



Department of

Human Services

Civil Rights Training

This institution is an equal opportunity provider.

Federal Requirement

- Civil Rights training is an annual requirement for:
 - State agencies,
 - Sponsoring organizations,
 - Centers,
 - Family day care home providers, and
 - Sites.
- Required of all subrecipients who receive DHS funds.



Objectives

1. Civil Rights Coverage and Legal Authorities

2. Areas of Compliance

- ❖ Public notification requirements
- ❖ Assurances
- ❖ Complaints of discrimination
- ❖ Civil Rights training
- ❖ Racial and ethnic data collection
- ❖ Limited English Proficiency (LEP)
- ❖ Disability discrimination
- ❖ Compliance reviews
- ❖ Resolution of noncompliance
- ❖ Voluntary Resolution Agreements
- ❖ Customer Service

Why Civil Rights Training?

- Training is required so that individuals involved in all levels of administration of Programs that receive Federal financial assistance understand Federal laws, regulations, instructions, policies and other guidance.
- Anyone implementing or overseeing a USDA nutrition program is required to take annual Civil Rights training to:
 - Keep aware of our responsibilities,
 - Understand how to treat program applicants and participants, and
 - Be knowledgeable of the process for filing complaints.
- Eliminate discrimination

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 and Americans with Disabilities Act (ADA) of 1990; Amendments Act of 2008
 - Disability
- Age Discrimination Act of 1975
 - Age
- Title IX of the Education Amendments of 1972
 - Sex
- Title 7 CFR Parts 15, 15(a), and 15(b)
 - Nondiscrimination, Education, Disability
- Executive Order 13166—"Improving Access to Services for Person with Limited English Proficiency" (August 11, 2000)
 - LEP
- USDA LEP Policy Guidance (79 Fed. Reg. No. 229, November, 28, 2014)
 - LEP
- 28 CFR Part 35: Nondiscrimination on the Basis of Disability in State/Local Government Services
- 28 CFR Part 42: Nondiscrimination in Federally Assisted Programs
- USDA Departmental Regulation 4330-2 (nondiscrimination regulations)

Civil Rights Program Authorities

- Richard B. Russell National School Lunch Act of 1946
- Child Nutrition Act of 1966
- 7 CFR Part 226 (CACFP) and 7 CFR Part 225 (SFSP)
- FNS Instruction 113-1 and Appendix B Child Nutrition Programs (CNP)
- CACFP 14-2017, SFSP 10-2017 *"Modifications to Accommodate Disabilities in the Child and Adult Care Food Program and Summer Food Service Program"*

Equal Opportunity for Religious Organizations

Title 7 CFR Part 16: Ensures a level playing field for the participation of faith-based organizations and other community organizations in USDA programs.

A religious organization may:

