

Civil Rights Training for USDA and Food and Nutrition Services



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

Training Instructions

Please read and review each and every slide carefully.



Lesson 1 Overview - Civil Rights Coverage, Legal Authorities, Discrimination, and Complaints

This lesson will focus on Civil Rights, USDA's FNS Program Authorities, and discrimination.

At the end of this lesson, you should be able to complete the following objectives.

- Identify Civil Rights legislation and Program Authorities.
- Define discrimination.
- Identify the areas by which discrimination is prohibited for all USDA programs.
- Outline the discrimination complaint processes.



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What are Civil Rights?

Guarantee rights for individuals to receive equal treatment and prohibit discrimination in a number of settings, including education, employment, housing, lending, voting, and more.



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Legislation prohibits discrimination on the basis of race, color, national origin in any programs and activities receiving Federal dollars.

- Civil Rights Act of 1964 - race, color, and national origin
 - Title VI



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All legislation mentioned in this lesson will be referenced from the Code of Federal Regulations (CFR).



CFR

- Codification of the general and permanent rules of the Federal government published in the Federal Register by the executive departments and agencies
- Divided into 50 titles - represents the broad areas subject to Federal regulation
 - Each title divided into chapters
 - Subdivided into parts - cover specific regulatory areas
 - May be subdivided into subparts
 - Organized into sections
 - Referenced at this level



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More Legislation - In 1987, the Civil Restoration Act clarified that all recipients of Federal funds had to comply with Civil Rights law in all areas, not just the program/activity receiving funds.

Later legislation was passed to address specific areas of discrimination:

- Based on sex
- Prohibits discrimination based on disability
- Public accommodations
- Age discrimination act
- Non-discrimination of all programs and activities
- National origin
- Religion



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USDA is given authority to develop Civil Rights requirements prohibiting discrimination in All federally assisted programs and activities which administers the Child Nutrition Programs.

Discrimination

A difference in treatment (either intentional or by neglect) that makes the distinction of one person or group of persons from others based on a protected class.

A group of five diverse young adults (three men and two women) are smiling and looking towards the camera. They are dressed in casual clothing. The background is a bright, slightly blurred outdoor setting. A mouse cursor is visible over the group.

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Discrimination Prohibited by Federal Law

- 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
- Reprisal or Retaliation for Prior Civil Rights Activity



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The 4 Ds of Discrimination

- Delayed – benefits or services
- Denied – benefits or services
- Different – treatment
- Disparate – treatment or impact



Lesson 2 Overview - Public Notification, Civil Rights Training, and Access and Accommodations

Objectives:

- Summarize the purpose of a public notification system.
- Distinguish the elements of public notification.
- Outline the requirements of Civil Rights training.
- Paraphrase data collection and reporting requirements.
- Summarize the specifics of meaningful access for individuals with Limited English Proficiency (LEP) and/or disabilities.



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Public Notification

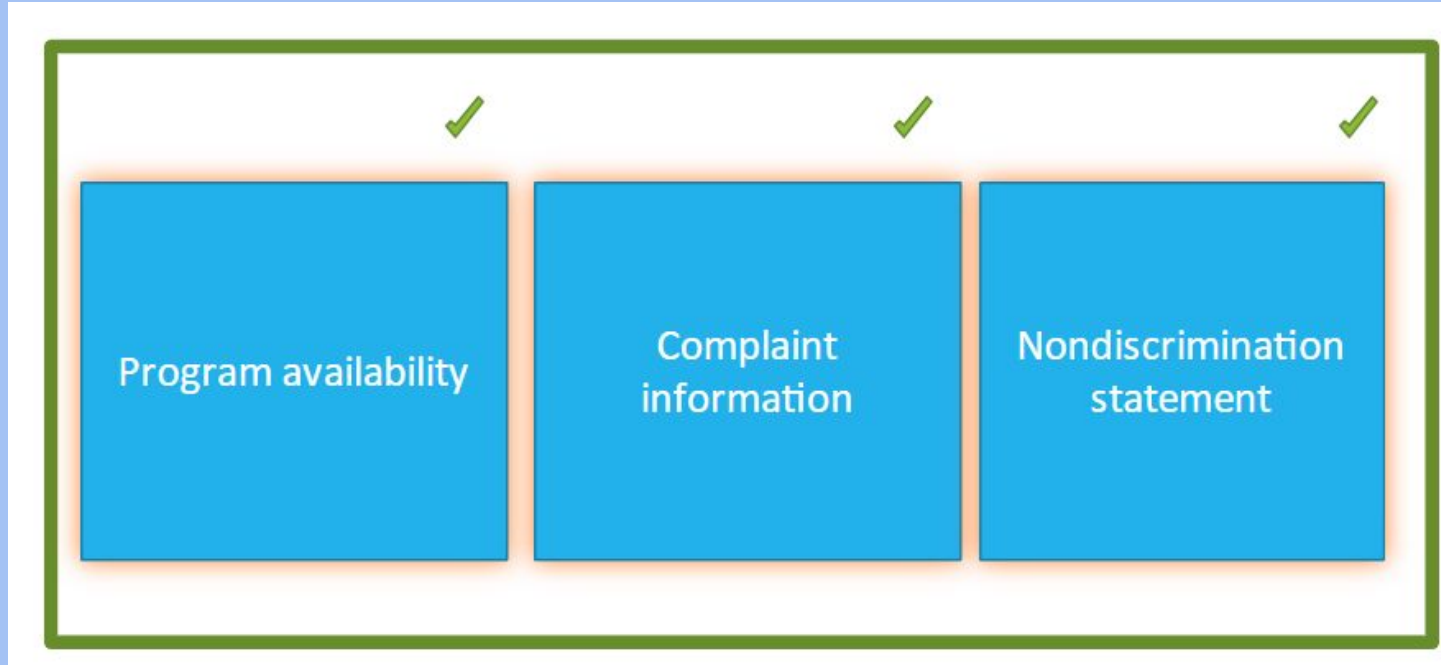
According to FNS Instruction 113-1, all FNS assistance programs must include a public notification system to inform applicants, participants, and potentially eligible persons of the following:

