Civil Rights Monitoring	\$49,084	2,087
Complaint Processing	\$53,490	2,087
TOTAL	\$765,934	15,652

Strategic Goal 3

Serve as an authoritative national clearinghouse and repository of civil rights data and information.

Objectives:

1. Strengthen the quality and objectivity of the Commission's reports.
2. Collect and analyze data on disparities among racial and ethnic groups, between the sexes, between the disabled and those who are not disabled, and among other protected classes.

¹¹ This performance target was not applicable in FY 2007. Strategic Goal 2, as applicable in FY 2007, called for the agency to "Promote greater public awareness of civil rights issues, enforcement efforts and protections, and serve as a national clearinghouse for credible and reliable civil rights information." Briefings were not specifically associated with this goal in FY 2007.

¹² This applies to complaints received by headquarters.

¹³ The cost includes the briefing and briefing report.

Strategic Goal 3

Serve as an authoritative national clearinghouse and repository of civil rights data and information.

3. Issue reports that assess the credibility of discrimination allegations and, where discrimination is found to be present, illuminate the causes of such discrimination, and make recommendations for policy changes that will address the problem.

4. Conduct original research.

By using the strategies previously mentioned we plan to:

- Conduct three briefings and issue briefing reports.
 - o Religious Discrimination in K-12 Schools
 - o Title IX in College Athletics: Is Cheerleading a Sport?
 - o Corporate Diversity

Conduct project follow-up, as determined necessary, within the limits of existing resources.

Fully implement adopted GAO recommendations regarding national office report quality and utilization of the state advisory committees.

To support the objectivity and quality of our reports we will develop and implement critical to quality (CTQs) indicators, improve the uniformity of our report production process, and monitor the results of reforms adopted to ensure that the report process supports the inclusion of varied and opposing points of view and perspectives.

We will also use designated senior agency managers to evaluate and monitor internal controls and operations, and propose appropriate corrective measures.

Annual Performance Targets for Strategic Goal 3		
	FY 2007 (actual)	FY 2008 (target)
Implement adopted GAO findings and recommendations	95% (Baseline Year)	95%
Host briefings on civil rights issues	N/A	3
Incorporate original social scientific research into Commission reports	1	1

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Budgetary Resources		
	Total Cost	Total Hours
Religious Discrimination in K-12 Schools	\$47,489	1,043

¹⁴ Implementation should be consistent with any Commissioner-approved timeline.

¹⁵ Strategic Goal 3, as applicable in FY 2007, call for the Commission to “Evaluate and identify ways of improving the effectiveness and efficiency of federal agency enforcement of civil rights laws and policies.” Associated with the FY 2007 goal was the completion of the annual statutory report evaluating federal agency enforcement and two briefing reports.

Budgetary Resources		
	Total Cost	Total Hours
Corporate Diversity	\$47,489	1,043
Title IX in College Athletics: Is Cheerleading a Sport?	\$104,654	2,087
Civil Rights Library Services	\$181,394	4,174
Management Initiatives	\$49,084	2,087
TOTAL	\$430,110	10,434

Strategic Goal 4

Normalize the Commission's financial and operational controls, and modernize its information technology management and dissemination.

Objectives:

1. Adhere to integrated budgeting, planning, and performance management.
2. Effective financial management; demonstrated financial accountability; streamline and/or reorganize the Commission's structure to efficiently execute its mission and make efficient use of its appropriations.
3. Continued implementation of GAO recommendations.
4. Modernize information technology management and infrastructure to enhance program efficiency and obtain structural cost savings.

By deploying the strategies outlined for this goal we anticipate:

- Fully complying with OMB Circular A-11 on performance budget preparation.
- Fully implementing recommendations made by OPM and GAO related to human capital management systems.
- Obtaining the input of our regional offices and state advisory committees in preparation for the annual program planning process.
- Resolving outstanding financial audit weaknesses (if any) in preparation for a clean financial audit in FY 2009.

