

# Civil Rights & Ethics Training

Helping Harvest



Today's training will cover Civil Rights & Ethics requirements set by the USDA for both TEFAP & CSFP.

- Civil Rights
- Disabilities
- Discrimination
  - Requirements for reasonable modifications for persons with disabilities
  - Requirements for language assistance
- Customer service
- Public notification
- Complaint procedures
- Conflict resolution
- Monitoring
- Data Collection



## Welcome!

- This is a **mandatory** training designed for agency partners and volunteers administering USDA food programs.
- The goal of this annual training is to guarantee services that are available to all neighbors in a non-discriminatory manner for any USDA food programs.

## Goals

- To eliminate barriers that prevent or deter people from receiving benefits from a government-sponsored or funded program.
- To provide equal and equitable treatment to all in the delivery of programs and services to all applicants, participants and neighbors of a federal program.
- To ensure that all applicants and participants understand their rights and responsibilities.
- Show respect and dignity to **all**.



## Common Terms

- **USDA:** United States Department of Agriculture.
- **TEFAP:** Emergency food assistance program.
- **CSFP:** Commodity supplemental food program/Senior Boxes.
- **FNS:** Food and Nutrition Services
- **State Agency:** The PA department of Human services. The agency designated to administer the TEFAP and CSRP at the state level.
- **Providers:** Any agency administering USDA food programs on the state level.
- **Neighbor:** Those who attend the food mobile, pantry, etc.



## Civil Rights

- Civil Rights are the rights of individuals to receive equal treatment and to be free from unfair treatment or discrimination based on established legally protected classes.
- Civil Rights are guaranteed by the 13th and 14th Amendments of the Constitution and Acts of Congress.

### Things to Keep in Mind:

- Providers are required to complete the Civil Rights training **annually**.
- All staff and volunteers assigned to determine program eligibility or handle confidential information of the neighbors must review the civil rights presentation, **annually**.
- TEFAP and CSFP programs receive federal funding from USDA. Therefore, it requires agencies to follow federal Civil Rights requirements.

## Training Notes

- Providers are responsible for responding to neighbor complaints based on perceived or actual discrimination.

**\*Sites are responsible for training any new volunteers & employees, who distribute food, that come after the annual training.**

## Civil Rights through Legal Authorities

- The **Civil Rights Act of 1964** made it illegal to discriminate on the basis of race, color or national origin.
- The **Civil Rights Restoration Act of 1967** clarified the broad scope of the Civil Rights Act of 1964.
- The **Americans with Disability Act** prohibits discrimination against individuals with disabilities in all areas of public life.
- The **Rehabilitation Act (Section 504 & 508)** offers protection to people with disabilities and requires federal agencies make electronic and information technology accessible.
- **Title IX of the Education Amendments Act of 1972** prohibits discrimination based on sex under any education program.
- The **Age Discrimination Act of 1975** prohibits discrimination based on age.

## What is the definition of a disability?

- A person who has 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 activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- Functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.
  - (ADA Amendments Act of 2008)



### Example of Discrimination:

Few examples of discrimination within food programs could include **refusing or neglecting** to do any of the following:

- Announcing the program publicly so that all eligible people are aware of the program.
- Providing program information in languages other than english.
- Providing beneficiaries with information to file a complaint.
- Providing reasonable accommodations as necessary.

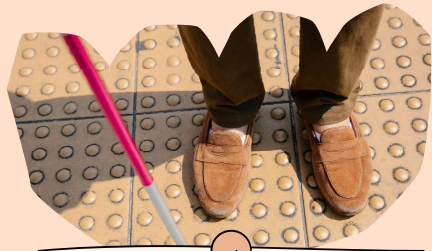
## USDA prohibits discrimination of individuals:

- Race
- Color
- National origin
- Age
- Disability
- Gender or Gender Identity
- Religion
- Citizenship
- Ancestry
- Marital status
- Sexual orientation
- Military status.



## Disability Discrimination: How to Accommodate

- In addition, programs must ensure physical accessibility for buildings and facilities, particularly to persons in wheelchairs and with mobility disabilities:
  - Wheelchair accessibility
  - Carrying boxes
  - Helping to load a car
  - Help to open a door
  - Remove a rug that can be a tripping hazard.
  - Make sure the aisle is easy to walk down.
  - Allowing them to use predesignated proxies to pick up food packages.



