

Civil Rights Training

CORA Board Meeting - August 2021

Civil Rights

- The rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments of the Constitution and Acts of Congress
- Equal Employment Opportunity (EEO) laws prohibit specific types of job discrimination in certain workplaces

“Civil Rights” and “Equal Employment Opportunity (EEO)” are not interchangeable

Why Civil Rights Training?

- Ensure noncompliance with unlawful discrimination in SNAP and all FNS programs and activities, whether federally funded in whole or not
- Ensure every employee, board member, volunteer understands:
 - Federal Civil Rights Laws, regulations, instructions, policies, and guidance regarding unlawful discrimination
 - Policies and practices to ensure participants are afforded an equal opportunity to **participate in and have meaningful access** to FNS programs and activities.

Civil Rights Concepts

- Stereotyping - preconceived beliefs or oversimplified generalizations about a particular group
- Prejudice - a set of rigid and unfavorable attitudes toward a particular group that is formed without considering factual information
- Discrimination - the practice of treating people differently because of how we have grouped them in our minds according to our prejudices

Discrimination Cont.

- 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 in any of the following 9 protected characteristics under the Equality Act:
 - Age
 - Disability
 - Gender Reassignment
 - Marriage and civil partnership
 - Pregnancy or maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual Orientation

Examples of Unlawful Discrimination

- Delay or denial of service
- Unequal opportunity to participate in services or program benefits
- Neutral policies and procedures that have a disproportionate, adverse effect on a particular protected class

Civil Rights Training Outline

- Required areas of training for frontline staff :
 - Legal Authorities
 - Assurances
 - Public Notification
 - Complaints of Discrimination
 - Limited English Proficiency (LEP)
 - Disability compliance (reasonable accommodation)
 - Compliance reviews and resolution of noncompliance
 - Conflict resolution
 - Customer service

Legal Authorities

- Programs and activities receiving federal financial assistance must abide by Civil Rights requirements
 - **Title VI of the Civil Rights Act of 1964** - prohibits discrimination based race, color, national origin
 - **Title IX of the Education Amendments of 1972** - prohibits discrimination based on sex
 - **Americans with Disabilities Act (ADA)/Americans with Disabilities Act Amendments Act (ADAAA) and Section 504 of the Rehabilitation Act of 1973** - prohibit discrimination based on disability
 - **Age Discrimination Act of 1975** - prohibits discrimination based on age
 - **Civil Rights Restoration Act of 1987** - clarifies the scope of the Civil Rights Act of 1964

Assurance

- A contractual agreement in which a State agency, local agency, or other subrecipient -- such as **TEFAP (The Emergency Food Assistance Program) / CSFP (Commodity Supplemental Food Program)** -- legally agrees to administer FNS program services and benefits **in accordance with all laws, regulations, instructions, policies and guidance related to nondiscrimination** in program delivery

Public Notification

- Inform participants and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation

Required all FNS programs (i.e. TEFAP/CSFP)

Program availability - Including dates, times and locations of SNAP/SNAP-Ed/SNAP E&T activities

Complaint information - Advise 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, must contain a nondiscrimination statement

Non-discrimination 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, sex, disability, age, political beliefs 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.

Methods of Public Notification

- Prominently display the USDA nondiscrimination poster, “And Justice For All”
- Inform potentially eligible people, applicants, participants, and grassroots organizations of the program and its requirements
- Provide appropriate information in alternative formats for people with disabilities
- Include the nondiscrimination statement on all appropriate program materials provided to the public

Complaint Procedures

- When a complaint is received at the State or local level, it must be forwarded to FNS Civil Rights Division (CRD) within 5 business days of receipt
- FNS CRD processes the complaint from intake phase to investigation to closure
 - Confidentiality at all levels is extremely important

Complaint log - Civil Rights complaints must be maintained in a log separate from other program complaints

Limited English Proficiency

Individuals who do not speak English as their primary language and **who have a limited ability to read, speak, write, or understand English** because of their national origin

- Agencies who receive programs through federal financial assistance must take reasonable steps to ensure “meaningful” access to their programs and activities by persons with LEP
 - Failure to provide “meaningful” access could be discrimination on the basis of national origin

Limited English Proficiency

- Participants cannot be asked to bring their own interpreters
- Children should not be used as interpreters

Examples of language services

- Bilingual staff
- Telephone interpreter lines
- Written translation services

Civil Rights Training Outline

- Required areas of training for frontline staff :
 - Legal Authorities
 - Assurances
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 - Limited English Proficiency (LEP)
 - Disability Compliance (reasonable accommodation)
 - Compliance Reviews and Resolution of Noncompliance
 - Conflict resolution
 - Customer service

Disability Compliance

Disability - 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 - functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working

Disability Compliance

State and local offices must provide reasonable accommodations to applicants and participants with disabilities when necessary.

Reasonable accommodations:

- Provide the same level of service to participants in an alternative way
- Require good communication between all involved parties
- Must be funded through State/local offices, not participants

Compliance Reviews

Examine the activities of State agencies, local agencies, and subrecipients to determine Civil Rights compliance

- FNS Civil Rights and Program staff review State agencies
 - FNS staff and State agencies review local agencies and subrecipients
- Significant findings must be provided in writing to the reviewed entity

Types of Compliance Reviews

Preaward reviews

- State and local agencies must be in compliance with Civil Rights requirements prior to approval for Federal financial assistance
- Reports must be maintained in **appropriate program files**

Postaward (routine) reviews

- FNS and State agencies must conduct **routine compliance reviews** as identified by FNS Instruction 113-1 and program-specific regulations and policies
- Assess all of the Civil Rights compliance areas

Special reviews

- Conducted by USDA's Office of the Assistant Secretary for Civil Rights independently or in conjunction with FNS program or Civil Rights staff **to investigate reports of noncompliance** by other agencies, media, or grassroots organizations
- History of statistical underrepresentation of particular group(s) and / or pattern of complaints of discrimination

Conflict Resolution

IDENTIFY THE PROBLEM. 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 will resolve nothing!

MAKE AN AGREEMENT. You and the customer should determine what is to be done, when it is to be done, and by whom. If it is not possible, suggest an alternative.

FOLLOW UP. Personally make sure that the customer has been satisfied; and provide feedback.

Customer Service

- Treat all people with dignity and respect
- Answer questions in a voice that is **non-threatening**
- Clearly explain to everyone the rules as well as their rights and responsibilities
- Recognize that participants have **varied needs** and (sometimes) few resources
- **Notice and be receptive** to when a person feels that they have been treated in a rude manner
- Develop good listening skills

Customer Service

- **S**ervice is
- **E**ffectively communicating with clients,
- **R**esponding to their needs,
- **V**aluing their worth, and
- **I**nstilling excellence through
- **C**ourtesy, confidence, and
- **E**nthusiasm.

Resources

[United States Department of Agriculture, Food and Nutrition Service - Mid-Atlantic Region](#)

[United States Department of Agriculture, Food and Nutrition Service - Mid-Atlantic Regional Civil Rights Director](#)

[NC Department of Health and Human Services Civil Rights Training](#)

[U.S. Department of Labor](#)

[Equality and Human Rights Commission](#)

Thank you!