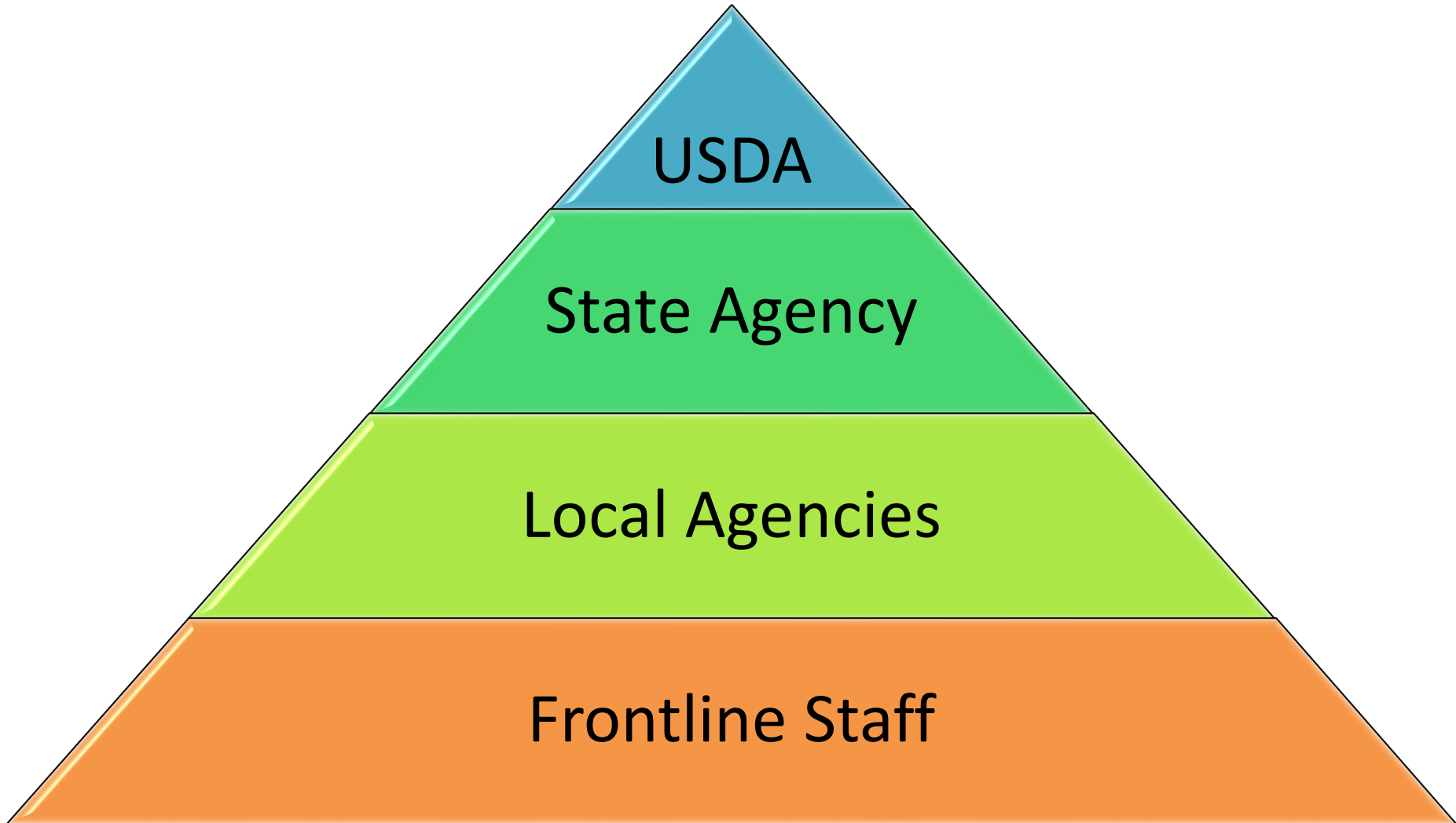
- ❖ Use space in its facilities to provide services/programs without removing religious art, icons, scriptures, or other religious symbols.
- ❖ Retain religious terms in its organization's name.
- ❖ Select its board members and otherwise govern itself on a religious basis.
- ❖ Include religious references in its mission statements and other governing documents...

A religious organization may not:

- ❖ Use USDA direct assistance to support any inherently religious activities, such as worship, religious instruction, or proselytization.

(Title 7 CFR § 16.2(b))

