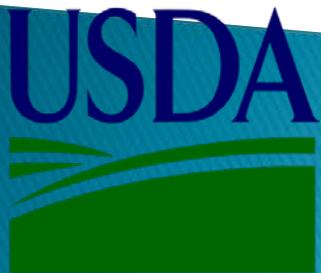


Civil Rights Training

Food Distribution Program on Indian Reservations
(FDPIR)

Civil Rights Division
Food and Nutrition Service, USDA



Agenda

- ▶ Civil Rights Coverage and Legal Authorities
- ▶ Areas of Compliance
 - Assurances
 - Public notification requirements
 - Complaints of discrimination
 - Civil Rights training
 - Racial and ethnic data collection
 - Limited English Proficiency (LEP)
 - Disability discrimination
- ▶ Questions

Civil Rights Legal Authorities

- ▶ Title VI of the Civil Rights of 1964
 - Race, Color, and National Origin
- ▶ Sections 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), & the ADA Amendments Act of 2008
 - Disability
- ▶ Title IX of the Education Amendments of 1972
 - Sex
- ▶ Age Discrimination Act of 1975
 - Age

What is discrimination?

DEFINITION:

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...**

Protected Bases

For FDPIR, different treatment is based on one or more of the eight protected bases:

- 1) Race
- 2) Color
- 3) National Origin
- 4) Age
- 5) Sex
- 6) Disability
- 7) Religion
- 8) Political Beliefs

Assurances

- ▶ “To qualify for Federal financial assistance, the program application must be accompanied by a written assurance that the program or facility will be operated in compliance with the Civil Rights laws and implementing nondiscrimination regulations.”
- ▶ A Civil Rights assurance statement must be incorporated in all agreements between Federal & ITOs, and ITOs & their sub recipients.

(FNS Instruction 113-1, Appendix C)

Elements of 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**

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.

Elements of Public Notification

▶ **Nondiscrimination Statement**

All information materials, including Web sites, used by FNS, State agencies, ITOs, and other subrecipients to inform the public about FNS programs must contain a nondiscrimination statement.

The statement is not required to be included on every page of the program Web site. At a minimum, the nondiscrimination statement or a link to it must be included on the home page of the program information.

Methods of Public Notification

State agencies and ITOs 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.

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, religious creed, disability, age, political beliefs, 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 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 complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at 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.

Nondiscrimination Statement *(Spanish)*

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 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.

Esta institución es un proveedor que ofrece igualdad de oportunidades.

Nondiscrimination Statement

At a minimum, the Nondiscrimination Statement should be on:

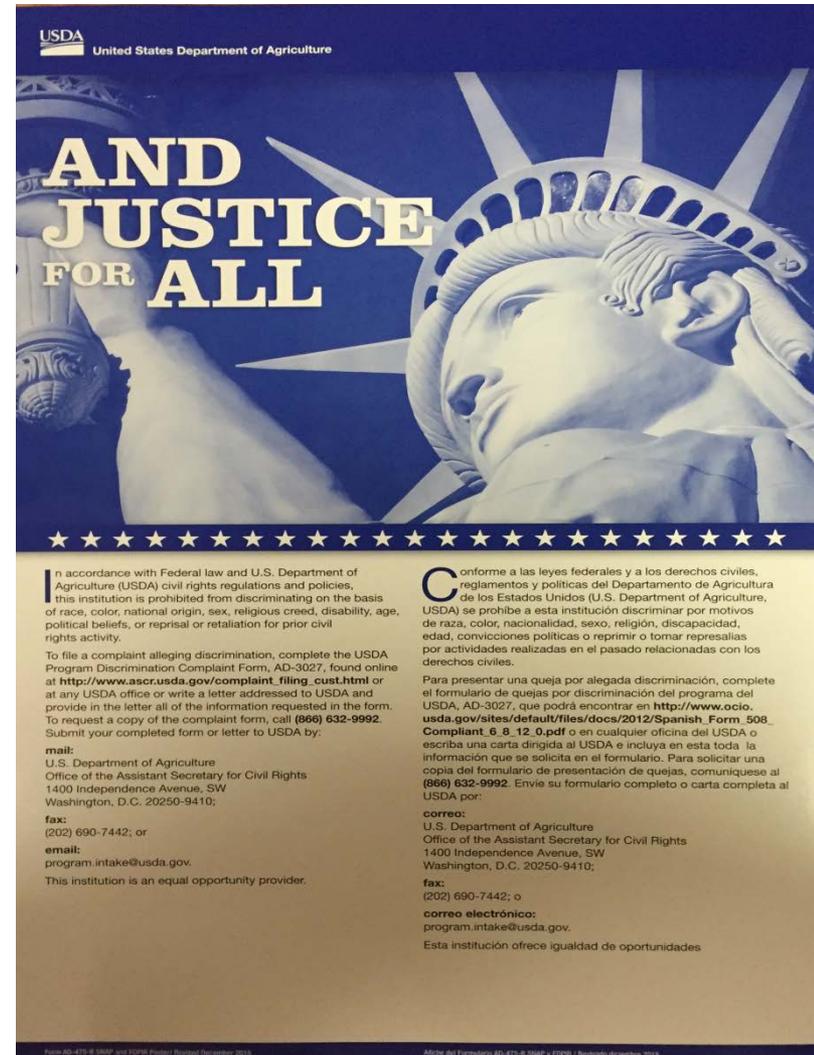
- ▶ Application Form(s)
- ▶ Notification of Eligibility or Ineligibility
- ▶ Notice of Adverse Action Form
- ▶ Program (Home) Web Page
- ▶ Public Information, including Program literature

