



Civil Rights Training

Commodity Supplemental Food Program
and
The Emergency Food Assistance Program

California Department of Social Services



Agenda

- Introduction
- Public notification requirements
- Complaints Process
- Civil Rights Training
- Racial and Ethnic Data Collection
- Limited English Proficiency (LEP)
- Disability Accommodations
- Equal Opportunity for Religious Organizations
- Compliance Reviews
- Sample scenarios
- Questions



Training Objectives

- Recognize and prevent discrimination based on any of the protected classes
- Understand civil rights compliance procedures.
- Identify the language assistance requirements for people with Limited English Proficiency (LEP)
- Understand how to accommodate people with disabilities
- Understand the collecting and reporting of data
- Acknowledge the importance of providing good customer service

Why is this Training Required?

CSFP and TEFAP receives federal funding from Food and Nutrition Service (FNS), through the United States Department of Agriculture (USDA). All programs receiving this funding are required to demonstrate compliance with federal civil rights requirements.





Civil Rights Compliance

- Civil Rights requirements are applicable to all programs and activities for recipients of federal financial assistance, whether those programs and activities are federally funded in whole or in part.
- Civil Rights regulations are intended to ensure that benefits of the Commodity Supplemental Food Program and Temporary Emergency Food Assistance Program are made available to all eligible people in a non-discriminatory manner.
- All agencies receiving federal dollars must implement Civil Rights requirements to be eligible for the program.

What are Civil Rights?

Civil Rights are the rights of individuals to receive equal treatment (and to be free from unfair treatment or discrimination) based on certain legally protected classes.



Civil Rights Legal Authorities

- Civil Rights Act of 1964
 - Illegal to discriminate on basis of race, color, religion, sex or national origin, and barred unequal application of voter registration requirements; banned racial discrimination in hotels, theaters, restaurants and other public accommodations, as well as many workplaces, and gave the federal government new powers to enforce the law.
- Civil Rights Act of 1968
 - Equal housing opportunities regardless of race, color, religion, sex, disability, familial status, or national origin.



Civil Rights Legal Authorities

- Sections 504 and 508 of the Rehabilitation Act of 1973 and Americans with Disability Act (ADA)
 - The ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications.
- Title IX of the Education Amendments of 1972
 - Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity.
- Age Discrimination Act of 1975
 - Prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.



What is Discrimination?

It 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 the protected classes.

What are the Protected Classes?

Discrimination is prohibited against any program participant or employee based on:

- Race
- Color
- Age
- Sex
- Disability
- National Origin
- Religion
- Reprisal
- Income
- Gender Identity
- Political Beliefs
- Marital Status
- Familial/Parental Status
- Sexual Orientation
- Employment





Who Needs Civil Rights Information?

- Person Responsible for Civil Rights Compliance
- Applicants, participants, potential eligible persons, and sub recipients of the program
- Frontline Staff who interact with program applicants or participants
- Those who supervise frontline staff

Public Notification

The purpose of public notification is to ensure that people understand:

- Program availability
- Rights and responsibilities
- Policy of nondiscrimination
- Procedure for filing a complaint





Public Notification

- Program Availability: Each state agency, prime contractor, or subcontractors that distributes program benefits and services must take specific action to inform applicants, participants, and potentially eligible persons of their program rights and 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 websites used by FNS, state agencies, prime contractors, or subcontractors to inform the public about FNS programs must contain a nondiscrimination statement.

Components of Public Notification

The USDA nondiscrimination poster "And Justice for All" must be prominently displayed in a place where it can be seen.



Nondiscrimination Statement

Sponsors can use the following short version on documents mentioning the USDA, CSFP, and TEFAP if the document is half or less in length.

