



# East Texas Food Bank

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Civil Rights Training Presentation

# Introduction

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- First, thank you all for your service to your community and neighbors.
- To comply with program requirements set forth by the Department of Agriculture, we have put together this training on Civil Rights for you and your volunteers and staff to use.
- This must be done annually in order to continue to receive resources from Federal Programs, the Feeding America Network, and the East Texas Food Bank (ETFB)



# What will be covered?

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- In addition to discussing discrimination, the following areas will be covered: Collection and use of data, Effective public notification systems, Complaint procedures, Compliance review techniques, Resolution of noncompliance, Requirements for reasonable accommodation of persons with disabilities, Requirements for language assistance, Conflict resolution, and Customer service
  - Department of Agriculture Civil Rights Compliance and Enforcement – Nutrition Programs and Activities, pp. 16 – 17 (Nov., 2005)

# Collection and use of data

- Food & Nutrition Service (FNS) policy requires agencies and institutions at every level of our network to collect data relating to ethnicity and race from clients applying for their programs, with the exception of those applying for TEFAP assistance.
  - **All pantry organizations, on-site kitchens, and produce partners associated with ETFB are operating under the rules and regulations of TEFAP. Partner organizations under CSFP, CACFP, and SFSP must adhere to the data collection standard.**

## Collection and use of data (Cont.)

- When applicants raise concerns about information collected for the application process, below is an example of an appropriate explanation of why the information is needed:

*"This information is requested solely for the purpose of determining the State's compliance with Federal civil rights laws, and your response will not affect consideration of your application, and may be protected by the Privacy Act. By providing this information, you will assist us in assuring that this program is administered in a nondiscriminatory manner."*

- If the client still refuses to self-identify, use visual identification (guess) to establish ethnicity and race.

# Collection and use of data (Cont.)

- This information is collected to:
  - Determine how effectively the programs are reaching potential applicants and households in the area.
  - Identify regions for additional outreach and resources.
  - Assist in identifying areas for compliance reviews.

# Civil Rights Legislation

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- The following laws and regulations guide us on how to best be fair and equitable to our neighbors:
  - Title VI of the Civil Rights Act of 1964: Establishes Race, Color, and National Origin as protected classes.
  - Section 504 of the Rehabilitation Act of 1973 & Americans w/Disabilities Act of 1990 (ADA); ADA Amendments Act of 2008: Established the protection of rights and expansion of access for people with disabilities.
  - Age Discrimination Act of 1975: Adds age to the lists of protected classes



- Title IX of the Education Amendments of 1972: Established Sex as a protected class.
- Civil Rights Restoration Act of 1987: Clarifies the scope of the Civil Rights Act of 1964
- 28 CFR Part 35: Nondiscrimination on the Basis of Disability in State/Local Government Services
- 28 CFR Part 42: Nondiscrimination in Federally Assisted Programs
- Executive Order 13166 – “Improving Access to Services for Persons with Limited English Proficiency” (August 11, 2000)
- 7 CFR Parts 15, 15a and 15b: Forbade discrimination of protected classes in regards to programs receiving Federal funding and/or resources.
- 7 CFR Part 16: Ensures a level playing field for the participation of faith-based organizations and other community organizations in USDA programs.
- USDA Departmental Regulation 4330-2 (non-discrimination regulations) & USDA LEP Policy



These laws established the **protected classes**.

This means it is against the law to discriminate against people based on:

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

# Discrimination

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- For the purpose of this training, **discrimination** is defined as the determination of access to services or actions taken in a way as to create a systemic disadvantage to people or persons based on a characteristic listed as a protected class. Simply put, it is illegal to be unfair to people based on race, sex, color, age, national origin, or disability. Discrimination can occur from deliberate actions as well as by accident. In short, it is an adverse act against a person based on one or more of the protected classes.
- It is also unlawful to retaliate against someone who made a civil rights complaint. They must be treated the same as everyone else, regardless of previous issues.



# Civil Rights Complaints

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- Civil rights complaints MUST be handled separately from standard complaints. The person making the complaint must make the decision if they are raising a concern, making a formal complaint, or making a civil rights complaint.
- The flow chart on the following slide is the process for handling civil rights complaints throughout ETFB's region. CE is a reference to ETFB.
- The civil rights complaint form can be found at [https://www.usda.gov/sites/default/files/documents/Complain\\_combined\\_6\\_8\\_12\\_508.pdf](https://www.usda.gov/sites/default/files/documents/Complain_combined_6_8_12_508.pdf) for English and <https://www.usda.gov/sites/default/files/documents/USDAProgramComplaintForm-Spanish-Section508Compliant.pdf> for Spanish.