Civil Rights Training Matrix

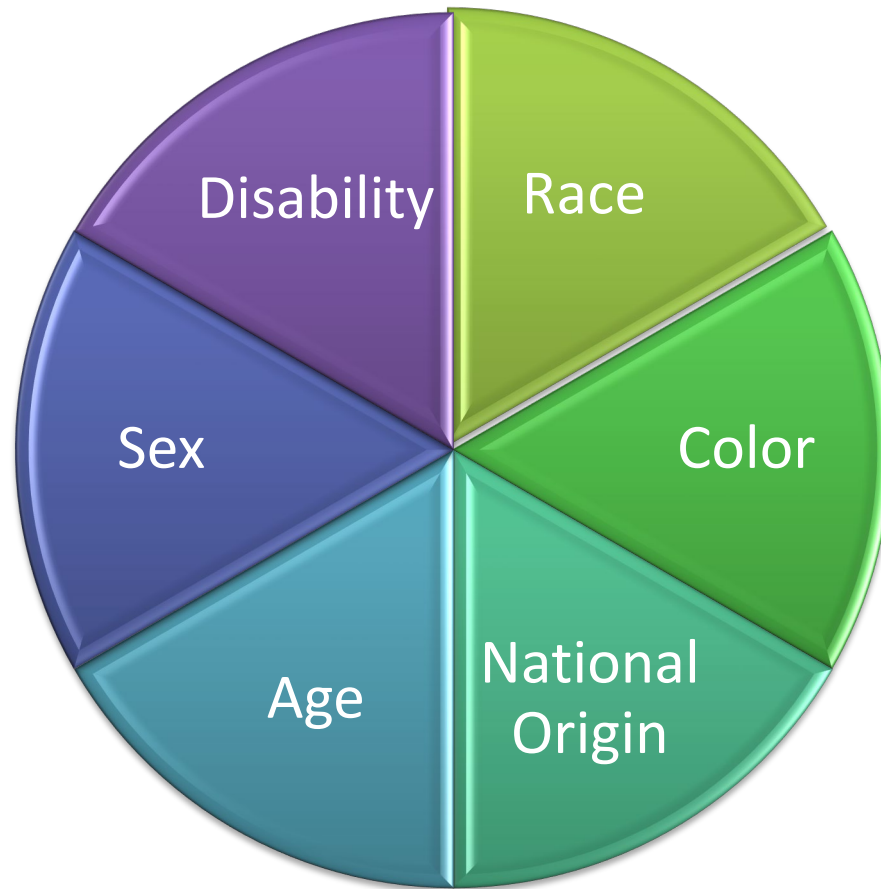


What is Discrimination?

Discrimination is *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 Federally protected classes.

Protected Classes in Child Nutrition Programs



Assurances

- Program application must include a written assurance that the program or facility will be operated in compliance with Civil Rights laws and nondiscrimination regulations.
- Civil Rights assurance statement must be included in agreements between Federal and State agencies, State and Food Program sponsors, and Food Program sponsors and the sub-recipients.

» FNS Instruction 113-1, Appendix B(D)(2) and form FNS-74





Public Notification

- All FNS assistance programs must include a public notification system.
- The public notification must contain certain elements:
 - ❖ Program Availability
 - ❖ Complaint Information
 - ❖ Nondiscrimination Statement

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 websites, used by FNS, State agencies, local agencies, or other sub-recipients to inform the public about FNS programs must contain a nondiscrimination statement.
 - It is not required to be included on every page of the program website. At 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 other 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; and
- Provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for LEP persons.

Nondiscrimination Statement

In accordance with 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.

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.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.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:

- (1) mail: U.S. Department of Agriculture
Office of the Assistance 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

This institution is an equal opportunity provider.

Nondiscrimination Statement (Spanish)

De conformidad con la Ley Federal de Derechos Civiles y los reglamentos y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (USDA, por sus siglas en inglés), se prohíbe que el USDA, sus agencias, oficinas, empleados e instituciones que participan o administran programas del USDA discriminen sobre la base de raza, color, nacionalidad, sexo, discapacidad, edad, o en represalia o venganza por actividades previas de derechos civiles en algún programa o actividad realizados o financiados por el USDA.

Las personas con discapacidades que necesiten medios alternativos para la comunicación de la información del programa (por ejemplo, sistema Braille, letras grandes, cintas de audio, lenguaje de señas americano, etc.), deben ponerse en contacto con la agencia (estatal o local) en la que solicitaron los beneficios. Las personas sordas, con dificultades de audición o discapacidades del habla pueden comunicarse con el USDA por medio del Federal Relay Service [Servicio Federal de Retransmisión] al (800) 877-8339. Además, la información del programa se puede proporcionar en otros idiomas.

Para presentar una denuncia de discriminación, complete el [Formulario de Denuncia de Discriminación del Programa del USDA, \(AD- 3027\) que está disponible en línea en: http://www.ascr.usda.gov/complaint_filing_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) y en cualquier oficina del USDA, o bien escriba una carta dirigida al USDA e incluya en la carta toda la información solicitada en el formulario. Para solicitar una copia del formulario de denuncia, llame al (866) 632-9992. Haga llegar su formulario lleno o carta al USDA por:

- (1) correo: 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; o
- (3) correo electrónico: program.intake@usda.gov.

Esta institución es un proveedor que ofrece igualdad de oportunidades.



