



Civil Rights

Training Manual

People involved in all levels of administration that receive federal financial assistance need to understand civil rights related laws, regulations, procedures and directives.

Frontline staff who interact with program applicants or participants and supervisors of frontline staff must receive annual training.

Manual Contents

Goals of Civil Rights
Agency Responsibilities
Discrimination/Prejudice
Complaints
Limited English Proficiency
Equal Opportunity for Religious Organizations
Public Notification
Non-Discrimination Statement
Data Collection and Reporting
Compliance and Disability Accommodations
Customer Service and Conflict Resolution
Resources

Goals of Civil Rights Training

- Equal, fair, and respectful treatment of all applicants and beneficiaries.
- Elimination of illegal barriers that prevent or deter people from receiving benefits.
- Knowledge of rights and responsibilities.

Agency Responsibilities

Acceptance of “Federal financial assistance” requires the recipient of the assistance, no matter how minimal, to assure compliance with Federal civil rights laws and requirements.

-Includes TEFAP commodities, funding, equipment, loans, anything with monetary value.

Agency Responsibilities (continued from previous page)

- **Compliance** with civil rights laws, regulations and requirements

- No discrimination based on race, color, national origin, age, sex, disability, political beliefs, sexual orientation, and marital or family status.

- **Training**

- Training is required of all staff and volunteers at all TEFAP sites.

- **Public notification**

- Data collection reporting

- Compliance reviews

- Compliant processing

- Accommodating persons with disabilities

- Resolving conflicts

- Customer Service

Scenario #1

The archdiocese of a city runs a number of programs. It accepts Federal funding and commodities to run TEFAP. But it also operates food pantries that are stocked and funded entirely by parish donations without Federal commodities or other funding. Do the pantries have to adhere to Federal civil rights rules too?

Scenario #1 Answer

Yes. Acceptance of "Federal financial assistance" obligates the recipients to adhere to federal civil rights requirements in **all** aspects of its operations. Also, if discrimination is found and the recipient of the federal financial assistance refuses or fails to correct the problem, federal assistance from ALL sources (i.e. all federal agencies that provide assistance will cease.)

Discrimination

Discrimination: "act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on the protected classes."

Protected Class:

- Race

- Age

- National Origin

- Color

- Sex

- Disability

Discrimination (continued from previous page)

Types of Discrimination

Disparate Impact – occurs when there is a discriminatory result on a protected class that results from an action or rule.

Disparate Treatment – Because of a protected class, someone is treated differently.

Reprisal/Retaliation – Negative treatment due to prior civil rights activity by an individual or his/her family or known associates or for cooperating with an investigation.

Prejudice

Prejudice: “A preconceived opinion about someone or something, usually unfavorable.”

Prejudices:

- Family/Marital Status
- Genetic Information
- Religion
- Political Beliefs
- Sexual Orientation
- Reprisal/Retaliation

Complaints

Be aware of the basis for which complaints may be filed: race, color, national origin, age, sex, and disability.

- **Never** discourage groups or individuals from filing complaints or from voicing allegations of discrimination
- Know where to file a complaint and make sure your clients know where to file as well – USDA “And Justice for All” poster & nondiscrimination statement.

Discrimination or Civil Rights Complaints:

**USDA, Director, Office of Adjudication,
1400 Independence Avenue, SW, Washington, D.C.
20250-9410 or call toll free (866) 632-9992 (Voice).
Individuals who are hearing impaired or have speech
Disabilities may contact USDA through the Federal
Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).
USDA is an equal opportunity provider and employer.**

Complaints (continued from previous page)

Program Complaints

- Usually customer service related
- Received by food pantry staff or OFH staff

Scenario #2

An Asian woman filed a complaint with the State that the commodity boxes “looked shabby.” She tells you that ever since then, the delivery people have been coming later in the day and they are no longer friendly. Is this a discrimination complaint and if so how should it be handled?

Scenario #2 Answer

No. Unless she is alleging that everyone in the Asian community receives commodities of inferior quality or that she is being treated differently because she is a member of a protected class, this would not be valid civil rights complaint and should be handled as a program complaint. While part of civil rights includes providing good customer service, failure to do so, unless it is related to a protected class does not qualify as a civil rights complaint.

Limited English Proficiency (LEP)

People with limited English proficiency (LEP) need to be served in other languages.

Interpreters:

- Volunteers may be used, but make sure they understand interpreter ethics – particularly **confidentiality!**
- Children should not be used as interpreters.
- See www.lep.gov for resources & information.

Scenario #3

In order to insure that there are interpreters available, a food pantry wants to mandate that all Ukrainian speaking participants be served on the second Friday of each month. Is this allowable since the intent is to provide good service and not discriminate?

Scenario #3 Answer

No. This would not be allowable because it is a form of segregation based on national origin. The pantry needs to accommodate people whenever they need assistance. The pantry could advertise a day on which it has interpreters on site, but people who speak a particular language cannot be required to come only on certain days.

Equal Opportunity for Religious Organizations

- No organization that receives direct assistance from USDA can discriminate against a client or potential client on the basis of religion or religious beliefs.
- Faith-based groups retain their independence to carry out their mission, as long as USDA funds or activities do not support worship, religious instruction or proselytization.
- 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
 - Cannot require clients to attend any class or service in order to receive food.

