

CIVIL RIGHTS TRAINING

This manual is prepared as a self-study trainer's guide and provides you with the information to meet the basic Civil Rights requirements in training all staff who interact with clients. As an administrator of one or more food programs, you are responsible for ensuring that everyone has equal access to the program(s) you administer.

Because there are a variety of programs and sites that receive this training, not all information or scenarios in this manual apply to your organization.

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GOALS OF CIVIL RIGHTS TRAINING

- **Equal, fair, and respectful treatment of all applicants and beneficiaries.**
- **Elimination of illegal barriers that prevent or deter people from receiving benefits.**
- **Knowledge of rights and responsibilities.**

AGENCY RESPONSIBILITIES

Acceptance of Wichita Falls Area Food Bank product requires the recipient of the assistance, no matter how minimal, to assure compliance with civil rights laws and requirements.

-**Includes** TEFAP commodities, donated product, grant funding, equipment, loans, anything with monetary value.

- **Compliance** with civil rights laws, regulations and requirements
Agencies will not discriminate against any person because of race, color, citizenship, religion, sex, national origin, ancestry, age, marital status, disability, sexual orientation including gender identity, unfavorable discharge from the military or status as a protected veteran.

Documentation of Civil Rights training for all trained staff must be kept on file by the agency, and a training log will be given to the Wichita Falls Area Food Bank to be placed in agency handbook, so Food Bank is made aware of agency's annual staff training.



- **Mandatory Annual Training**

Training is required of all staff and volunteers on an **annual** basis.

- **Public notification**
- **Compliance reviews**
- **Accommodating persons with disabilities**
- **Customer Service**
- **Data collection reporting**
- **Compliant processing**
- **Resolving conflicts**

Scenario #1 (For TEFAP Sites Only)

A pantry that receives Federal financial assistance is located on the 2nd floor of a building and is not accessible to people with wheelchairs. What are some ways to ensure that all people have equal opportunity to benefit from the food pantry?

Scenario #1 Answer

Attempts should be made to improve access to your facility (examples: install an elevator or move the pantry to the 1st floor). If this is not possible, services can be provided in another manner such as bringing a variety of food items downstairs for the person to choose from or providing home delivery.

DISCRIMINATION

Discrimination: “act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on the protected classes.” Unlawful discrimination can be intentional or unintentional.

Protected Classes:

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

Types of Discrimination

Disparate Impact – an unintentional decision; refers to policies, practices, rules, or other systems that appear to be neutral, but result in a disproportionate impact on protected groups.

Disparate Treatment – is an intentional decision to treat people differently based on their race or other protected characteristics.

Reprisal/Retaliation – Negative treatment due to prior civil rights activity by an individual or his/her family or known associates or for cooperating with an investigation.



PREJUDICE

Prejudice: "A preconceived opinion about someone or something, usually unfavorable."

USDA prohibits discrimination in all programs and activities on the basis of:

- Race/Color
- Religion
- Age
- Income
- Political Beliefs
- Sex
- Political Beliefs
- Reprisal/Retaliation
- National Origin
- Family/Marital/Parental Status
- Sexual Orientation
- Genetic Information
- Mental/Physical Disability

COMPLAINTS

Be aware of the basis for which complaints may be filed: race, color, national origin, age, sex, and disability, family/marital status, religion, sexual orientation, genetic information, and political beliefs. Despite providing excellent customer service, occasionally there will be a customer who believes their Civil Rights have been violated. A Civil Rights complaint is an oral or written allegation of discrimination that a program is being administered or operated in a manner that results in disparate treatment or services are provided differently to person or groups of persons in a protected class. All CEs must report claims of discrimination to TDA F&N. A person alleging discrimination has the right to file their complaint within 180 days of the alleged action.

- **Never** discourage groups or individuals from filing complaints or from voicing allegations of discrimination
- Know where to file a complaint and make sure your clients know where to file as well – USDA "And Justice for All" poster & nondiscrimination statement.