Nondiscrimination Statement

At minimum, the nondiscrimination statement should be included on:

- ❖ Application form(s)
- ❖ Notification of eligibility or ineligibility
- ❖ Notice of Adverse Action forms
- ❖ Program (home) web page
- ❖ Public information, including program literature



Nondiscrimination Statement

- USDA Nondiscrimination Statement (NDS)
 - Short version
 - **This institution is an equal opportunity provider.**
 - **Esta institución es un proveedor que ofrece igualdad de oportunidades.** (Spanish)
 - Can be used only in special circumstances
 - Translations
 - Other languages are forthcoming

“And Justice For All” Poster



USDA
United States Department of Agriculture

AND JUSTICE FOR ALL

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. (Note: all prohibited bases apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (800) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online, at <https://www.aphis.usda.gov/office/ofad/foia/USDA-CASCR/USDC-Complaint-Form-AD-3027-508-518-117-202008.pdf> from any USDA office, by calling (866) 688-6866, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or

fax:
(833) 256-1665 or (202) 696-7442;

email:
program.intake@usda.gov.

This institution is an equal opportunity provider.

Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, edad, discapacidad, venganza o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles. (No todos los principios de prohibición aplican a todos los programas.)

La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (800) 720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en <https://www.aphis.usda.gov/office/ofad/foia/USDA-CASCR/USDC-Complaint-Form-AD-3027-508-518-117-202008.pdf>, en cualquier oficina del USDA, llamando al (866) 688-6866, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

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

fax:
(833) 256-1665 o (202) 696-7442;

correo electrónico:
program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.

Form AD-3027 - Revised Poster Version September 2011

- Display the poster in a prominent location for all to view.
- AD-475A is the required version.

Complaints of Discrimination

- Complaints shall:
 - Be accepted and forwarded to the USDA;
 - Filed within 180 days from the alleged act of discrimination;
 - 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 and sub-recipient agency;
- Confidentiality is extremely important and must be maintained.

Civil Rights Complaints Process

- Complaints should include:
 - Name, address, 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

Civil Rights Complaints Process

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

Civil Rights Training

- State agencies are responsible for training sub-recipient agencies on an **annual basis**.
- Sub-recipient agencies are responsible for training their local sites, including “frontline staff” who interact with applicants or participants, on an **annual basis**.
- New employees and volunteers must be trained **before** participating in Program activities.

Civil Rights Training

- All staff should receive training on all aspects of Civil Rights including:
 - Collection and use of data
 - Effective public notification systems
 - Complaint procedures
 - Compliance review techniques
 - Resolution of noncompliance
 - Requirements for reasonable modification of persons with disabilities
 - Requirements for language assistance
 - Conflict resolution and customer service

Race/Ethnic Data Collection

Purpose:

- ❖ To determine how effectively FNS programs are reaching potentially eligible persons and beneficiaries
- ❖ As a means of monitoring Civil Rights compliance, State agencies will establish a system for the collection of racial/ethnic data of each person applying for and receiving benefits.

Race/Ethnicity Data Collection

- ❖ Applicants will 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 for CACFP.
- ❖ SFSP data should be collected once for each session—typically during the first week visit.

Race/Ethnic Data Collection

Two Question Format

1. Ethnicity (must select one of the following)
 - *Hispanic or Latino*
 - *Not Hispanic or Latino*
2. Race (select one or more of the following)
 - *American Indian or Alaskan Native*
 - *Asian*
 - *Black or African American*
 - *Native Hawaiian or Other Pacific Islander*
 - *White*

LEP Requirements

Title VI and its implementing regulations, Executive Order 13166, and USDA LEP guidance require...

...Federal agencies and recipients (State agencies, local agencies, or other sub-recipients) to take reasonable steps to ensure “**meaningful**” access to their programs and activities by Limited English Proficiency (LEP) persons.

(FNS Instruction 113-1, Section VII)

Who Are Persons With LEP?



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

مرحبا العالم! **Hallo Welt!**
Hej Värld! **Hello World!**
Ciao Mondo
ハローワールド!
¡Olá mundo! 世界您好!
Salut le Monde!



LEP and Program Access

Factors to consider in addressing LEP:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered within the area serviced by the recipient.
2. Frequency with which LEP individuals come in contact with the program.
3. Nature and importance of the program, activity, or service provided by the program.
4. Resources available to the recipient and costs.

LEP and Program Access

- States must conduct assessments to determine a language profile for their State, taking into account regional differences and updating, as appropriate.
- Translation of vital documents is required.
- Notification of free interpretation services is required.
- Front line staff training concerning how to provide LEP populations with meaningful access is paramount.

LEP and Program Access

Population data sources:

- Interagency LEP Website –Mapping Tool
<http://www.lep.gov/maps/>
- US Census Data
<http://www.census.gov/2010census/data/>
- American Community Survey
<http://www.census.gov/acs/>
- Migration Policy Institute's National Center on Immigrant Integration Policy
<http://www.migrationpolicy.org/>

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

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.