We have significantly reduced our number of Federal Information System Management Act (FISMA) deficiencies, down from twelve to two. The remaining two are planned for elimination in FY 2008 with the finalization of our contingency operations (COOP) plan and new procedures for operating our IT system on an interim basis.

Also during FY 2008 we plan to:

- Provide managers training on linking program activities to our strategic plan,
- Complete our human capital accountability plan,

Complete our Records Management Schedule,
 Develop an assessment work plan of the effectiveness of our organizational structure, and
 Begin preliminary research on the establishment of a “Firstgov”-type website by FY 2012.

Annual Performance Targets for Strategic Goal 4		
	FY 2007 (actual)	FY 2008 (target)
Full compliance with OMB A-11 guidance for integrated budget by FY 2010	N/A	Baseline Year
Receive a PART score of at least “moderately effective”	N/A	Baseline Year
Receive a “clean” or unqualified financial statement audit	“Clean Audit”	“Clean Audit”
Conduct an assessment during FY 2008 of the effectiveness and efficiency of the Commission’s current administrative structure	N/A	Complete Assessment
Implement adopted GAO and OPM audit findings and recommendations that address financial and operational procedures.	N/A	Baseline Year
Execute workforce planning and human capital accountability systems	N/A	Complete in FY 2008

¹⁶ **Verification and Validation of Agency Information**
VII.

Office and division heads are responsible for tracking, collecting, and reporting performance data for their respective office/division. This data is used to measure actual performance against target performance at both the agency and office/division levels, as well as evaluate efficiency.

Program Evaluations
VIII.

We conduct or plan to conduct several evaluation activities to inform management decision-making concerning the effectiveness of the agency's program. Included among them are:

- the use of weekly status meetings with executive staff that includes the heads of program and administrative/operational offices and divisions,
- the use of performance management software to align, allocate, and track the use of resources and progress on performance targets,
- the use of Master Schedules to manage the advisory committee appointments and the committee chartering process; and

¹⁶ In FY 2008 this also includes finalizing our contingency operations (COOP) plan, issuing new procedures for operating our IT system on an interim basis, and resolving previously identified FISMA deficiencies.

the use of periodic office and division staff meetings to monitor and evaluate progress on office/division performance targets.

IX. Management Challenges and Mitigating Factors

Several external and internal factors could affect our ability to achieve the performance described for FY 2008. These factors include:

- changes to our requirements governing report production (including various review and approval requirements),
- the extent to which affected agencies provide complete and prompt responses to our interrogatories, requests for documents, and other discovery requests,
- the occurrence of an unforeseeable or emerging civil rights issue,
- unanticipated congressional requests,
- staff attrition,
- resources inadequate to support additional agency hiring, and
- the reauthorization of the agency.

Recent attrition in our regional offices, and our inability to fill these vacancies due to budgetary concerns, have created a lack of institutional knowledge concerning the re-chartering process. The ability of regional office staff to balance the time demands related to chartering newly expiring SACs and eliminating the backlog of expired charters is related to our funding level. For example, in FY 2007, four of the six regional offices responsible for supporting the SACs had no director during most of the fiscal year due to budgetary concerns.

National reports, though required to be completed within 12 to 18 months, could take longer if the backlog of eight reports from prior years is to be completely eliminated in FY 2008.

Our ability to sustain cross-training for procurement and budget staff, and retain a full-time procurement specialist continue to be challenges. The risks created by these challenges include loss of momentum on the implementation of new internal controls, increased risk of unauthorized transactions, and increased risk of inadequately document non-payroll related financial transactions. The continued vacancy of our director human resources position will delay completion and implementation of our human capital and accountability system.

Continued improvement in our ability to align proposed program activities to agency goals and objectives is essential to properly evaluating our performance. Moreover, the ability of our offices and divisions to increase the accuracy of their estimated activity costs (both human and budgetary) during our budget formulation process is essential to the efficient use of our financial resources and agency planning.