Scenario #4

As part of its meal service, a soup kitchen wants to require a prayer before the meal. Is this allowable, and are there any exceptions or special requirements?

Scenario #4 Answer

No. As a rule, proselytization is prohibited under the faith based rules. HOWEVER, a prayer may be said before a meal but the person conducting the activity must make it clear that: 1) the activity is not part of TEFAP and not endorsed by USDA; 2) cooperation and participation in the activity is not a condition of receipt of TEFAP benefits; and 3) the activity is not conducted in a manner that disrupts TEFAP commodity distribution or meal service.

Public Notification

- Inform clients or potential clients of program availability, program rights and responsibilities, and the procedures for filing a complaint.
- Outreach/communication.
- People need to know about TEFAP and know their rights.

Public Notification (continued from previous page)

- Display the “And Justice for All...” poster.

Please update the following information on your “And Justice for All...” poster:

“In accordance with Federal Law and U.S. Department of Agriculture 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 Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.”

- Include the required nondiscrimination statement on all appropriate publications, websites, posters and informational materials.
 - Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information.
- Use special formats to reach disabled.
- Use other languages to reach people with limited English proficiency.
- Be creative! TV, radio, posters, flyers, supermarket bulletin boards, local clubs, community organizations, advocacy groups, libraries, schools, special events, fairs, mailings, internet, web site links...

Non-Discrimination Statement

• Long Version:

“In accordance with Federal Law and U.S. Department of Agriculture 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 Adjudication, 1400 Independence Avenue, SW, Washington D.C. 20250-9410 or call (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). 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.
- Should not be used where information on rights is provided.
- Must be in font size no smaller than font size used in rest of publication.

Non-Discrimination Statement (continued from previous page)

Scenario #5

An agency prints an informational brochure about TEFAP in another language. Since the nondiscrimination statement is very technical and the population is not well educated, it is felt there is no need to include it. And, it would also take up too much space. Is this decision correct? Why or why not?

Scenario #5 Answer

No. The nondiscrimination statement needs to be translated and put on the brochure. The shorter statement could be used if it is in a font size the same as the rest of the print in the brochure. If the brochure contains information on rights and responsibilities, the longer statement should be used.

Data Collection & Reporting

•Intake Form

- Self Declaration Statement (no income verifications)
- Cannot ask for SS cards or numbers, verification of address or verification of number of persons in household.
- Take client's word.

•Reporting

- OFH gathers statistic data monthly and turns it in regularly to the state offices as needed.

Scenario #6

The leader of a charitable organization that makes large donations to the operations of a food pantry, requests a list of all Hispanic participants so that they can be given special holiday baskets. Does this pose any civil rights problems and how should you respond to this request?

Scenario # 6 Answer

This poses a number of problems. First, it would violate the confidentiality provisions of data collection. Data on ethnicity and race must be kept confidential and should not be made available on an individual basis.

Compliance Reviews

- Federal/State reviews the food bank annually
- Food Bank conducts compliance reviews with agencies prior to membership, annually and as needed.
 - Check for non-discrimination and insure civil rights requirements being followed.
 - Verify food safety and methods.

Resolution of Non-Compliance

Corrective Actions:

- Cease inappropriate actions
- Institute appropriate procedures

FAILURE/REFUSAL CAN RESULT IN LOSS OF FEDERAL ASSISTANCE FROM ALL FEDERAL SOURCES!

Disability Accommodations

INSURE ACCESS FOR PEOPLE WITH DISABILITIES

Have ADA plan in place (or plan to assist)

- Parking lot, entrances & exits, halls, elevators, rest rooms, etc.
- Sign language, interpreters, Braille signage, service animals.
- Alternative arrangements for service

Check ADA guidelines for specifics: www.usdoj.gov/crt/ada/adahom1.htm

Customer Service

Treat others the way you want to be treated

- Be patient & polite.
- Avoid sarcasm.
- Be empathetic. Understand that people may not know the rules or understand how the program works. They may feel uncomfortable coming to ask for help.
- Explain policy, and let clients know you will get in trouble if you do anything that violates the rules.
- Smile when appropriate; make people feel welcome and valued.
- Don't be afraid to apologize.
- Don't feel you need to have the last word.

Conflict Resolution

- Have a written and posted policy for dealing with unacceptable behavior, conflicts, and complaints.
- Try to remain calm.
- Try to explain situation.
- Get help, especially if threats occur or if violence is possible.

Scenario #7

Someone comes to the food pantry smelling of alcohol and speaks in a loud voice using language laced with profanities. You ask security to remove this person from the premises and the person accuses you of discrimination and threatens to complain. What should you do?

Scenario #7 Answer

Ideally you would have a policy that outlines unacceptable behavior and penalties, and you ensure that it is enforced uniformly. You could give the person a copy of the policy and also provide information on how to file a complaint.

Resources

For more detailed information:

General TEFAP information

www.fns.usda.gov/fdd/programs/tefap

Annual Civil Rights requirements

www.fns.usda.gov/CR/Documents/113-1.pdf

ADA

www.usdoj.gov/crt/ada/adahom1.htm

“I Speak” Cards

www.lep.gov/ispeakcards2004.pdf