Discrimination or Civil Rights Complaints:

Wichita Falls Area Food Bank
Attn: Administrative Director
P.O. Box 623
Wichita Falls, TX 76307
940-766-2322

TEFAP ONLY

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

Mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW
Washington, D.C. 20250-9410
Fax: (202)690-7442; or
Email: Program.intake@usda.gov

Program Complaints

- Usually customer service related
- Received by food pantry staff or WFAFB staff

Scenario #2

A person comes to your food pantry and says that the pantry at the church down the street refused to give her food because she is not a church member. Is this a civil rights violation?

Scenario #2 Answer

This is not a Civil Rights violations, however all agencies in the Wichita Falls Area Food Bank network are required to be open to the public.

Please call **Wichita Falls Area Bank** and they will discuss the situation with the pantry to ensure that all are served.

LIMITED ENGLISH PROFICIENCY (LEP)

People with limited English proficiency (LEP) need to be served in other languages.

Interpreters:

- Volunteers may be used, but make sure they understand interpreter ethics – particularly **confidentiality!**
- Children should not be used as interpreters.
- See www.lep.gov for resources & information.

Scenario #3

A pantry manager designates Thursdays as “Asian Day” to make sure there are Chinese and Korean interpreters present on site. The pantry manager also thinks consumers would be more comfortable in a setting where other people speak their language. Is this an example of a civil rights violation?

Scenario #3 Answer

Even though the manager had good intentions, Thursdays designated as “Asian Days” could be seen as trying to segregate Asian people. The pantry can advertise times it has interpreters, so people can decide to come during those times. The pantry, however cannot require people of a racial/ethnic group or nationality to only come at a certain time because that would be discrimination. Interpretation needs to be provided whenever anyone who needs the service comes to your organization.



EQUAL OPPORTUNITY FOR RELIGIOUS ORGANIZATIONS

- No agency that receives product from Wichita Falls Area Food Bank or administers a government program (TEFAP, CSFP, CACFP, or SFSP) can discriminate against a client or potential client on the basis of religion or religious beliefs.
- Faith based sites can use space in their facilities without removing religious art or symbols.
- **Religious Proselytization:** “to convert or attempt to convert a person to a religion, belief, faith and/or cause.”
 - Cannot put religious flyers in boxes – however they can lay them on a table with any other information so that a client can decide to pick it up if they would like to
 - Faith-based groups retain their independence to carry out their mission as long as the agency does not require clients to attend any class or service to receive food. **However, faith-based groups may offer prayer only at the client’s request**

Scenario #4

An organization wants to include religious literature with food packages that contain USDA commodity food. Is this allowed?

Scenario #4 Answer

Proselytizing is not allowed.

Public Notification - TEFAP (Commodities) Only

- Inform clients or potential clients of program availability, program rights and responsibilities, and the procedures for filing a complaint. If it is a Federal program complaint please refer them to the information on the “And Justice for All” poster.
- Outreach/Communication (All outreach materials/communication must have the discrimination language on the material)
- People need to know about TEFAP and know their rights.
- Display the “And Justice for All” poster.
- Include the required nondiscrimination statement on all appropriate publications, websites, posters and informational materials.
 - Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information.
- Use special formats to reach disabled.
- Use other languages to reach people with limited English proficiency.
- Be creative! TV, radio, posters, flyers, supermarket bulletin boards, local clubs, community organizations, advocacy groups, libraries, schools, special events, fairs, mailings, internet, web site links.



Non-Discrimination Statement

Long Version:

“In accordance with Federal civil rights 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, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activities.”

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

Mail:

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

Fax:

(202)690-7442; or

Email:

Program.intake@usda.gov

Short Version:

“This institution is an equal opportunity provider.”

- May be used on printed material where the longer statement does not fit.
- Should not be used where information on rights is provided.
- Must be in font size no smaller than font size used in rest of publication.
- On websites, the USDA Non-Discrimination Statement is required to appear on the page that mentions TEFAP or USDA food programs.