## Federal Nutrition Programs Civil Rights Complaint Procedure

Civil Rights complaint (verbal or written) is received by either:

1. ETFB staff
2. Site staff or volunteers

The individual that receives the complaint will provide the complainant the Civil Rights Complaint form. The complainant will be directed to return the form to the CE, call the number below, or mail the form to:

US Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410

(202) 752-5964  
(found on ... *and Justice for All* poster)

If the form is returned to the CE, the CE must inform the Texas Department of Agriculture of the complaint before the close of business.

The form must be mailed to the following address within 5 working days:

US Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410

# Basic Elements of Public Notification

- ▶ The public notification system must include the following three basic elements:
  - ▶ **Program Availability**: All partner agencies that distributes program benefits and services must take specific action to inform applicants, eligible persons of their program rights and participants, and potentially responsibilities and the steps necessary for participation.
  - ▶ **Complaint Information**: Applicants and participants must be advised 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 Web sites, used to inform the public about FNS (our food) programs must contain a nondiscrimination statement. It is not required that the nondiscrimination statement be included on every page of the program information material. At the minimum, the nondiscrimination statement, or a link to it, must be included on the first or home page of program information.

# Public Notifications (Cont.)

- ▶ Additionally, the following is also required:
  - ▶ Prominently displaying the “And Justice for All” poster
  - ▶ Take reasonable steps to provide appropriate information in alternative formats for persons with disabilities and in the locally appropriate language(s) for people with **Limited English Proficiency (LEP)** to grant meaningful access to services.



# Public Notifications (Cont.)

- ▶ What constitutes reasonable steps to assure meaningful access will be contingent on a number of factors. Among the factors to be considered are:
  - ▶ The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
  - ▶ the frequency with which LEP individuals come in contact with the program;
  - ▶ the nature and importance of the program, activity, or service provided by the program to people's lives;
  - ▶ and the resources available to the partner agency and costs.

# Nondiscrimination Statement

- ▶ The language for the non-discrimination statement is:
  - ▶ Full version: *"In accordance with Federal law and U.S. Department of Agriculture (USDA) and U.S. Department of Health and Human Services (HHS) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. Under the Food Stamp Act and USDA policy, discrimination is prohibited also on the basis of religion or political beliefs."*
  - ▶ *"To file a complaint of discrimination, contact USDA or HHS. Write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). Write HHS, Director, Office for Civil Rights, Room 506-F, 200 Independence Avenue, S.W., Washington, D.C. 20201 or call (202) 619-0403 (voice) or (202) 619-3257 (TTY). USDA and HHS are equal opportunity providers and employers."*
  - ▶ Short version (to be used when there is not enough space on materials for the full version: *"This institution is an equal opportunity provider."*

# COMPLIANCE REVIEWS

- Compliance Reviews are done routinely to verify that Federal, State, and Local Institutions and partner agencies are following all laws, regulations, and program policies to uphold required civil rights and program standards.
- The three types of reviews are preapproval/preaward, routine/post-award, and special.
- ETFB standard of compliance of its partners are based on the standards as set by the state and/or federal programs that support the resources being provided to you.



# COMPLIANCE REVIEWS (CONT.)

- **Preaward/preapproval reviews**: New partners are reviewed prior to starting their partnership with us to make sure that they are either already in or able to be in full compliance upon the official start of the partnership.
- **Routine/post-award**: This review is the regularly reoccurring reviews completed once the partnership has started. Some of the questions asked are:
  - 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 modifications appropriately made for people with disabilities?

# COMPLIANCE REVIEWS (CONT.)

- **Special**: may be scheduled or unscheduled and occur for various reasons including but not limited to:
  - To follow up on previous findings of noncompliance.
  - To investigate reports of noncompliance by other agencies, media, or grassroots organizations.
  - Specific to an incident or policy.
  - If there is a history of statistical underrepresentation of a particular group or groups.
  - Pattern of complaints of discrimination.
- Copies of review forms used by ETFB are available to review alongside this section of the presentation. Please contact your program representative if the documents are not immediately available electronically.

