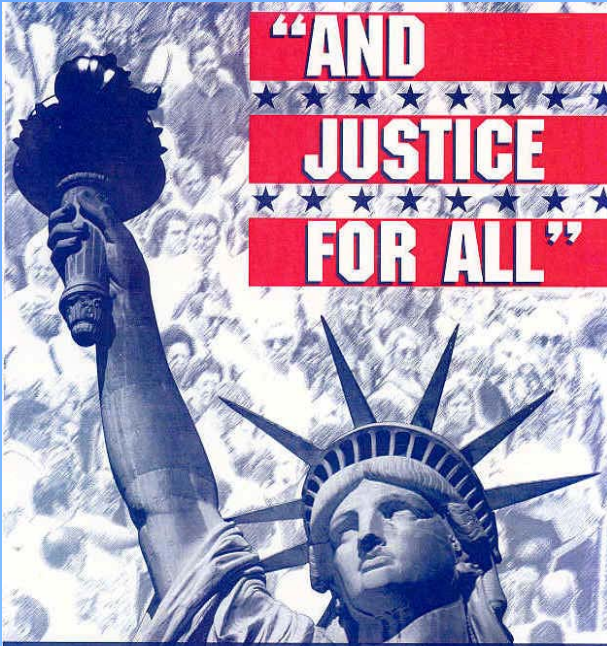


# USDA Civil Rights Training

Provided by  
Oregon Food Bank  
Statewide Services  
2009



**“AND  
JUSTICE  
FOR ALL”**

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibitions apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

El Departamento de Agricultura de los EE.UU. (USDA, siglas en inglés) prohíbe la discriminación en todos sus programas y actividades a base de raza, color, origen nacional, género, religión, edad, impedimentos, credo político, orientación sexual, estado civil o familiar. (No todas las bases de prohibición aplican a todos los programas.) Personas con impedimentos que requieran medios alternativos de comunicación para obtener información acerca de los programas (Braille, tipografía agrandada, cintas de audio, etc.) deben ponerse en contacto con el Centro TARGET de USDA, llamando al (202) 720-2600 (voz y TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Para presentar una queja sobre discriminación, escriba a USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410, o llame al (202) 720-5964 (voz y TDD). USDA es un proveedor y empleador que ofrece oportunidad igual a todos.

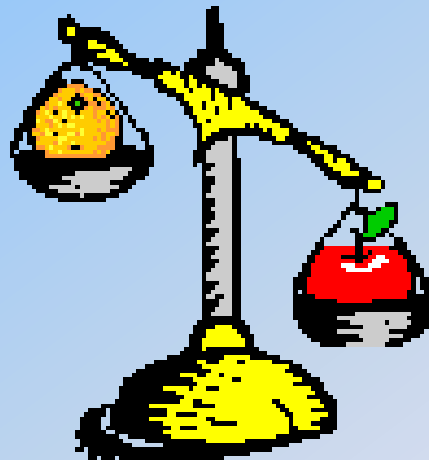
USDA  
UNITED STATES DEPARTMENT OF AGRICULTURE

Foto: AD-475A (Revisado 3-98)



# What are Civil Rights?

**Civil rights are the non-political rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution and Acts of Congress.**



# Civil Rights Laws

- **Title VI – Civil Rights Act of 1964 – Race, color, national origin**
- **Title IX of the Education Amendments of 1972 – Sex/Gender**
- **Section 504 of the Rehabilitation Act of 1973 – Disability**
- **Americans with Disabilities Act - Disability**



# Civil Rights Laws (*continued*)

- **Age Discrimination Act of 1975 – Age**
- **Civil Rights Restoration Act of 1987 – Race, color & national origin**
- **Executive Order 13166 – Limited English Proficiency**
- **USDA Dept. Reg. 4330-2 – prohibits discrimination in funded programs and activities**



# Protected Classes

- **Race**
- **Color**
- **National Origin**
- **Age**
- **Sex/Gender**
- **Disability**
- **Religion**
- **Sexual Orientation/  
Gender ID**
- **Political  
Affiliation**
- **Military Status**
- **Familial Status**
- **Marital Status**



# Disabilities

**Definition:** Any physical or mental condition that substantially impairs a major life activity such as:

- Walking
- Seeing
- Hearing
- Breathing
- Thinking/cognitive
- Caring for oneself