“This institution is an equal opportunity provider”

“Esta institución es un proveedor que ofrece igualdad de oportunidades” (Spanish)



Nondiscrimination Statement Requirements

- Participant Application
- Education Materials
- Employee Handbooks
- Newsletters
- Print or Broadcast
- Advertisements
- Brochures
- Flyers
- Web sites

Customer Service



- Treat others the way you would want to be treated.
 - Be patient and polite
 - Be empathetic
 - Do not be afraid to ask for help to resolve a problem
 - Apologize where appropriate
 - Treat everyone with dignity and respect
 - Smile whenever possible



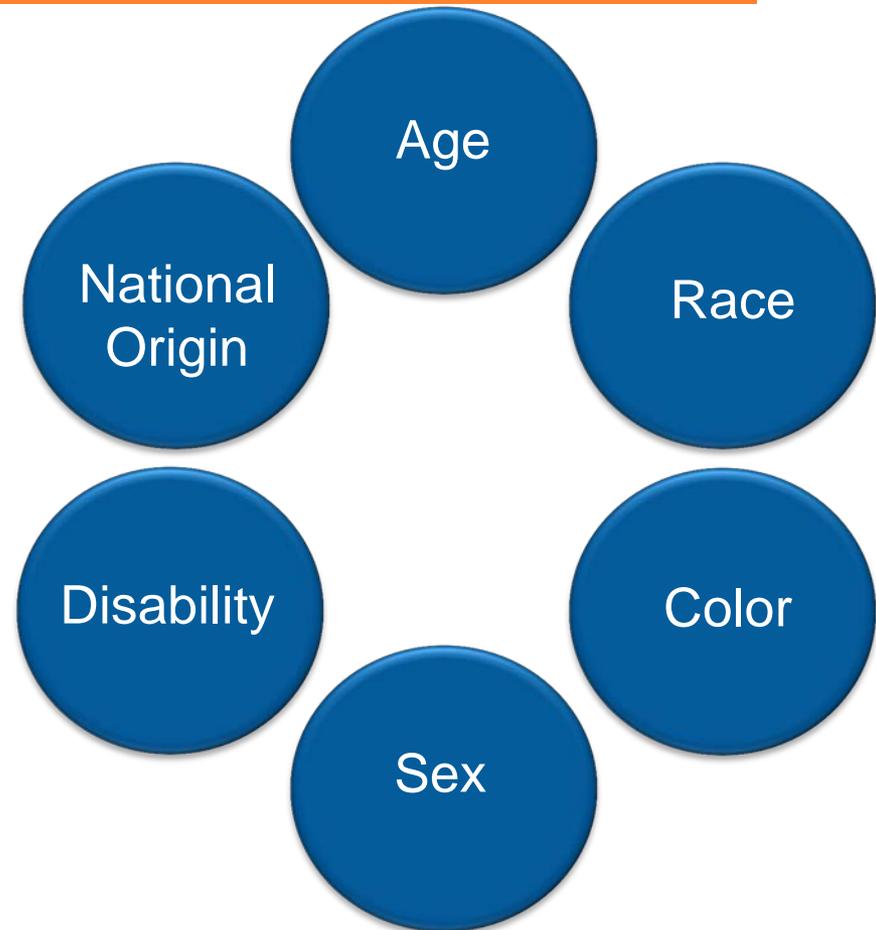
Conflict Resolution

As always, staff should provide good customer service to avoid potential civil rights complaints. Keep the following in mind:

- Avoid the desire to blame
- Attempt to improve the situation
- Communicate your feelings
- Improve relationships and increase communication
- Avoid repeating the situation

Complaints of Discrimination

A civil rights complaint must be based on one or more of the following:





Develop a Procedure and a Plan

Agencies are required to develop and implement written procedures to handle any discrimination/program related complaint that they receive.



How to Handle a Complaint

- Create a complaint log
- Process incoming complaints
- Track the complaint through the investigation and resolution
- Assist the complainant with filing the complaint



Filing a Complaint

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

Program 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



OMB Control Number 0508-0002

**UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
Office of the Assistant Secretary for Civil Rights
Program Discrimination Complaint Form**

First Name: Middle Initial: Last Name:

Mailing Address:

City: State: Zip code:

E-mail address (if you have one):

Telephone Number starting with area code:

Alternate Telephone Number starting with area code:

Best Time of the Day to Reach You

Best Way to Reach You, (check one): Mail Phone E-mail Other:

Do you have a representative (lawyer or other advocate) for this complaint? Yes No

If yes, please provide the following information about your representative:

First Name: Last Name:

Address: City: State: Zip Code:

Telephone: E-mail:

1. Who do you believe discriminated against you? Use additional pages, if necessary.



Complaint Procedure

Forward the completed complaint form or letter by mail, fax, or email to your San Diego Food Bank EFAP contact.

