



FOOD BANK  
*of* ALASKA

# Civil Rights Training



# Agenda

- § Goals of Civil Rights/ Training
- § Civil Rights Coverage and Legal Authorities
- § Definition of Discrimination
- § Protected Classes
- § Assurances
- § Public Notification
- § Complaints of Discrimination
- § Outreach and Education
- § Customer Service
- § Data Collection and Reporting
- § Limited English Proficiency (LEP)
- § Disability Discrimination
- § Equal Opportunity for Religious Organizations
- § Compliance Reviews
- § Conflict Resolution
- § Questions/ Open Discussion

# Goals of Civil Rights

- ∅ Equal treatment for all applicants and beneficiaries
- ∅ Knowledge of rights and responsibilities
- ∅ Elimination of illegal barriers that prevent or deter people from receiving benefits
- ∅ Dignity and respect for all

# 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**

# Civil Rights Legal Authorities

§7 CFR Parts 15, 15a, 15b, 15c

§7 CFR Parts 247 and 250 (CSFP)

§7 CFR Parts 250 and 251 (TEFAP)

§28 CFR Part 42 (Nondiscrimination in Federally Assisted Programs)

§Sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86), as amended (CSFP)

# 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 Nutrition Programs are race, color, national origin, age, sex, and disability.



# Assurances

- ⌘ “To qualify for Federal financial assistance, the program application must be accompanied by a written assurance that the program or facility will be operated in compliance with the Civil Rights laws and implementing nondiscrimination regulations.”
- ⌘ A Civil Rights assurance statement must be incorporated in all agreements between Federal & State agencies, State & sub recipient agencies, and sub recipient agencies & their local sites.

(FNS Instruction 113-1, Appendix C)

# Public Notification

All FNS assistance programs must include a public notification system.

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.
- ⌘ Complaint Information- Advise applicants and participants at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.
- ⌘ Nondiscrimination Statement- All information materials and sources, including Web sites, used by FNS, State agencies, local agencies, or other sub recipients to inform the public about FNS programs must contain a nondiscrimination statement. The statement is not required to be included on every page of the program Web site. At a minimum, the nondiscrimination statement or a link to it must be included on the home page of the program information.

# Elements of Public Notification

State agencies and their sub recipients must:

- § Make program information available to the public upon request;
  - § Prominently display the “And Justice for All” poster;
- § Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs;
- § Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information;
- § Provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for LEP persons.

# Elements of Public Notification

## Nondiscrimination Statement:


- § All information materials and sources, including Web sites, used by FNS, State agencies, local agencies, or other sub recipients to inform the public about FNS programs must contain a nondiscrimination statement.
- § The statement is not required to be included on every page of the program website. At a minimum, the nondiscrimination statement or a link to it must be included on the home page of the program information.

# Nondiscrimination 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 civil rights 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 [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.

# “And Justice For All” Poster

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



**USDA** United States Department of Agriculture

## AND JUSTICE FOR ALL

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In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

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 State or local Agency that administers the program 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 is available in languages other than English.

To file a complaint alleging discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or 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:

**mail:**  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410

**fax:**  
(202) 690-7442; or

**email:**  
[program.intake@usda.gov](mailto:program.intake@usda.gov)  
This institution is an equal opportunity provider.

Conforme a las leyes federales y a los derechos civiles, reglamentos y políticas del Departamento de Agricultura de los Estados Unidos (U.S. Department of Agriculture, USDA), se prohíbe a esta institución discriminar por motivo de raza, color, nacionalidad, sexo, edad, discapacidad y represión o tomar represalias por actividades realizadas en el pasado relacionadas con los derechos civiles. (No todos los principios de prohibición se aplican a todos los programas).

Las personas discapacitadas que requieren medios alternos para que se les comunique la información de un programa (por ejemplo, braille, letra agrandada, grabación de audio, lenguaje de señas estadounidense, etc.) deberán comunicarse con la agencia estatal o local responsable de administrar el programa o el TARGET Center del USDA al (202) 720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339. La información del programa también está disponible en otros idiomas además del inglés.

Para presentar una queja por alegada discriminación, complete el formulario de quejas por discriminación del programa del USDA, AD-3027, que podrá encontrar en línea en [http://www.ascr.usda.gov/sites/default/files/docs/2012/Spanish\\_Form\\_508\\_Complaint\\_6\\_8\\_12\\_0.pdf](http://www.ascr.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Complaint_6_8_12_0.pdf) o en cualquier oficina del USDA o escriba una carta dirigida al USDA que incluya toda la información solicitada en el formulario. Para solicitar una copia del formulario de presentación de quejas, comuníquese al (866) 632-9992. Envíe su formulario o carta completos al USDA por:

**correo:**  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410

**fax:**  
(202) 690-7442; o

**correo electrónico:**  
[program.intake@usda.gov](mailto:program.intake@usda.gov)  
Esta institución ofrece igualdad de oportunidades.