# Noncompliance

- An agency may be the subject of a resolution of noncompliance if a factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to.
- When this occurs, steps will be immediately taken to obtain voluntary compliance with the overlooked law, regulation, policy, instruction, or guidelines.
- The date that notice is sent to the violating agency will be the effective date of the resolution.



# Noncompliance (Cont.)

- A resolution of noncompliance is resolved when the partner agency enters into, and completes, a voluntary resolution agreement (VRA)
- A Voluntary Resolution Agreement (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.

## Noncompliance (Cont.)

- The VRA may be between multiple parties such as the officials in authority to regulate civil rights laws (Food and Nutrition Service, Civil Rights Division, (FNS CRD)), recipient or sub-recipient (State agency or Foodbank), and program participant (Complainant)
- Voluntary Resolution Agreements may be used to closeout a Civil Rights Review at the discretion of federal/state officials in lieu of issuing a written Civil Rights Review report with findings.

# Customer Service

- ▶ Providing quality customer service is key to meeting the needs of your customers. For our programs, customers are: applicants, participants, and the public.
- ▶ Customer service is effectively communicating with your customers, responding to their needs, valuing their worth, and instilling excellence through courtesy, confidence, and enthusiasm.



# Customer Service (Cont.)

To ensure you provide excellent customer service, consider these best practices:

- ▶ Treat customers with respect and dignity.
- ▶ Exercise good listening skills by being attentive to the customer and their needs.
- ▶ Learn to empathize with the customer, when necessary.
- ▶ Respond to questions in a non-threatening manner ensuring your voice and tone are calm and clear.
- ▶ Communicate rules, rights, and responsibilities clearly and precisely.
- ▶ Recognize and appreciate that customers have many needs and few resources.
- ▶ Recognize changes in a customer's demeanor, because it often signals the person feels they have been treated in a rude, discourteous, or unfair manner.

# Customer Service (Cont.)

To maintain a level of excellence in professionalism follow these Do's and Don'ts:

- ▶ Don't: Place a complainant caller on hold or leave them in a waiting room without providing useful updates.
- ▶ Do: Be understanding.
- ▶ Do: Avoid interrupting them.
- ▶ Do: Talk calmly and slowly in a well-modulated voice with low pitch.
- ▶ Don't: Totally ignore a complainant and/or let the complainant talk themselves out of the situation.
- ▶ Don't: Quickly or unnecessarily passing off a complainant to a coworker/co-volunteer.
- ▶ Do: Apologize. (Yes, even if you had nothing to do with the situation. There's no "I" in team or agency so we succeed and fail together.)

# Customer Service (Cont.)

- ▶ Don't: Providing the excuse, "Sorry, it's not my job!"
- ▶ Do: Identify the problem based on the information the customer gives you.
- ▶ Do: Determine a solution.
- ▶ Do: Personally follow up to make sure the customer has been satisfied, and the issue is resolved.





# Conflict Resolution

Now let's discuss how to approach conflict resolution and the best approaches if things don't work out. Here are some successful ways to approach an unpleasant situation:

- Using a win/win approach is about changing the conflict from an adversarial attack and defense to cooperation.
- Demonstrate empathy to help cultivate feelings of openness and positive rapport between people.
- Manage emotions internally and externally. It is vital to manage your own emotions and stick strictly to the facts of the complaint.
- Promote a willingness to resolve conflict by identifying barriers to resolution for each person involved in the situation.
- Remember the person and the conflict are not the same.
- Finally, if a customer files a Civil Rights complaint or participates in an investigation, it is unlawful to treat that person differently. Plus, retaliation is unacceptable and against the law.

# Thank You for your time and service!!

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- Sources:

- Texas Department of Agriculture | Food and Nutrition Division, Section 3, Managing the Program & Section 6, Civil Rights
- USDA, Civil Rights Division, Food and Nutrition Service, Webinar Session, March 5, 2020: *Civil Rights Training. The Emergency Food Assistance Program.*
- USDA, Civil Rights Division, Food and Nutrition Service, Webinar Session, Date: Unknown: *Civil Rights Training, Child Nutrition Programs*
- FNS Instruction 113-1
- Institution of Child Nutrition. (2020). *Civil Rights in child nutrition programs.* University, MS: Author.