CIVIL RIGHTS TRAINING

CIVIL RIGHTS OVERVIEW:

- All Child Nutrition programs receive Federal funding so must adhere to Civil Rights regulations
- Civil rights are “the nonpolitical rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13 & 14th Amendments to the U.S. Constitution and the acts of Congress.”
- Civil Right Laws
  - Title VI (6) – Civil Rights Act of 1964 - prohibits discrimination based on race, color, sex, and national origin, including persons with limited English proficiency
  - Title IX (9) – Prohibits discrimination based on sex under any education program or activity that received Federal financial assistance
  - Section 504 of the Rehabilitation Act of 1973 – prohibits discrimination based on disability
  - Americans with Disabilities Act of 1990 – prohibits discrimination based on disability in all services, programs, and activities provided to the public by state and local governments
  - Age Discrimination Act of 1975 – prohibits discrimination based on age in programs or activities receiving Federal financial assistance
  - Civil Rights Restoration Act of 1987 – prohibits discrimination based on race, color, and national origin

USDA FNS PROTECTED CLASSES:

Discrimination is the act of distinction of one person or a group of persons from others, intentionally, either by neglect, or by actions based on their protected classes. Protected classes include:

- Race, Color, National Origin, Sex (gender), Age, Disability

Examples of unlawful discrimination:

- Giving one group or type of participants larger or extra helping of food while not providing the same to other groups or types of participants such as; serving boys larger portions than girls
- Failing to provide program information to all potential participants such as; not providing program information in all languages specific to the population of the service area such as Spanish
- Failing to accommodate the dietary requirements of children with special needs

EFFECTIVE PUBLIC NOTIFICATION:

- We have to make public notification of program availability and changes in programs to the public. We can use newspaper articles, radio and TV announcements, letters, brochures, computer applications and the internet.
- We must display the “And Justice for All” poster where we serve meals.
- We must include the non-discrimination statement and a complaint statement on all program materials. There is a really long non-discrimination statement and a very short one we can use, depending upon the space available. We must also convey the message of equal opportunity in all photographic and other graphics used to provide program or program related information.
COLLECTING AND REPORTING PARTICIPANT DATA:

We are required to have a system for collecting racial and ethnic data so we can prove that we are providing services without discrimination.

- There are two ethnic categories:
  - Hispanic or Latino
  - Non-Hispanic or Latino.
- There are five racial categories:
  - Black or African American
  - Asian
  - American Indian and Alaska Native
  - White
  - Native Hawaiian or other Pacific Islander

- We must maintain these records for three (3) years plus the current year.
- We must train all staff annually on Civil Rights requirements and retain training records including the agenda and sign-in sheets of those people who received the Civil Rights training.

PERSONS WITH DISABILITIES AND PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

We must make reasonable accommodation for disabilities, including providing special diets/meals with the required documentation. We must also make reasonable accommodations for person of Limited English Proficiency to include information about program availability/eligibility, benefits, services and procedures for complaints. This would include appropriate translation for the non-English speaking person and alternative means of communication such as Braille, large print, audiotapes if needed.

CUSTOMER SERVICE:

Great customer service can help limit civil rights complaints. All customers should be treated with respect and dignity. Ask yourself the following questions:

- Am I treating this person in the same way I treat others?
- Have I given this person the opportunity to ask questions?
- Have I provided the person with the information he or she needs to make necessary decisions?

CONFLICT RESOLUTION:

We cannot impede a customer’s right to file a civil rights complaint but we should try to resolve conflicts before it reaches that point. Use the following skills to help resolve conflicts:

- Use a win/win approach and avoid the desire to blame
- Be creative and turn the problem into an opportunity
- Be empathetic
- Use “I” statements to communicate your feelings in such a way that the customer is not defensive
- Control your emotions and be objective. Stick to the facts!
- Really be willing to resolve the conflict and avoid repeating the situation
COMPLAINT PROCEDURE:

Civil Rights complaints need to be accepted and acted upon. People who believe they have been discriminated against based on a protected class, have a right to file a complaint within 180 days of the alleged discriminatory action.

Complaints may be written, verbal or observed and they may be submitted anonymously.
If you receive a verbal complaint and the person does not want to put it in writing, you need to write up the complaint for them.
- Get the person’s contact information – phone number, e-mail, and address.
- Try to get information on what happened
- The date it happened
- Why the person believes discrimination occurred
- The names and contact information of persons who may have knowledge of the action
- Provide information to that complainant as to how to proceed, based upon the nature of the complaint
- Forward any complaints to your supervisor
- There is a district policy (see handout) which can be utilized, or the complainant can contact USDA
- Be sure the complaint is forwarded according to this policy

The nondiscrimination statement on our application and notification letters includes the following: “If you wish to file a Civil rights complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.acr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866)632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us or by mail; U.S. Department of Agriculture, Director of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax: (202)690-7442, or e-mail; program.intake@usda.gov.”

COMPLIANCE REVIEW TECHNIQUES:

When we have an Administrative Review, the reviewers will be asking about and looking for:
- “And Justice for All” posters to be prominently displayed
- The non-discrimination statement on all program materials
- Availability of the program to potentially eligible persons, program applicants, and participants
- Collection of racial/ethnic data
- Civil rights training documentation
- Complaint procedure
- Accommodation of students with special dietary needs

RESOLUTION OF NONCOMPLIANCE:

If we have any areas of noncompliance, we will have to indicate how we will remedy these.