Form AD-3027 - Revised Poster Revised December 2013  
Módulo cumplimiento al Programa AD-3027 - Revisado diciembre 2013

# Complaints of Discrimination

Recognizing a civil rights complaint:

Allegation may be based on race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation. Allegation may also be based on if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the department.

# 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.



# Civil Rights Complaints Process

Complaints should include:

- § Name, address, and telephone number of the complainant
- § The location and name of the organization or office
- § The nature of the incident or action
- § The names, titles, and business addresses of persons who may have knowledge of the discriminatory action
- § The date(s) during which the alleged discriminatory actions occurred
- § The basis for the alleged discrimination.

# 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

# 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.

# Data Collection and Reporting

- ⌘ Applicants shall be assured that the information is required for and used for statistical purposes only and has no effect on eligibility criteria.
- ⌘ Data should be collected at the point of application and retained at the service delivery area.

# Racial and Ethnic Data Collection

State and sub recipient agencies should compare their participant data with potentially eligible persons within their service areas

- ⌘ If disparities or areas of underrepresentation occur, it will be necessary to investigate the causes for it
- ⌘ Provide additional outreach as needed
- ⌘ Assist with selection of compliance reviews

# Data Collection and Reporting

## **Why do I have to collect racial and ethnic data?**

*The data is used to determine how effectively your program is reaching potentially eligible people and where outreach may be needed.*

## **How long do I have to keep the data?**

- *Three years plus the current year*
- *Data should be kept secure and confidential*

# 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.*

# 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.

# 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.

\*functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions. (ADA Amendments Act of 2008)

# Disability Discrimination

§ Sections 504 of the Rehabilitation Act of 1973 and USDA implementing Regulation, 7 CFR Part 15b

prohibit 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.

# 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!**

# Compliance Reviews

- ⌘ Examine the activities of State agencies, sub recipients, and local sites to determine Civil Rights compliance;
- ⌘ FNS Civil Rights and Program staff review State agencies.
  - FNS staff and State agencies review sub recipients. Sub recipients review local sites.
- ⌘ Significant findings must be provided in writing to the reviewed entity and to FNS.

# Compliance Reviews

There are three types of compliance reviews:

- § Pre-Award Compliance Reviews- Take place before the site is approved for operation.
- § Routine (Post-Award) Compliance Reviews- Take place after a site has been approved for operation.
- § Special Compliance Reviews- Take place after a site has been approved due to a complaint, data collection, or as follow-up to previous non-compliance.

# Routine/Post-Award Compliance Reviews

## Sample post-award review questions

- ⌘ Do printed materials contain the nondiscrimination statement?
- ⌘ Is the And Justice For All poster displayed appropriately?
- ⌘ Are program informational materials available to all?
- ⌘ Is data on race and ethnicity collected appropriately?
- ⌘ How are applicants and participants advised of their right to file a Civil Rights complaint of discrimination?
- ⌘ Are reasonable accommodations appropriately made for people with disabilities?



# Special Compliance Reviews

- § May be scheduled or unscheduled;
- § To follow-up on previous findings of noncompliance;
- § To investigate reports of noncompliance by other agencies, media, or grassroots organizations;
- § May be specific to an incident or policy;
- § History of statistical underrepresentation of particular group(s);
- § Pattern of complaints of discrimination.

# Resolution of Noncompliance

- § A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by a State agency, sub recipient agency, or a local site.
- § Steps must be taken immediately to obtain voluntary compliance.
- § A finding's effective date is the date of notice to the reviewed entity.

# Conflict Resolution

In no way are we (or our partners) to impede with a customer's right to file a civil rights complaint. However, most conflicts are easily resolved by using appropriate tools. Conflict resolution consists of very useful tools to assist with the solution of complaints. The Conflict Resolution Network, found online at [www.crnhq.org](http://www.crnhq.org), identifies skills used in successful conflict resolution.

- ☞ Using a win/win approach is about changing the conflict from an adversarial attack and defense, to cooperation. It is this powerful shift of attitude that alters the course of communication.
- ☞ Using a creative response is about turning problems into possibilities. It is about consciously choosing to see what can be done, rather than focusing on the perceived problem. It is affirming that you will choose to extract the best from the situation.
- ☞ Demonstrating empathy is about rapport and openness between people. When it is absent, people are less likely to consider needs and feelings. The best way to build empathy is to help the others feel that they are understood. That means being an active listener.
- ☞ When employing appropriate assertiveness you should be able to state your case without arousing the defenses of the other person. The secret of success lies in saying how it is for you rather than what they should or shouldn't do. "The way I see it..." attached to your assertive statement, helps. A skilled "I" statement goes even further.

# Conflict Resolution

The USDA recommends using an Alternative Dispute Resolution (ADR) program.

ADR definition: use of a neutral third party (usually a person acting as a facilitator) to informally resolve a complaint of discrimination through use of various techniques such as fact finding, mediation, peer panels, facilitation, ombudsman support, or conciliation.