Nondiscrimination Statement

- ▶ USDA Nondiscrimination Statement (NDS)
 - Short version *
 - This institution is an equal opportunity provider.
Spanish
 - Esta institución es un proveedor que ofrece igualdad de oportunidades.
 - *Can be used in special circumstances only
- Translations
 - Other languages are forthcoming

“And Justice For All” Poster

- ▶ Display the poster in a prominent location for all to view
- ▶ AD-475B
- ▶ New required version for FDPIR



Complaints of Discrimination

- ▶ Complaints shall be accepted and forwarded to USDA by the ITO.
- ▶ If the ITO has its own discrimination complaint system, the complainant must be informed that appeals may be made to the USDA.

Civil Rights Complaints Process

- ▶ USDA Discrimination Complaint Form

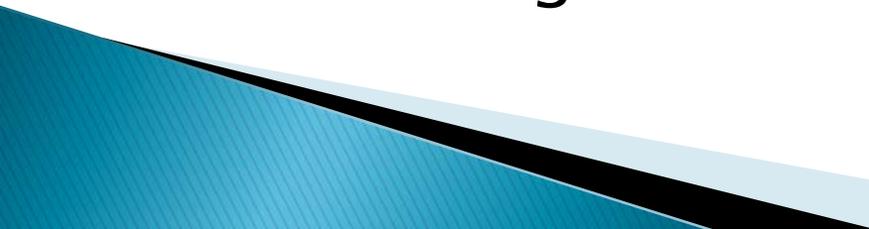
- English

- 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

Program Complaints

- ▶ A program complaint is any complaint that does not allege discrimination.
 - ▶ For example, complaints that indicate customer dissatisfaction, fraud, poor service, or program-related problems would be considered program complaints.
 - ▶ Program complaints should be handled by the FDPIR Program Director.
- 

Civil Rights Training

- ▶ Regular staff and long-term volunteers that interact with applicants and clients must take the Civil Rights training on an **annual basis**.
- ▶ Volunteers who interact with clients and applicants must also be aware of civil rights obligations and inform their supervisor if there is a request for accommodation, language assistance, or filing a complaint.

Civil Rights Training

All staff should receive training on these Civil Rights topics:

- Collection of racial and ethnic data;
- Notifying clients of right to file discrimination complaint;
- Complaint procedures;
- Requirements for reasonable accommodation of persons with disabilities;
- Requirements for language assistance.

Race and Ethnic Data Collection

Two Question Format

1. Ethnicity (must select one of the following)
 - *Hispanic or Latino*
 - *Not Hispanic or Latino*
2. Race (one or more of the following)
 - *American Indian or Alaskan Native*
 - *Asian*
 - *Black or African American*
 - *Native Hawaiian or Other Pacific Islander*
 - *White*

Who are persons with Limited English Proficiency (LEP)?

Definition

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

LEP and Program Access

Title VI and its implementing regulations, Executive Order 13166, and **USDA LEP Guidance** require Federal agencies and recipients (ITOs, 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)

LEP and Program Access

- ▶ Be aware of languages other than English spoken in your service area and be prepared to provide language assistance when requested or needed.
- ▶ Be prepared to translate applications and program information.
- ▶ Be prepared to communicate with clients in their primary language using bilingual staff, volunteers, or a telephonic language line.
- ▶ Applicants and participants cannot be asked to provide their own interpreters.

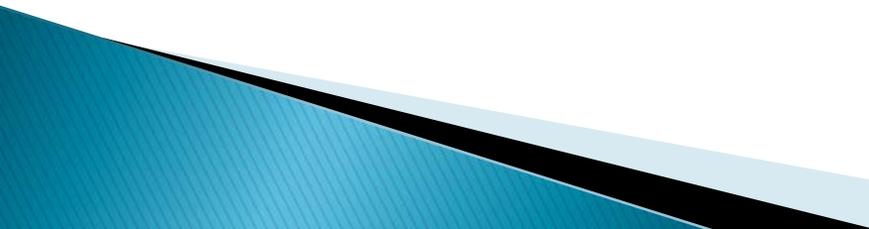
Serving Participants with Disabilities

- Qualified persons with physical and mental disabilities must be able to access the program
 - Reasonable Accommodations must be provided to persons known to have mental or physical limitations.
- 

Disability Definition

- ▶ 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)

Disability Access

- ▶ Make sure your site is accessible to wheelchair users or persons with mobility disabilities; otherwise, have an alternative method to deliver food to those who cannot enter the building or facility.
 - ▶ Team up with disability organizations that can assist with outreach to the community and provide input on resources for accommodations.
- 

Questions?