Scenario #5

An agency prints an informational brochure about TEFAP in another language. Since the nondiscrimination statement is very technical and the population is not well educated, it is felt there is no need to include it. And, it would also take up too much space. Is this decision correct? Why or why not?

Scenario #5 Answer

No. The nondiscrimination statement needs to be translated and put on the brochure. The shorter statement could be used if it is in a font size the same as the rest of the print in the brochure. If the brochure contains information on rights and responsibilities, the longer statement should be used.

Data Collection & Reporting

- Intake Form
 - Self-Declaration Statement (no income verification for sites that distribute USDA only)
 - Cannot ask for SS cards or Driver's License numbers (D.L. # for sites that distribute USDA only – No agency can ask for SS cards)
 - Verification of address can only be done by requested up to 2 utility bills (for sites that distribute USDA only)
 - Take client's word.

- Reporting
 - WFAFB gathers statistic data monthly and turns it in regularly to the state offices as needed.

Scenario #6

The leader of a charitable organization that makes large donations to the operations of a food pantry, requests a list of all Hispanic participants so that they can be given special holiday baskets. Does this pose any civil rights problems and how should you respond to this request?

Scenario # 6 Answer

This poses a number of problems. First, it would violate the confidentiality provisions of data collection. Data on ethnicity and race must be kept confidential and should not be made available on an individual basis.

Compliance Reviews

- Federal/State reviews the food bank annually
- Food Bank conducts compliance reviews with agencies prior to membership, annually and as needed.
 - Check for non-discrimination and ensure civil rights requirements being followed.
 - Verify food safety and methods.

Resolution of Non-Compliance

Corrective Actions:

- Cease inappropriate actions
- Institute appropriate procedures

**FAILURE/REFUSAL CAN RESULT IN LOSS OF FEDERAL ASSISTANCE or
MEMBERSHIP FROM WICHITA FALLS AREA FOOD BANK!**

Disability Accommodations

ENSURE ACCESS FOR PEOPLE WITH DISABILITIES

Have ADA plan in place (or plan to assist)

- Parking lot entrances & exits, halls, elevators, rest rooms, etc.
- Sign language, interpreters, Braille signage, service animals.
- Alternative arrangements for service

Check ADA guidelines for specifics: www.usdoj.gov/crt/ada/adahom1.htm

Customer Service

Treat others the way you want to be treated

- ✓ Be patient & polite.
- ✓ Avoid sarcasm.
- ✓ Be empathetic. Understand that people may not know the rules or understand how the program works. They may feel uncomfortable coming to ask for help.
- ✓ Explain policy, and let clients know you will get in trouble if you do anything that violates the rules.
- ✓ Smile when appropriate; make people feel welcome and valued.
- ✓ Don't be afraid to apologize.
- ✓ Don't feel you need to have the last word.

Conflict Resolution

- Have a written and posted policy for dealing with unacceptable behavior, conflicts, and complaints.
- Ensure agency personnel and volunteers can communicate the procedures at the distribution or meal site to recipients.
- Try to remain calm.
- Try to explain situation.
- Get help, especially if threats occur or if violence is possible.

Scenario #7

Someone comes to the food pantry smelling of alcohol and speaks in a loud voice using language laced with profanities. You ask security to remove this person from the premises and the person accuses you of discrimination and threatens to complain. What should you do?

Scenario #7 Answer

Ideally you would have a policy that outlines unacceptable behavior and penalties, and you ensure that it is enforced uniformly. You could give the person a copy of the policy and also provide information on how to file a complaint.

Resources

For more detailed information:

General TEFAP information www.fns.usda.gov/fdd/programs/tefap **Annual Civil Rights requirements** www.fns.usda.gov/CR/Documents/113-1.pdf **ADA** www.usdoj.gov/crt/ada/adahom1.htm

"I Speak" Cards www.lep.gov/ispeakcards2004.pdf