# Goals of Civil Rights

- **Equal treatment for all applicants and beneficiaries**
- **Knowledge of rights and responsibilities**
- **Elimination of illegal barriers that prevent or deter people from receiving food**
- **Provide an atmosphere of dignity and respect for all**



# Types of Discrimination

- **Differential Treatment**
- **Disparate Treatment**
  - **Disparate Impact**
- **Reprisal/Retaliation**



# Types of Discrimination

## Differential Treatment:

- **Refusing service**
- **Using different eligibility criteria for certain applicants.**
  - Have a policy if you ever make exceptions
- **Treating recipients differently based on protected class.**
  - Be consistent in what you say to each individual.
- **We will not provide you with a food box because you are:**
  - From Iran
  - An Atheist
  - A supporter of Senator X



# “Disparate Impact” or “Discriminatory Impact”

- Discrimination that is not intentional, but has that effect.
- A rule, policy or practice may be neutral on its surface, but it impacts a protected class disproportionately.



# Retaliation

**Retaliation means negative treatment of someone because they filed a complaint or complained about discrimination or testified as a witness in a complaint investigation.**

- **Retaliation could involve denial of service, harassment, intimidation, etc.**

- **Retaliatory behavior can result in a finding of discriminatory retaliation even if the original complaint filed by the individual is baseless.**



# Undocumented Individuals

- **Food stamps is the only USDA program requiring documentation.**
- **TEFAP and CSFP programs are open to all individuals.**



# Special Needs Clients

- **In general, try to accommodate special dietary needs (Diabetes, etc.)**
- **Be prepared to provide appropriate information in alternative formats for people with disabilities if needed (for example, Braille, or audio for visually impaired – or simply reading materials out loud)**
- **Try to accommodate religious requirements (for example, Kosher or Halal foods)**



# Public Notification

- **Prominently display the “And Justice for All” poster with attached response sticker from Fair Housing Council of Oregon.**
- **Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs.**
- **Provide appropriate information in alternative formats for persons with disabilities.**



# Non-Discrimination Statement

**“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (800) 795-3272 or (202)720-6382 (TTY). USDA is an equal opportunity provider and employer.”**



# Non Discrimination Statement

## SHORT VERSION:

**“This institution is an equal opportunity provider.”**

- ✓ May be used where the longer statement does not fit.
- ✓ Must be in font size no smaller than font size used in rest of publication



# Limited English Proficiency

- **If a program receives any federal assistance, they need to have a plan for serving those with “limited English proficiency” (LEP)**
- **Authority**
  - **Title VI of the 1964 Civil Rights Act**
  - **Executive Order 13166**



# Who is a Limited English Proficient Person?

- Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or “LEP.”

# Who Must Comply?

- All programs and operations of entities that receive assistance from the federal government (i.e. recipients), including:
  - State agencies
  - Local agencies
  - Private and nonprofit entities
  - Sub-recipients (entities that receive federal funding from one of the recipients listed above) also must comply.
- All programs and operations of the federal government also must comply.

# Language Assistance

How service is provided depends on:

1. number & proportion of LEP persons served or encountered in eligible population;
2. frequency of LEP persons' contact with program;
3. nature & importance of program, activity, or service; and
4. resources available to the recipient.

*SHORTAGE OF RESOURCES DOES NOT ELIMINATE REQUIREMENT.*



# Elements of an Effective LEP Policy

- Identifying LEP persons who need language assistance
- Identifying ways in which language assistance will be provided
- Training staff
- Providing notice to LEP persons
- Monitoring and updating LEP policy



# Language Assistance

Language Assistance Services Can Include:

- Oral interpretation services
- Bilingual staff
- Telephone interpreter lines
- Written language services
- Community volunteers

# Language Assistance

- **Children are a good source of information when providing food, however they should not be used to provide intake information for many programs.**
- **Volunteers may be used, but make sure they understand interpreter ethics – particularly confidentiality.**



