



Civil Rights Training

MN CSFP Program - 2020

Upon completing this training, the learner will be able to:

- Describe what discrimination is
- Identify the six protected classes
- Discuss and explain civil rights scenarios/solutions and *why* they are violations of civil rights

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...

Six Protected Bases

For CSFP, different treatment is based on one or more of the six protected bases:

- Race
- Color
- National Origin
- Age
- Sex
- Disability

Responsibilities for Civil Rights

U.S. Department of Justice

Federal Departments (USDA)

Federal Agencies (Food & Nutrition Services)

Recipients of Federal Financial Assistance (State & Local providers)

Federal Financial Assistance

- Anything of value received from the Federal government
- Includes cash grants, foods, training, excess equipment such as computers, loans, property donations, or other goods/services provided with Federal funds

Federal Financial Assistance (2)

- The USDA foods and administrative funds allocated to CSFP represent Federal financial assistance.
- 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.

Examples of Discrimination

- Differences in wait time based on protected class
- Segregated seating in waiting areas or bathrooms
- Requiring a person with limited English to bring their own interpreter
- Treating people disrespectfully based on membership in a protected class

Examples of Discrimination (2)

- Facilities that are not accessible to those with disabilities: mobility, sight, hearing and other conditions
- Requesting extra verification from those based on a membership in a protected class
- Providing different level of benefits based on membership in a protected class

Civil Rights Training

- CSFP local agencies in Minnesota are responsible for training their 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

Who Needs To Be Trained?

- Frontline staff and volunteers
- Supervisors of frontline staff must also document annual training.
- Those who interact with program applicants or participants, including eligibility determination or handling personal information.
- Training should occur during each new individual's orientation to CSFP

All staff should receive training on all aspects of Civil Rights compliance:

1. Effective public notification systems
2. Collection and use of data
3. Complaint procedures
4. Compliance reviews
5. Resolution of noncompliance

6. Modifications for persons with disabilities
7. Requirements for language assistance
8. Conflict resolution
9. Customer service

Public Notification

- All FNS assistance programs must include a public notification system
- It informs applicants, participants and potentially eligible persons of their program rights and responsibilities and steps necessary for participation
- Advise applicants/participants at delivery point of their right to file a complaint, how to file it and the procedures

Examples of Public Notification

- Outreach/communication
- Underserved populations need special attention and special efforts
- When marketing a program, focus on its *non-discrimination practices*
- Contact community groups and advocacy groups
- Convey the message of equal opportunity in all program-related information.

More Examples of Public Notification

- Use other languages to reach those with limited English proficiency
- Creativity is not limited:
 - Television
 - Posters/Flyers
 - Grocery Stores
 - Dining sites
 - Special Events

Revised Nondiscrimination Statement – 2015

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, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Revised Nondiscrimination Statement 2015 (2)

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 Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

Revised Nondiscrimination Statement 2015 (3)

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form, \(AD-3027\)](#) found online at: <http://www.ascr.usda.gov/complaintfilingcust.html>, 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:

- **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

Nondiscrimination Statement – “Short Version”

“This institution is an equal opportunity provider”

- May be used when longer statement does not fit (i.e. business card, brochure)
- *Must* be in font size *no smaller than* font size used in the entire publication (a brochure, website, application, etc.)

“And Justice For All” Poster

- Does your facility display the updated poster?
- All sites must display posters in a prominent location for all to view
- Poster reflects current Nondiscrimination Statement and new graphic

Collection and Use of Data

- CSFP racial/ethnic group participation data is collect and reported annually.
- Each participant needs to code whether he/she is Hispanic or Latino or not Hispanic or Latino.
- The participant then codes as many of the five race categories that applies:
 - American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander or White

Collection and Use of Data (2)

- State and sub-recipient agencies should compare their participant data with potentially eligible persons within their service areas – where is the greatest need?
- If disparities or areas of underrepresentation occur, it will be necessary to investigate the causes for it
- Provide additional outreach as needed to close the disparities gap

Collection and Use of Data (3)

- State and local CSFP agencies must ensure that documentation for the data collected by the local agency or other sub recipients are on file and maintained for six (6) fiscal years from the end date of their grant award.
- Ensure that access to data is limited to authorized personnel.
- Use Form FNS-191, Racial or Ethnic Group Participation – Commodity Supplemental Food Program, to record and submit to FNS racial or ethnic participation data for CSFP households.

Question?

What if someone refuses to provide this information?

- Assure the applicant that the information is a Federal requirement and used for statistical purposes only
- It has no effect on eligibility criteria.
- Data should be collected at the point of application.

Complaints Procedures

- 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 local agencies may develop their own complaint forms
- A separate Civil Rights complaint log shall be maintained by the State and local agency
- Confidentiality is extremely important and must be maintained.

Complaints Procedures (2)

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.

Complaints Procedures (3)

USDA Discrimination Complaint Form

English

http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf

Spanish

http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf

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.

Three types of compliance reviews:

- Pre-Award Compliance Reviews
- Routine (Post-Award) Compliance Reviews
- Special Compliance Reviews

Pre-Award Compliance Reviews

State agencies, sub-recipient agencies, and local sites must be in compliance with Civil Rights requirements prior to approval for Federal financial assistance.

Compliance Reviews (4)

Routine (Post-Award) Compliance 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

Modifications for Persons with Disabilities

- 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 activities 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.

Modifications for Persons with Disabilities (2)

- There is an obligation to ensure that members of the public are provided reasonable modifications in order to access program information, applications and assistance (i.e. large print and audio tape).
- Providing qualified sign language interpreters or other auxiliary aids and services for those with hearing disabilities may be necessary to effectively communicate with these applicants and participants.

Modifications for Persons with Disabilities (3)

- Programs must ensure physical accessibility for buildings and facilities, particularly to persons in wheelchairs and with mobility disabilities.
- Programs must permit service animals to accompany people with disabilities in all areas where the public is allowed to go.

Requirements for Language Assistance

- Persons with Limited English Proficiency (LEP) are those who do not speak English as their primary language and have a limited ability to read, speak, write or understand English because of their national origin.
- “Meaningful Access” is accomplished by providing competent, accurate, timely and effective language services at no charge to those with LEP when accessing recipient programs and activities.
- Failure to provide “meaningful” access to persons with LEP could be considered discrimination on the basis of national origin.

Conflict Resolution

- **Identify the Problem:** Based on the information the customer gives you.
- **Determine a Solution:** Depending on the specifics of the conversation and your knowledge of your organization, the solution may involve calling the customer again.
- **Gain Approval from the Customer:** If the customer does not agree to the proposed solution, it won't resolve anything.

Conflict Resolution (2)

- **Make an Agreement:** You and the customer should determine what is to be done, when it is to be done and by whom. If this isn't possible, suggest an alternative.
- **Follow Up:** Personally make sure that the customer has been satisfied; and provide feedback. Always document.

- **Service is**
- **Effectively communicating with customers**
- **Responding to their needs**
- **Valuing their worth**
- **Instilling excellence through**
- **Courtesy, confidence and**
- **Enthusiasm**

Thank You!