- Program availability
- Program rights and responsibilities
- The policy of nondiscrimination
- The procedure for filing a complaint



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Elements of Public Notification



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Methods of Public Notification

Notification systems include:

- Prominently displaying “And Justice for All” poster
- Conveying equal opportunity in all photos and other graphics
- Making program information available to the public upon request
- Informing potentially eligible persons, applicants, participants, and grassroots organizations of programs or changes in programs
- Providing appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for persons with LEP



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Nondiscrimination Statement

- Include on all program materials or media, both paper and electronic
- Websites - full nondiscrimination statement or link to the full statement on the home page
- Short versions - can be used in special circumstances only
 - This institution is an equal opportunity provider.
 - Esta institución es un proveedor que ofrece igualdad de oportunidades.
- Non-English translations available on the FNS public website.



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Full USDA 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



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Full USDA Nondiscrimination Statement Continued

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.



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Full USDA Nondiscrimination Statement Continued

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.

USDA is an equal opportunity provider, employer, and lender.



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“And Justice For All” Poster

- Prominently displayed where everyone can view it
- Any establishment where services and benefits are delivered
 - Meal service sites
 - Schools
 - Day care centers
 - Adult care centers
 - NOT day care homes
- School’s cafeteria - not behind the serving line
- AD-475A (green)
 - Used in offices, schools, and

www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations



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“And Justice For All” Poster Continued

- AD-475A (green)
 - Used in offices, schools, and other sites that administer Child Nutrition (CN) Programs, Supplemental Nutrition and Safety (SNAS) Programs, and Special Nutrition Programs (including WIC)
- Obtain posters for display
 - State agencies
 - Program sponsors
- Review posters for reference
 - USDA, FNS website



www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations



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Annual Training

Required so individuals in all levels of administration of programs that receive Federal financial assistance understand:

- Federal laws
- Regulations
- Instructions
- Policies
- Other guidance



Civil Rights training:

- Completed annually
- Anyone involved in ANY aspect of USDA nutrition programs
- Must be documented
- All levels, both full-time and part-time
 - Staff that interact with applicants, participants, and/or their parents/guardians/caretakers
 - Individuals who make eligibility determinations or who collect and manage data
 - Kitchen staff (cooks, servers, cashiers)
 - District and school level staff who have program duties



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Annual Training Continued

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- Instructions
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- Other guidance



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 - Individuals who make eligibility determinations or who collect and manage data
 - Kitchen staff (cooks, servers, cashiers)
 - District- and school-level staff who have program duties (superintendents, principals, volunteers)
 - Anyone who supervises meals or takes meal counts

Refer specific compliance-related questions to your State agency or program sponsor.



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Training Topics

- Collection and use of data
- Complaint procedures
- Compliance review techniques
- Conflict resolution
- Customer service
- Effective public notification system
- Resolution of noncompliance
- Requirements for language assistance
- Requirements for reasonable modifications for persons with disabilities



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Data Collection

Collection and maintenance of characteristic data are required.

Purposes:

- Determine how effectively the programs are reaching potentially eligible persons and beneficiaries
- Identify areas where additional outreach is needed
- Assist in the selection of locations for compliance reviews
- Complete reports, as required



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More About Data Collection - Retain at the service delivery site

- Collect at the point of application
 - Self-identification
 - Self-reporting
- Encourage self-identification
 - Explain the purpose
 - Detail the use
- Do NOT use visual identification
 - May obtain information from parents, guardians, or adult participants
 - May NOT survey children



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Race and Ethnic Data

Ethnicity

1. Hispanic or Latino
2. Not Hispanic or Latino

Race

1. American Indian or Alaskan Native
2. Asian
3. Black or African American
4. Native Hawaiian or Other Pacific Islander
5. White



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Physical Accessibility - Child Nutrition Programs must be accessible to and useable by person with disabilities.

