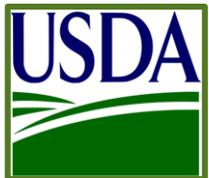




FOOD BANK
of ALASKA

Civil Rights Training



What are Civil Rights?

Civil rights are the non-political rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments to the U.S. Constitution and Acts of Congress.

Purpose of Civil Rights Training

- § Equal and consistent treatment for all applicants and beneficiaries
- § Knowledge of rights and responsibilities
- § Elimination of illegal barriers that prevent or deter people from receiving food
- § Dignity and respect for all
- § Awareness of perceptions of favoritism, even if it is unintentional

Civil Rights Training

- § State agencies are responsible for training sub recipient agencies on an annual basis.
- § Sub recipient agencies are responsible for training their program staff and local sites, including “frontline staff” who interact with applicants or participants on an annual basis.
- § New employees before participating in Program activities.
- § Volunteers must receive training appropriate to their roles and responsibilities.

Civil Rights Legal Authorities

§ Title VI of the Civil Rights Act of 1964

- **Race, Color, and National Origin**

§ Civil Rights Restoration Act of 1987

- **Clarifies the scope of the Civil Rights Act of 1964**

§ Section 504 of the Rehabilitation Act of 1973, Americans w/Disabilities Act (ADA) of 1990, Americans with Disabilities Act Amendments Act of 2008

- **Disability**

§ Title IX of the Education Amendments of 1972

- **Sex**

§ Age Discrimination Act of 1975

- **Age**

What is discrimination?

Discrimination is defined as different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on a protected class.

What is a Protected Class?

Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order. Protected classes in USDA Nutrition Programs are race, color, national origin, age, sex, and disability, religious and political beliefs.

Types of Discrimination

Disparate Treatment- Discriminating behavior of an individual or class of people based on a particular belief

Disparate Impact- Rules, policies or guidelines not intended to cause discrimination but exclude a particular class of people

Retaliation- Deliberate discrimination as a response or revenge

Disability Discrimination

What is the definition of *disability*?

- ⌘ A person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.
- ⌘ Major life activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Disability Discrimination

- ⌘ Sections 504 of the Rehabilitation Act of 1973 and USDA implementing Regulation, 7 CFR Part 15b
 - prohibits discrimination based on disability in programs or activities receiving Federal financial assistance.
- ⌘ Americans with Disabilities Act (ADA), 28 CFR Part 35, Title II, Subtitle A
 - prohibits discrimination on the basis of disability in all services, programs and activities provided to the public by State and local governments.
- ⌘ These Civil Rights laws protect persons with disabilities if they are potential applicants or participants in any FNS funded programs.

Disability Discrimination

- § There is also an obligation to ensure that members of the public are provided accommodations in order to access program information, applications and assistance (i.e. Braille, large print, and audio tape)
- § Providing qualified sign language interpreters for persons with hearing disabilities may be necessary to effectively communicate with these applicants and participants.

Civil Rights Compliance

In order to be in compliance with USDA Civil rights regulations, your organization must adhere to four requirements:

1. Public Notification
2. Include Non-Discrimination Statement on all publications
3. Have a plan to address Limited English Proficiency requirements
4. Educate staff and volunteers annually on civil rights and customer service, and how to respond to a request to file a civil rights complaint

Public Notification

Elements of Public Notification:

- ⌘ Program Availability- Inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation.
- ⌘ Provide appropriate information in alternative formats for persons with disabilities or with Limited English Proficiency
- ⌘ Ensure that the “And Justice for All” poster is posted where clients can see it

Nondiscrimination Statement

“In accordance with Federal Law and U.S.D.A. Policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability. To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (800) 795-3272 or (202)720-6382 (TTY). USDA is an equal opportunity provider and employer”

Short Version

“This institution is an equal opportunity provider”

- May be used where the longer statement does not fit
- Must be in font size no smaller than font size used in rest of publication
- It is required to maintain a file with samples of pamphlets or fliers showing the non-discrimination statement

“And Justice For All” Poster

All sites must display posters
in a prominent location for all
to view.



Limited English Proficiency (LEP)

Definition- Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Recipients of Federal financial assistance have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency.

Complaints of Discrimination

- § Complaints shall be accepted and forwarded to USDA;
- § Complaints must be filed within 180 days from the alleged act of discrimination;
- § Complaints may be written, verbal, or anonymous;
- § State agencies or sub recipient agencies may develop their own complaint forms, but the use of such forms cannot be a prerequisite for acceptance;
- § A **separate** Civil Rights complaint log shall be maintained by the State & sub recipient agency;
- § Confidentiality is extremely important and must be maintained.

Types of Complaints

Customer Service Complaint- There has been a break down in service, and can result from a lack of customer focus, being insensitive, demonstrating a lack of understanding

Civil Rights Complaint/Discrimination- Are characterized by the complainant verbalizing or submitting in writing that they feel they have been treated unfairly or discriminated against due to a protected class basis.

Types of Discrimination

Differential Treatment

Disparate Impact

Reprisal/Retaliation

Differential Treatment

- Refusing Service
- Using different eligibility criteria for certain applicants
- Treating recipients differently based on protected class
- We will not provide you with a food box because you are...