## Disability Discrimination: How to Accommodate

- As programs and offices modernize, it is imperative that websites, including State and local agency websites, and online application systems are readily accessible to and useable by persons with visual impairments and other disabilities.
- There is an obligation to ensure that members of the public are provided reasonable modifications in order to access program information, applications and assistance:
  - Braille
  - Large Print
  - Audio Tape
  - Clear Pathways

## LEP

### • Who are persons with LEP?

- 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.

### • LEP Requirements:

- Title VI and its implementing regulations, Executive Order 13166, and USDA LEP guidance require Federal agencies and recipients (State agencies, local agencies, or other subrecipients), to take reasonable steps to ensure “meaningful” access to their programs and activities by Limited English Proficient (LEP) persons. (FNS Instruction 113-1, Section VII)



## Disability Discrimination: How to Accommodate

- Providing qualified sign language interpreters or other auxiliary aids and services for persons with hearing disabilities may be necessary to effectively communicate with these applicants and participants:
  - Be mindful of how you are speaking:
    - Face the neighbor
    - Be clear when you speak.

**\* Not all disabilities are visible.**

## Identify and Accommodate Language Needs

- Find out what languages are spoken in your service area.
- Make sure that everyone knows what to do when a neighbor who speaks limited English needs help.
- Provide a translated material if there are many people who speak another language.
- Do **Not** ask neighbors to **bring their own** interpreters or have **children** as an interpreter.
- Have bilingual volunteers when possible; otherwise, use certified interpreters or contract services (i.e. Language Liner, Google Translate).





## Examples of Language Services

- Qualified & competent bilingual staff
- Google Translate
- Translation Cards
- Telephone interpreter lines
- Oral interpretation services
- Written language services: Self Dec's, nondiscrimination forms, flyers of services (**Required**)
- Qualified, competent community organizations and volunteers



## Assumptions

We have all made assumptions, we are only human.

- **A neighbor pulls up to distribution in an expensive car, what is your first thought?**
  - Borrowing the car, it is their only home, or they got laid off work.
- **Why would a neighbor arrive at a pantry in nice business clothing?**
  - Came from their job, a job fair, interview, etc.

### Inequality

Unequal access to opportunities



### Equity

Custom tools that identify and address inequality



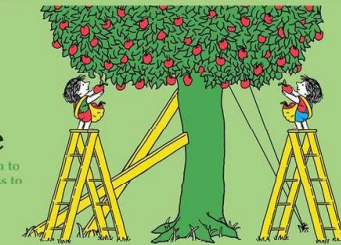
### Equality?

Evenly distributed tools and assistance



### Justice

Fixing the system to offer equal access to both tools and opportunities



CCCCCCCCCCCCCCCC

## Optional

- If you would like, link below is a ted talk from a food bank volunteer.
  - Specifically the last story, an inspiring day.
- Community leader Tom Jerow talks about the importance and place of the local Rhinelander food pantry. Tom Jerow is retired from the Wisconsin Department of Natural Resources where he worked for clean water for 34 years. You'll hear more about his hobby, gardening, during his talk.



## 4 Misconceptions about Food Pantries:

- **1. People use food pantries when they don't need to**
  - No one waits in a line for an hour+ in various weather conditions for a couple of grocery bags of food if they don't have to.
- **2. People should only use food pantries if they can't afford their own food.**
  - Food is a flexible cost compared to the cost of housing, healthcare, and transportation. Due to this it is the first thing to be sacrificed.

### Connecting with Neighbors

Neighbors are seeking food at pantries for different reasons:

- Low Pay
- Job Loss
- Caring for a loved one
- Death of a family member
- Extensive home or vehicle repairs
- Rising costs of groceries and bills
- Medical crisis/bills
- Cut benefits
- Disability
- and so many other reasons

## 4 Misconceptions about Food Pantries:

- **3. Food Pantries are only for the unemployed.**
  - Families are often restricted by childcare responsibilities, disability, health challenges, or transportation that make it difficult to find a job. They are working multiple jobs and not making ends meet, they just got laid off their job or due to a certain medical expense don't have enough in their budget.
- **4. Poverty is Static**
  - In the U.S the concept of poverty assumes that if someone experiencing poverty or homelessness owns something nice or expensive, it must be because they make irresponsible financial decisions. People often experience poverty and hunger in phases throughout their lifetime as all it takes is one medical bill or job loss to set them back.

### Do's & Don'ts

#### Do:

- We do not need to know why the neighbor are at the distribution to receive food.
- We do want to be present and actively listening.
- We do want to smile and be empathetic.