# Language Assistance

See [www.lep.gov](http://www.lep.gov) for more information  
and resources



# Customer Service

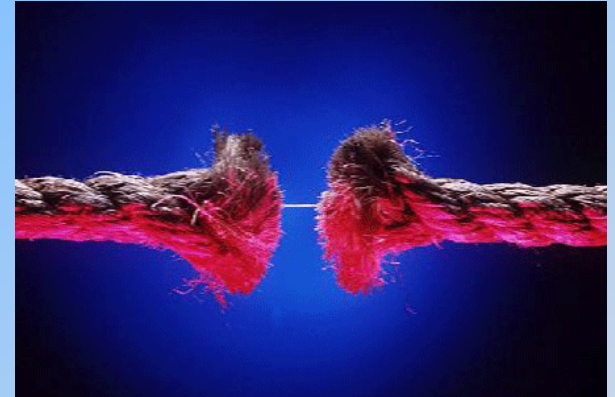
## PLATINUM RULE

**“Treat others the way they want to be treated (or at least be aware of what that is).”**



# Conflict Resolution

- **Try to remain calm**
- **Try to explain situation**
- **Get help, especially if threats or if violence is possible**
- **Refer the complainant to a supervisor**



# Conflict Resolution

- ✓ **Be patient.**
- ✓ **Be polite.**
- ✓ **Avoid sarcasm.**
- ✓ **Be empathetic. Understand that people may not know the rules or understand how programs work. They may feel uncomfortable coming to ask for help.**
- ✓ **Smile when appropriate – make people feel welcome and valued.**
- ✓ **Explain policy and let them know you will get in trouble if you do anything that violates the rules.**
- ✓ **Don't be afraid to apologize.**
- ✓ **Don't feel you need to have the last word.**
- ✓ **File an Incident Report (if needed).**



# Complaints Investigation

- **Be aware of the basis for which complaints may be filed: race, color, national origin, age, sex, disability, etc.**
- **Never discourage groups or individuals from filing complaints or from voicing allegations of discrimination.**
- **Know where to file a complaint.**



# The Civil Rights Complaint Process

- **Applicant or beneficiary may call the Fair Housing Council of Oregon to make complaint: 888-772-6008**
- **Applicant or beneficiary who believes they've been discriminated can fill out form or write out complaint or give complaint verbally to agency staff/volunteer.**
- **Complaint can be initiated within 180 days from alleged act of discrimination**
- **Agency cannot refuse to assist with complaint or create barriers**



# The Civil Rights Complaint will Include

- **Name, address and phone number – or other means of contacting the person alleging discrimination**
- **Location and name of organization accused of discrimination**
- **Basis of alleged discrimination**
- **Nature of incident that led person to allege discrimination**



# The Civil Rights Complaint Process

- **Investigation by USDA Office of Civil Rights, State of Oregon Civil Rights Division, Oregon Food Bank and/or Fair Housing Council of Oregon**
- **Investigation involves a review and evaluation of the facts**
- **Complainant is informed of decision and can appeal if they choose**
- **Penalties - possible loss of privilege to distribute USDA product**
- **Possibly private lawsuit as well**



# OFB Compliance Monitoring

- **Reviewing LEP Plan-are those with limited English proficiency in the area being served?**
- **Assessing success of outreach efforts to reach target populations and looking at what could be done to increase participation**
  - **Are there any barriers?**
  - **Is there a need for more or different outreach?**
- **Has Civil Rights training occurred for the staff and volunteers at the pantry or kitchen?**



Let's look at a couple of situations



# Situation

**Some people come to an emergency food box site. They do not speak English. You cannot understand them and have no idea what language they are speaking. You write a note to give to someone saying that they need to return with an interpreter.**

**Is this the best solution or could something else be done?**



# Situation

**A parent of a child alleges program discrimination by a site and wants to file a complaint. You know that the site does not discriminate.**

**What should you do?**



# Situation

**An emergency meal site prints an informational brochure 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. It would also take up too much space. Is this correct?**



# Situation

**A volunteer is very angry that someone filed a frivolous discrimination complaint and took up a lot of her time and made her look bad. She tells her site supervisor to watch out for this “troublemaker.” The next time the person visits, he encounters “attitude” from the co-provider. What are the civil rights violations described here?**



# Situation

**Representatives from an ethnic minority group contact you and insist a sponsor provides ethnic food choices.**

**Is their complaint legitimate and why?**



# Thank you for Attending

- If you have questions about any of this information, please contact your Statewide Services Representative at Oregon Food Bank.

(503) 282-0555

(800) 777-7427