- People with disabilities must have full, usable, physical access to program locations, including buildings and parts of buildings.
- Access accommodations may include:
 - Moving to accessible buildings
 - Assigning aids to assist participants
 - Making home visits
 - Delivering services at alternative accessible sites - this applies to sites with fifteen or fewer employees
 - Altering existing facilities
 - Constructing new, accessible facilities



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Language Access

- Limited English Proficiency (LEP)
 - Either unable or have very limited ability to speak, read, write, and/or understand English because of their national origin
 - Do not speak English as their primary language
- Ensure meaningful access to programs and services



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LEP Factors to Consider

To ensure compliance with providing meaningful access, there are a number of factors to consider.

- Number or proportion of eligible participants with LEP to be served or likely to be encountered within the area serviced by the recipient
- Frequency with which people with LEP come in contact with the program
- Nature and importance of the program, activity, or service provided by the program
- Resources available and their costs



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LEP and Program Access

To provide meaningful program access:

- Assessments must be conducted to determine a State language profile that takes regional differences into account.
- Vital documents must be translated.
- Oral translations and notifications of free interpretation services must be provided.
- Staff, especially frontline staff, must be trained how to provide LEP populations with meaningful access.



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LEP and Program Access Continued

For language services:

- Applicants and participants cannot be asked to bring their own interpreters.
- Children should **NOT** be used as interpreters.
- Use qualified, competent language resources.

Examples include:

- Qualified, competent bilingual staff
- Telephone interpreter lines
- Oral interpretation services
- Written language services
- Qualified, competent community organizations and volunteers



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Language Assistance Services

CN program materials must be provided in languages other than English as appropriate to:

- Potentially eligible persons
- Applicants
- Program participants
- The public

For more specific guidance in this area, contact your State agency or sponsoring program.



Lesson 3 Overview - Compliance Reviews, Customer Service, and Conflict Resolution

Objectives:

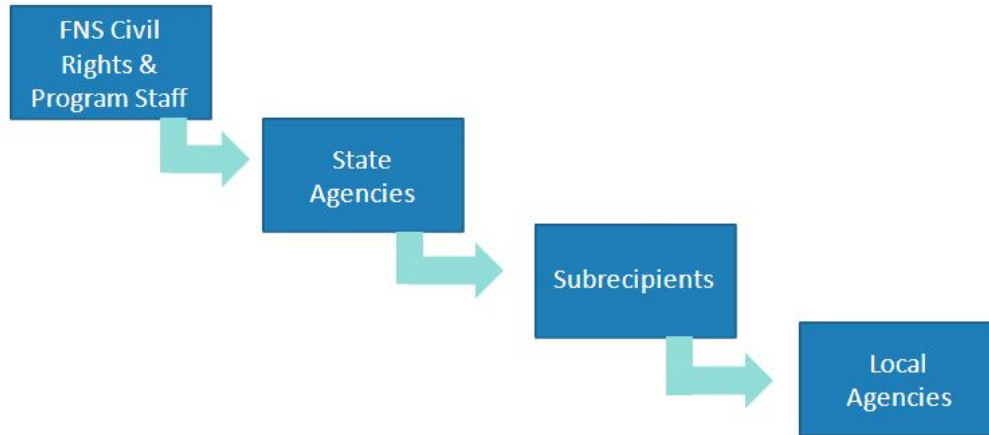
- Categorize the types of compliance reviews.
- Distinguish customer service best practices.
- Determine the tools and steps for successful conflict resolution.



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Compliance Reviews

Examines the activities of State agencies, subrecipients, and local sites to determine Civil Rights compliance.



All significant findings must be provided in writing to the reviewed entity and to USDA, FNS.



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Types of Reviews



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Noncompliance

- Factual finding that any Civil Rights requirement, as interpreted by regulations, instructions, policies, or State agency, local agency, or other subrecipient guidelines has not been satisfied.
- ALL must be reported.
- Immediate steps must be taken to obtain voluntary compliance.
- Voluntary compliance must be achieved within 60 days from the finding's effective date.



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Voluntary Resolution Agreement

- 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
- May be between multiple parties
- May be used to closeout a Civil Rights compliance review



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Customer Service

Customers are:

- Applicants
- Participants
- The public



Customer service is:

- Effectively communicating with your customers
- Responding to their needs
- Valuing their worth
- Instilling excellence through courtesy, confidence, and enthusiasm



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Customer Service Best Practices

- 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.



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Professionalism

To respond to customers professionally:

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



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Things to Avoid in Customer Service

Be sure to avoid:

- Passing off a complainant to a coworker.
- Ignoring them and/or letting the complainant talk themselves out of the situation.
- Placing a complainant caller on hold or leaving them in a waiting room without useful updates.
- Providing the excuse, “Sorry, it’s not my job!”



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Conflict Resolution Skills

- Use a win/win approach
- Turn problems into possibilities
- Demonstrate empathy
- Be appropriately assertive
- Leverage cooperative power
- Manage emotions internally and externally
- Promote a willingness to resolve conflict



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Unsuccessful Resolution

Once a customer files a Civil Rights complaint or participates in an investigation:

- It is unlawful to treat that person differently.
- The person and the conflict are not the same.
- Retaliation is also unacceptable and against the law.



Thank you for completing the Civil Rights Training

