



OZARKS FOOD HARVEST
THE FOOD BANK

CIVIL RIGHTS TRAINING - 2018

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 may apply to your organization.

If you have questions about the information provided, please contact Member Services @ 417.380.5007.

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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 Ozarks Food Harvest 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.

- **Mandatory Annual Training**

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

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

Scenario #1

An organization decides to schedule different food delivery days for people who live on the eastern and western sides of a city. Most of the people who live on the west side are racial minorities. With this delivery schedule, residents of the west side would get their food two days later. Is this an example of discrimination?

Scenario #1 Answer – This could be discrimination if the service or the quality of the food is poor for one group of people. It could result in charges of impact discrimination. Possible solutions would be to ensure no differences in the quality of service/food or to do a north-south divide for deliveries.

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.”

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

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.

- **Never** discourage groups or individuals from filing complaints or from voicing allegations of discrimination.
 - **USDA has found that many Civil Rights complaints are actually customer service issues. Ultimately, our goal is to ensure that Civil Rights are honored, and the complainant is satisfied that their complaint has been taken seriously, it's been addressed and resolved. Regardless of our perception of the complaint, when a customer reports perceived unfair treatment based on any of the protected classes or they just feel that they have been discriminated against, you must assist them in filing a complaint.**
- 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:

**Ozarks Food Harvest
Attn: Director of Member Services
P.O. Box 5746
Springfield, MO 65801
417-865-3411**

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 OFH staff

Scenario #2

Members of an ethnic minority group say an organization is discriminatory because it does not provide them with food that is familiar to them. Is their complaint legitimate?

Scenario #2 Answer

It is not discriminatory for an organization to not have food for specific ethnic groups. In fact, it could become discrimination if ethnic food is provided to some groups but not others. It is best to offer everyone diverse food choices and be sensitive to the dietary needs/habits of your consumers.

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

Some people come to the pantry and they do not speak English. You cannot understand them and have no idea what language they are speaking. You give them a note that says they need to return with an interpreter. Is this appropriate?

Scenario #3 Answer

Giving someone a note and telling them to come back with an interpreter is highly improper. The pantry needs to provide an interpreter or have information available in the consumer's primary language. Language identification cards (I Speak) can help you determine what languages your consumers speak so you can have interpreters available on site, call a language line or use Google Translate.

EQUAL OPPORTUNITY FOR RELIGIOUS ORGANIZATIONS

- No agency that receives product from Ozarks Food Harvest 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
 - 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 in order to receive food.
However, faith-based groups may offer prayer only at the client’s request!

Scenario #4

A 55 year old person with a disability is denied food through the Commodity Supplemental Food Program and alleges discrimination. He wants to file a complaint. You know that CSFP is for elderly people 60+ years old and that discrimination is not involved in this situation.

What should you do?

Scenario #4 Answer

Provide information to the consumer on how to file a complaint. You might explain that Congress wrote the law to limit participation in CSFP to people age 60 and older. However, you should not discourage the consumer from filing a discrimination complaint if he wishes to do so.

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.
 - When placing the statement on your website, there are two important factors to consider: It is not required that the statement be included on every page of the website; and at the minimum, the nondiscrimination statement, or a link to it must be included on the home page of the program 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 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 numbers, verification of address or verification of number of persons in household. (for sites that distribute USDA only) The State prefers USDA sites to register their clients two times; first, see if they qualify for USDA foods by using the guidelines provided and self-declaration as their only proof of qualifying; second, qualify each household for additional supplemental foods. You may ask them for any type of proof that your organization requires.
- Take client's word.

•Reporting

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

Scenario #6

You are collecting racial and ethnic data on the elementary school-aged children who attend your summer lunch program. How do you collect this data?

Scenario # 6 Answer - In this situation, it is impractical to ask each child about their racial and ethnic identity while they eat lunch. The data collect may record children's race and ethnicity based on perception.

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 OZARKS FOOD HARVEST!

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

<https://www.lep.gov/ISpeakCards2004.pdf>