#### Don't:

- Wording
- "the hungry," "the needy," "hey you!"
- Be dismissive
- Look around



## We are not the food police!

- We do not and do not need to know why they are here at distribution to receive food.
- We are a judgment free zone!
- We will always give people food!
- Don't let judgment and a few bad apples ruin it for everyone else.

### Note:

Some neighbors might be feeling fear or shame when seeking charitable food. Those feelings could look like a lot of different things, including friendliness, anger, annoyance, and more.

### Here are a few things we can do to welcome our visiting neighbors

- Greet them with a smile.
- Ask them how they are doing.
- Don't rush
- Thank them for answering questions and visiting today.
- If the technology isn't cooperating let them know.
- Avoid judgement

## Connecting with Neighbors

### Note:

Meeting the neighbors with **compassion, grace, and patience** will make it easier on them and on you! Our job is to meet neighbors with an abundance of compassion and warmth so they feel welcomed and encouraged to participate.

## Customer Service

Service is  
Effectively communicating with customers  
Responding to their needs  
Valuing their worth, and  
Instilling excellence through  
Courtesy, confidence, and  
Enthusiasm.

## Public Notification

- All FNS assistance programs must include a public notification system.
- The purpose of this system is to inform applicants, participants, and potentially-eligible persons of:
  - Program Availability
  - Program Rights and Responsibilities
  - The Policy of Nondiscrimination
    - All agencies must have this statement displayed.
  - The Procedure for Filing a Complaint
    - Have the formal civil rights complaint form available

## Public Notification

- **Program Availability**

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

- **Complaint Information**

- Must advise applicants and 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. The statement is not required to be included on every page of the program website. At a minimum the nondiscrimination statement or a link to it must be included on the home page of the program information.

Let people know how to apply for the TEFAP/CSFP and how to file a Civil Rights complaint:

- Place the “**And Justice For All**” Poster where it can easily be seen.
- Use the **Nondiscrimination Statement** on all materials and websites that mention FNS Programs.
- **Notify** community groups that the Program is available.
- **Provide** information when an individual or group requests it.
- **Schedule** hours of operation according to the **needs** of the community.

## Public Notification

- **State agencies and their subrecipients must:**

- Make program information available to the public upon request
- Prominently display the “And Justice for All” poster
- Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program related information
- Provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for LEP persons

What to do if a neighbor says they were discriminated against?

- Try to **resolve** issues as quickly as possible.
- **Refer** the neighbor to the Civil Rights contact, or to the address provided on the poster.
- **Offer** the neighbor a civil rights complaint form.
- They can also receive a complaint form by sending an email to [program.intake@usda.gov](mailto:program.intake@usda.gov)
  - They may write a letter instead.
  - They can call 866-632-9992.



## Conflict Resolution

- **Identify the Problem**
  - Identify the problem based on the information the neighbor gives you.
- **Determine a Solution**
  - Depending on the specifics of the conversation and your knowledge of your organization, the solution may involve calling the neighbor again.
- **Gain Approval from the Neighbor**
  - If the neighbor does not agree to the proposed solution, it will resolve nothing!
- **Make an Agreement**
  - You and the neighbor 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 neighbor is satisfied.

### 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, sex, disability, age, 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. To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), 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](mailto:program.intake@usda.gov). This institution is an equal opportunity provider.**

## Nondiscrimination Statement

### USDA Nondiscrimination Statement (NDS)

#### Short versions :

- This institution is an equal opportunity provider.
- Esta institución es un proveedor que ofrece igualdad de oportunidades. (Spanish)
- Can be used in special circumstances only

#### USDA Departmental Regulation 4330-2:

- Prohibits discrimination in programs and activities funded in whole or in part by the USDA

#### 28 CFR Part 35

- Covers nondiscrimination on the basis of disability by State/local governments

### Nondiscrimination Statement

(Spanish) 13 De conformidad con la Ley Federal de Derechos Civiles y los reglamentos y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (USDA, por sus siglas en inglés), se prohíbe que el USDA, sus agencias, oficinas, empleados e instituciones que participan o administran programas del USDA discriminen sobre la base de raza, color, nacionalidad, sexo, discapacidad, edad, o en represalia o venganza por actividades previas de derechos civiles en algún programa o actividad realizados o financiados por el USDA. Las personas con discapacidades que necesiten medios alternativos para la comunicación de la información del programa (por ejemplo, sistema Braille, letras grandes, cintas de audio, lenguaje de señas americano, etc.), deben ponerse en contacto con la agencia (estatal o local) en la que solicitaron los beneficios. Las personas sordas, con dificultades de audición o discapacidades del habla pueden comunicarse con el USDA por medio del Federal Relay Service [Servicio Federal de Retransmisión] al (800) 877- 8339. Además, la información del programa se puede proporcionar en otros idiomas. Para presentar una denuncia de discriminación, complete el Formulario de Denuncia de Discriminación del Programa del USDA, (AD-3027) que está disponible en línea en: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) y en cualquier oficina del USDA, o bien escriba una carta dirigida al USDA e incluya en la carta toda la información solicitada en el formulario. Para solicitar una copia del formulario de denuncia, llame al (866) 632-9992. Haga llegar su formulario lleno o carta al USDA por:

- **(1) correo: 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; o (3) correo electrónico: [program.intake@usda.gov](mailto:program.intake@usda.gov). Esta institución es un proveedor que ofrece igualdad de oportunidades.**

USDA 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.  
Name(s) of person(s) involved in the alleged discrimination (if known):  
\_\_\_\_\_  
Please name the program you applied for (if known/if applicable): \_\_\_\_\_

3

## Complaints based on all protected bases

- Must be forwarded to FNS Civil Rights Division within 5 calendar days.

### • USDA discrimination complaint form

#### ■ English:

[http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](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](http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf)

## Complaints of Discrimination

- Complaints must be filed within 180 days from the alleged act of discrimination, with exceptions.
- Complaints may be written, verbal, or anonymous.
- State agencies or subrecipient agencies may develop their own complaint forms, but the use of such forms cannot be a prerequisite for acceptance.
- A separate Civil Rights complaint log shall maintained by the State & subrecipient agency;
- Confidentiality is extremely important and must be maintained.
- Complaints based on all protected bases
  - Must be forwarded to FNS Civil Rights Division within 5 calendar days.

## Display Requirements

- Display the poster in a prominent location for all to view AD-475A Required version for CSFP & Helping Harvest Agency Partners
  - Justice For All Poster
  - Non-Discrimination Statement in both English or Spanish
  - Federal Income Guidelines in English and Spanish
- Have the complaint forms on hand.

**\*Pantries and mobiles need all three, shelters and kitchens just need the Justice for all poster and the nondiscrimination statement.**



## Note

7CFR Part 16, "Equal Opportunity for Religious Organizations"  
Gives equal footing to religiously affiliated organizations

- There cannot be anything offered to the neighbors before they get their food such as religious pamphlets, offering prayer, and specific election materials.
- Why is this not allowed:
  - We do not want the neighbors to feel pressured or unwelcomed if they do not identify with the same religion or political party.
  - We want everyone to feel welcomed!

## Data Collection:

- State agencies must ensure that documentation for the data collected by the local agency or other subrecipient is **on file and maintained for the required 3 years**.
- Keep all paperwork for 3 years & the current year.

## Additional Resources:

- **Common Q&A Questions:**

- <https://www.fns.usda.gov/cr/frequently-asked-questions-faq>
- <https://www.usda.gov/oascr/home>

- **USDA has 2 apps you can download on your phone.**

- USDA Ethics w/ USDA Training Game
- USDA Civil Rights

## Monitoring

### Why:

- 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 Compliance Review

- To follow-up on previous findings of noncompliance.
- May be scheduled or unscheduled.
- May be specific to an incident or policy:
  - Neighbor Complaint
  - Compliance Issues

### Sample Questions:

- Do printed materials contain the nondiscrimination statement?
- Is the "And Justice For All" poster displayed appropriately?
- Are program informational materials available to all? Ex) *Languages*
- How are applicants and participants advised of their right to file a Civil Rights complaint of discrimination?
  - Do you have all of the forms?
- Are reasonable modifications appropriately made for people with disabilities?
  - Wheelchair assessable, translation aids, etc

## Additional Resources:

- **Population data sources:**

- **Department of Justice site:**
  - LEP.GOV
  - <http://www.lep.gov/maps/>
- **US Census Data**
  - <http://www.census.gov/2010census/data/>
- **American Community Survey**
  - <http://www.census.gov/acs/>
- **Migration Policy Institute's National Center on Immigrant Integration Policy**
  - <http://www.migrationpolicy.org/>



# Thank you!

\***Reminder:** Self-Certification forms need to be completed by July 31st.  
Expect: An email from me with the power point, a video recording of the presentation, and a certification of completion for your records.



## Optional

\*This is a satisfaction survey that you can fill out regarding what you liked about the training or would like to see improved. It is **not** mandatory to complete.

[CLICK HERE](#)



## Quiz

\*This quiz is only for pantry coordinators who have watched the video and have not attended an in-person training.

[Click Here](#)