From a different country, An Atheist, A supporter of Senator X

Disparate Impact

Discrimination that is not intentional, but has that effect.

A rule, policy, or practice may be neutral on its surface, but it impacts a protected class disproportionately.

Retaliation

Retaliation means negative treatment of someone because they filed a complaint or complained about discrimination or testified as a witness in a complaint investigation.

Retaliation could involve denial of service, harassment, intimidation, etc.

Retaliatory behavior can result in a finding of discriminatory retaliation even if the original complaint filed by the individual is baseless.

Complaints and Conflict Resolution

Be patient, be polite, and breathe

Avoid sarcasm

Be empathetic. Understand that people may not know the rules or understand how programs work. They may feel uncomfortable coming to ask for help

Smile when appropriate-help people to feel welcome and valued

Explain policy and let them know we may get in trouble if we do anything that violates the rules

Don't be afraid to apologize

Don't feel you need to have the last word

File a complaint form, if needed

When a Client wishes to file a complaint..

- Acknowledge and address the complaint
- Be willing to assist in the resolution
- Assist person in completing a complaint form
- Be aware of the basis for which complaints may be filed: race, color, national origin, age, sex, disability, etc...
- Never discourage groups or individuals from filing complaints, or from voicing allegations of discrimination
- If client declines to complete the complaint form in writing, you must complete it for them from their verbal complaint.

Filing a Complaint, cont'd.

- The client may also call FBA if they do not wish to file a complaint in writing
- Agencies cannot refuse to assist with filing the complaint or create barriers
- Notify FBA of complaint immediately
- Complaints can be filed within 180 days from alleged act of discrimination
- Keep records of all complaints for at least 6 months

Complaints Process

- Investigation by USDA Office of Civil Rights, State of Alaska, Food Bank of Alaska
- Investigation involves a review and evaluation of facts
- Complainant is informed of decision and can appeal if they choose
- Penalties for the agency-possible loss of privilege to distribute USDA product
- Possible lawsuit

Things to Remember

In order to reduce the risk of a civil rights discrimination complaint, ask yourself the following questions each time an applicant comes to your program:

- Am I treating this person in the same manner that I treat all others?
- Have I given this person the opportunity to clarify all relevant factors/inconsistencies?
- Have I told this person exactly what information I need for the intake process?
- Have I provided the person with information he or she needs to make necessary decisions?

LEP and Bilingual Requirements

Title VI, Executive Order 13166, and their implementing regulations require State agencies, local agencies, or other sub recipients to take reasonable steps to assure “meaningful” access to their programs and activities by persons with Limited English Proficiency (LEP).

(FNS Instruction 113-1, Section VII)

LEP and Bilingual Requirements

Factors to consider in addressing LEP

- § Number or proportion of LEP persons served or encountered in the eligible population.
- § Frequency with which LEP individuals come in contact with the program.
- § Nature and importance of the program, activity, or service provided by the program.
- § Resources available to the recipient and costs.

Outreach and Education

Important Because-

- ⌘ You want to reach as many potential eligible people as possible
- ⌘ You want to ensure program access
- ⌘ You need to pay attention to under-represented groups
- ⌘ You need to ensure information is available in other languages as needed

Equal Opportunity for Religious Organizations

No agency that receives product or administers a government program (TEFAP, CSFP, CACFP, or SFSP) can discriminate against a client or potential client on the basis of religion or religious beliefs.

Faith based sites can use space in their facilities without removing religious art or symbols.

Religious Proselytization: “to convert or attempt to convert a person to a religion, belief, faith and/or cause.”

- Cannot put religious flyers in boxes
- Faith-based groups retain their independence to carry out their mission as long as the agency does not require clients to attend any class or service in order to receive food.

However, faith-based groups may offer prayer at the client’s request!

Customer Service

Excellent Service is-

- ⌘ Effectively communicating with customers
- ⌘ Responding to their needs
- ⌘ Valuing their worth
- ⌘ Instilling excellence through courtesy, confidence, and enthusiasm for what we do.

PLATINUM RULE

Treat others the way they want to be treated.

“It is better to help one
person who might ‘not
really need it’, than to turn
away one person who really
does.”

-Anonymous

Scenario

A reviewer from the State visits a CSFP distribution site and sees the And Justice For All poster displayed in the manager's office, which is located in an area that is off limits to program applicants and participants.

Is this a Civil Rights violation? Why or why not?

Scenario

A 55 year old person with a disability is denied food through the Commodity Supplemental Food Program and alleges discrimination. He wants to file a complaint. You know that CSFP is for elderly people 60+ years old and that discrimination is not involved in this situation.

What should you do?

Scenario

A person in a wheelchair complains that the site where he was told to pick up his food package is not accessible to public transportation.

What steps should be taken in this situation? How can this person be accommodated?

Scenario

From time to time the cafeteria will have leftovers after the final lunch period. With your permission, cafeteria servers are allowed to offer students a second helping. All three cafeteria servers are known to be big boosters of the high school football team and only offer leftovers to football players.

Is this practice permissible under the Civil Rights Act?

Scenario

Some people come to the pantry and they do not speak English. You cannot understand them and have no idea what language they are speaking. You give them a note that says they need to return with an interpreter.

Is this appropriate?

Questions?