»» Civil Rights Quiz

The following are federally protected bases in civil rights, except :

- a. National Origin
- b. Religion
- c. Gender Expression
- d. Ethnicity

Who is responsible for ensuring that program participants' civil rights are protected?

- a. Program Director
- b. Local office
- c. Eligibility worker
- d. All of the above

Where is the most appropriate place to display the “And Justice for All Poster” at FDPIR sites?

- a. Each staffer’s cubicle
- b. Lobby/waiting room
- c. Front door
- d. Parking lot

Which of the following documents are not required to include the non-discrimination statement?

- a. Application Materials
- b. Notice of ineligibility
- c. FDPIR Websites
- d. All require it

True or False?

If an applicant does not indicate his/her race and ethnicity on the application, leave the response blank.

- a. True
- b. False

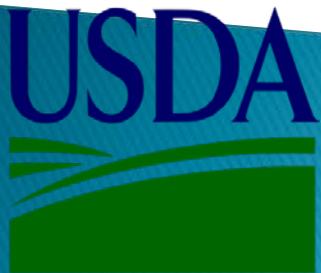
Contact Information

Regional Office	Regional Civil Rights Director
Mid-Atlantic <i>Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, West Virginia</i>	Michele Sazo 300 Corporate Blvd., Robbinsville, NJ 08691 Telephone: (609) 259-5061 Email: Michele.Sazo@fns.usda.gov
Midwest <i>Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin</i>	Tamara Earley 77 West Jackson Blvd., 20th Floor, Chicago, IL 60604 Telephone: (312) 353-6657 Email: Tamara.Earley@fns.usda.gov
Mountain Plains <i>Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming</i>	Sharon Dafondanouto 1244 Speer Blvd., Suite 903, Denver, CO 80204 Telephone: (303) 844-0371 Email: Sharon.Dafondanouto@fns.usda.gov
Northeast <i>Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont</i>	Stephen Miliano 10 Causeway St., Room 501, Boston, MA 02222 Telephone: (617) 565-6424 Email: Stephen.Miliano@fns.usda.gov
Southeast <i>Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee</i>	Gail Hoffman 61 Forsyth St., SW, Room 8T36, Atlanta, GA 30303 Telephone: (404) 562-7033 Email: Gail.Hoffman@fns.usda.gov
Southwest <i>Arkansas, Louisiana, New Mexico, Oklahoma, Texas</i>	Kimone Paley 1100 Commerce St., Room 555, Dallas, TX 75242 Telephone: (214) 290-9837 Email: Kimone.Paley@fns.usda.gov
Western <i>Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Northern Mariana Islands, Nevada, Oregon, Washington</i>	Joe Torres 90 Seventh St., Suite 10-100, San Francisco, CA 94103 Telephone: (415) 705-1330 Email: Joe.Torres@fns.usda.gov

Civil Rights Training

Session 2: Civil Rights in FDPIR Action

Civil Rights Division
Food and Nutrition Service, USDA



Civil Rights in FDPIR: Scenario 1

~Limited English Proficiency~

A person speaking only Spanish comes into the FDPIR office and you understand only English.

What can you do immediately and what future steps can you take to address this situation?

Discuss in small groups and be prepared to summarize and share with the larger group afterward.

Civil Rights in FDPIR: Scenario 1

~Limited English Proficiency~

▶ Possible Solutions

- Competent and qualified Bilingual Staff
 - Competent and qualified Bilingual Volunteers
 - Translated program materials
 - Telephonic Language line
 - Others?
- 

Civil Rights in FDPIR: Scenario 2

~Disability Access~

A program site is located in a portion of the building that is inaccessible for people using wheelchairs or have difficulty walking.

What can you do to assist these individuals that need to apply for FDPIR and receive services?

Discuss in small groups and be prepared to summarize and share with the larger group afterward.

Civil Rights in FDPIR: Scenario 2

~Disability Access~

▶ Possible Solutions

- Relocate office or food distribution in an accessible part of the building
 - Allow applicants to apply by telephone or online
 - Deliver food benefits to clients at home or an accessible site
 - Others?
- 

Civil Rights in FDPIR: Scenario 3

~Complaints of Discrimination~

A participant is visibly upset and tells you he has been discriminated against as someone who is not a Tribal member.

How do you handle this situation?

Discuss in small groups and be prepared to summarize and share with the larger group afterward.

Civil Rights in FDPIR: Scenario 3

~Complaints of Discrimination~

▶ Possible Solutions

- Inform the client that you are willing to look into this matter and find out what happened and get back to her. (Conduct an internal investigation)
- Inform her of her rights to file a discrimination complaint with USDA. (Provide referral to USDA)
- Others?