Also included are:

- functions of the immune system,
- normal cell growth,
- digestive, bowel, bladder,
- neurological,
- brain,
- respiratory,
- circulatory,
- cardiovascular,
- endocrine,
- and reproductive functions.



*Major life activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(ADA Amendments Act of 2008)

Disability Discrimination

- The Americans with Disabilities Act (ADA) requires public entities to make reasonable modifications in their usual ways of doing things when necessary to accommodate people who have disabilities.
 - e.g. provide Braille, large print, audio tape, other auxiliary aids or services
- Providing qualified sign language interpreters for persons with hearing disabilities may be necessary to effectively communicate with applicants and participants.

Compliance Reviews

Purpose: to examine the activities of State agencies, local agencies, and sub-recipients to determine Civil Rights compliance

- FNS Civil Rights and Program staff review State agencies.
- FNS staff and State agencies review sponsors.
- Sponsors review their sub-recipients.

Significant findings must be provided in writing to the reviewed entity and to FNS.

Compliance Reviews

There are three types of compliance reviews:

1. Pre-Award Reviews
2. Routine (Post-Award) Reviews
3. Special Reviews

Compliance Reviews

Pre-Award or Pre-Approval Reviews

State agencies, sponsors, or other sub-recipients must be in compliance with Civil Rights requirements prior to approval for Federal financial assistance.

(FNS Instruction 113-1, Appendix B)

Compliance Reviews

Routine (Post-Award) Reviews

FNS and State agencies must conduct routine compliance reviews as identified by FNS Instruction 113-1 and program-specific regulations and policies.

Sample routine review questions:

1. Do printed materials contain the nondiscrimination statement?
2. Is the *And Justice for All* poster displayed appropriately?
3. Are program informational materials available to all?
4. Is data on race and ethnicity collected appropriately?
5. How are applicants and participants advised of their right to file a Civil Rights complaint of discrimination?
6. Are reasonable modifications appropriately made for people with disabilities?

Compliance Reviews

Special Reviews

- May be scheduled or unannounced;
- 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.

Voluntary Resolution Agreement

- A VRA is an agreement that recipient(s) are willfully consenting to undertake remedial actions to address identified areas of noncompliance or in violation with applicable civil rights laws and/or regulations.
- The VRA may be between multiple parties such as the officials in authority to regulate civil rights laws (FNS Civil Rights Division (FNSCRD)), recipient or sub-recipient (State agency), and program participant (Complainant).
- VRAs may be used to closeout a Civil Rights Compliance Review at the discretion of FNSCRD in lieu of issuing a written Compliance Review report with findings.



Customer Service

- ❖ Treat customers with respect and dignity
- ❖ Exercise good listening skills
- ❖ Learn to empathize with the customer
- ❖ Respond to questions in a non-threatening manner
- ❖ Communicate rules, rights and responsibilities
- ❖ Recognize and appreciate customer needs and resources
- ❖ Recognize changes in a customer's demeanor

Customer Service: Professionalism

Respond to customers professionally by:

- ❖ Avoid interrupting the customer
- ❖ Be understanding
- ❖ Talk calmly and slowly
- ❖ Apologize
- ❖ Identify the problem
- ❖ Determine a solution
- ❖ Personally follow up

“Do unto others as you would have done unto you.”



Customer Service

Always avoid:

- ❖ Passing a complainant to a co-worker
- ❖ Letting the complainant “talk themselves out and calm down”
- ❖ Putting a complainant on hold or left in a waiting room without useful updates
- ❖ Stating, “Sorry, it’s not my job!”



Customer Service: Conflict Resolution

- ❖ Win-win
- ❖ Turning problems into possibilities
- ❖ Demonstrating empathy
- ❖ Appropriate assertiveness
- ❖ Cooperative power
- ❖ Managing emotions
- ❖ Willingness to resolve conflict

Thank You

Resources

Title 7 CFR Part 225

Title 7 CFR Part 226

United States Department of Agriculture

www.usda.gov/topics/foodandnutrition

Office of the Assistant Secretary for Civil Rights

www.ascr.usda.gov

Food and Nutrition Services Instruction 113-1

USDA Discrimination Complaint Form

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