- Mail: 9850 Distribution Avenue, San Diego CA 92121
- Fax: 858.527.1457



Civil Rights Complaint Log

- The complaint log must contain all relevant information to investigate and resolve the complaint
- This must be dated and kept for 3 years plus current year, even if no complaints have been received
- The complaint log must be available upon request by the San Diego Food Bank



Racial and Ethnic Data Collection

State agencies, local agencies and other sub recipients are required to obtain data by race and ethnic categories on potentially eligible populations, applicants and participants in their service area.



Racial and Ethnic Data Collection

- Applicants shall 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.



What is 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.
- Recipients of federal financial assistance have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency.

Limited English Proficiency (LEP) Requirements

- Take reasonable steps to ensure meaningful access to program information and services by persons with Limited English Proficiency (LEP).
- These services may include:
 - Providing interpreters
 - Providing printed materials in different languages

你好

Hello

عليكم

God dag

Здравствуй

السلام

Hola

Ciao



Discrimination Based on National Origin

Agencies that fail to provide services to Limited English Proficiency (LEP) potentially eligible persons, applicants, and participants, or deny them access to federally assisted programs and activities, may be discriminating on the basis of national origin in violation of Title VI and its implementing regulations.



How do I determine if LEP services are needed?

The more frequent the contact with a particular language group, the more likely that enhanced language service in that language is needed. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's contact with the program or activity is unpredictable or infrequent. Less frequent contact with different language groups may warrant a different and less intensified solution.

Americans with Disabilities Act (ADA)



- What is it?
 - ADA is the most comprehensive federal legislation that prohibits discrimination against people with disabilities.
- Who is protected by ADA?
 - ADA protects individuals with disabilities. A disability is a physical or mental impairment that substantially limits an individual's major life activities.

ADA Mandates Reasonable Accommodation

Reasonable accommodation is a modification/adjustment to enable individuals with disabilities to have equal access to benefits and privileges of a service or program.





Equal Opportunity for Religious Organizations

- Faith-based organizations can use their facilities to distribute food without removing religious art, icons, scriptures or other religious symbols
- Faith-based organizations cannot include prayer during food distribution
- Prayer must occur at a different time and/or location than the food distribution



Equal Opportunity for Religious Organizations

Faith-based organizations cannot use federal funds to preach their faith, support religious activities such as worship or religious instruction, or require applicants/participants to participate in their faith-related activities in order to receive program benefits.



Civil Rights Review

We review civil rights compliance during:

- Administrative Review
- Complaint Investigation
- Annual Renewal process



Civil Rights Review Verifies

- Program and civil rights information is available to applicants, participants, grassroots organizations or similar minority groups at each site
- Complaint procedures are in place to handle complaints
- Complaint procedures incorporate federal requirements
- USDA “And Justice for All” poster is displayed
- Nondiscrimination statement is included on all program materials produced for public information, public education or public distribution



Civil Rights Review Verifies

- All materials regarding the program provided in the appropriate language of the population being served
- Civil Rights complaints are handled properly
- Reasonable accommodations provided in the delivery of services to participants with disabilities



Resolution of Noncompliance

If noncompliance is indicated, corrective action must be taken immediately to achieve voluntary compliance.



Sample Scenario #1

A person in a wheelchair complains that the site where he was told to pick up his food package is not accessible to public transportation.

Question: What steps should be taken in this situation? How can this person be accommodated?



Sample Scenario #2

A participant tries to speak with a volunteer at a CSFP or TEFAP distribution site in a language other than English, but the volunteer cannot understand the participant. The participant leaves without being served.

Question: How should that situation have been handled by the volunteer?

Sample Scenario #3

A reviewer from the State visits a CSFP or TEFAP distribution site and sees the *And Justice For All* poster displayed in the manager's office, which is located in an area that is off limits to program applicants and participants.

Question: Is this a Civil Rights violation? Why or why not?

Civil Rights Resources

- USDA Civil Rights
 - <https://www.fns.usda.gov/civil-rights>
- The current nondiscrimination statement
- “And Justice for All” posters supplied by CSFP and TEFAP



Congratulations!



The annual civil rights training has been completed!



Checklist Submission

You are required to submit a checklist to the Food Bank for our files, to prove that you have finished this training.

The checklist can be provided by your EFAP contact at the Food Bank, and should be sent to 9850 Distribution Avenue, San Diego CA 92121 or faxed to 858.527.1457.