



OZARKS FOOD HARVEST
THE FOOD BANK

CIVIL RIGHTS TRAINING - 2021

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 USDA foods, 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 and readily available, in the event of a site review or State audit.

- **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
- Religion
- 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 Belief

COMPLAINTS

Be aware of the basis for which complaints may be filed: race, color, national origin, age, sex, and disability.

- **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.**
- Complaints may be written or verbal. They may be made by phone, letter, email, fax or another form of communication.
- If receiving a verbal complaint, staff should write down the information for the complaint.
Listen politely!
- Complaints may be anonymous and should be handled as any other 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)

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

Interpreters:

- Volunteers may be used, but make sure they understand interpreter ethics – particularly **confidentiality!**
- Using technological advances (i.e. translation devices on your computer or smart phone.)
- Sharing language assistance materials and services among and between recipients, advocacy groups and social service agencies (i.e. Department of Human Services)
- Standardizing documents to reduce translation needs.
- Children should not be used as interpreters.
- See www.lep.gov for resources & information.

Scenario #3

In order to ensure that there are interpreters available, a food pantry wants to mandate that all Ukrainian speaking participants be served on the 2nd Friday of each month. Is this allowable since the intent is to provide good service and not to discriminate?

Answer – This would not be allowable because it is a form of segregation based on national origin. The pantry needs to accommodate people whenever they need assistance. The pantry could advertise days on which it has interpreters on site, but people who speak a particular language cannot be required to come only on certain days.

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 Church operates a neighborhood food pantry which receives USDA foods and product from Ozarks Food Harvest. They also do a meal program once a week for those in need using only food donations from the area restaurant. Everyone that works at the food pantry and meal program are volunteers. Does the church have to adhere to civil rights rules? Do all volunteers have to be trained?

Scenario #4 Answer

Yes. Acceptance of Federal financial assistance obligates the recipient to adhere to Federal civil rights requirements in ALL aspects of its operations.

Public Notification - TEFAP (USDA) Only

- Prominently display the USDA non-discrimination “And Justice For All” poster.
- Distribution sites shall maintain a public outreach system that encourages participation and informs all potential participants, including minorities, of the availability of USDA foods and hours of operation throughout their service area.
- Distribution sites shall publicize their regularly scheduled days and hours of operation. The posting of a sign at the physical location of a food pantry to identify it as such is essential.
- Food Pantries shall display information for clients to access food in the event of emergencies outside regularly scheduled hours of operation.
- The distribution of posters, pamphlets, newsletters throughout the geographic service area and public service announcements (PSAs) by local radio and television stations are recommended forms of public outreach. Word of mouth shall not be used as the sole or primary method of conducting outreach.
 - 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.
- Faith-based or Religious Organizations participating in TEFAP services must post and make visible The Emergency Food Assistance Program (TEFAP) – Written Notice of Beneficiary Rights (FD-50) to all TEFAP beneficiaries and prospective beneficiaries upon entrance into the distribution site.
- 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 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: [How to File a Complaint](#), 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.

This institution is an equal opportunity provider.

• **Short Version:**

“This institution is an equal opportunity provider.”

- Include the non-discrimination statement on **ALL** materials that mention USDA programs; including websites, photos and other graphics that are used in publications.
- If the material is too small to permit the full non-discrimination statement, the material will at a minimum include, “This institution is an equal opportunity provider.” This language must be verbatim. Please note that the usage of the short statement is an “exception,” not the rule.
- Print size for the non-discrimination statement shall be no smaller than the text in the material.

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.

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 collector 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.
 - Is USDA's "And Justice For All" poster prominently displayed where it can be seen by applicants, participants and visitors? (TEFAP/CSFP/SFSP/CACFP Only)
 - Have Civil Rights training and complaint procedures been provided to persons dispensing USDA?
 - Do potentially eligible persons have an equal opportunity to participate?
 - Does the agency publicize that it provides services to all persons without regard to race, color, national origin, age, sex or disability?
 - Is the non-discrimination statement included on all materials that describe USDA?
 - Has the agency established a public outreach system to inform the underprivileged, minorities, and grassroots organizations of USDA, their food distribution location and times, and civil rights complaint procedures?
 - Is the facility accessible to the disabled?
 - Is assistance available for person that have limited English proficiency?

- Has the organization received any civil rights complaints? If yes, were they handled properly? Are the organizations procedures adequate?

Resolution of Non-Compliance

Definition of “Noncompliance” – A factual finding that any civil rights requirement as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by a State agency, local agency, or other sub-recipient.

Corrective Actions:

- Steps must be taken immediately to obtain voluntary compliance.
- Effective date of the finding of noncompliance is the date of notice to the State agency, local agency, or other sub-recipient.

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.
- Recognize that participants have varied needs and (sometimes) few resources.
- 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.
- Learn to put yourself in their place when necessary.
- Ask yourself, “Am I treating this person in the same manner I treat others?”

Conflict Resolution

Typically, customers who are behaving in a difficult manner usually have not had their expectations met or do not fully understand the role of the worker. Often, the customer is focused on getting immediate assistance with solving a problem and does not feel the worker is helping.

Generally, people do not want to be difficult or argumentative with a caring individual. The customer may not be aware of how their negative behavior is affecting others.

•Communication components to defusing a difficult situation

- **Words**
- **Tone of Voice**
- **Body Language**

•Tips for working with people during difficult situations

- 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.

If you have tried to assist the person by providing the best customer service you can, and the person remains argumentative or outright abusive then do not allow yourself to be abused and do not argue back. Keep your own sense of self-confidence, but still remain helpful.

Anytime you feel that someone is truly physically threatening, get away from the person and call the Police.

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

Safety comes first! Ideally you would have a policy that outlines unacceptable behavior and penalties, and you ensure that it is enforced uniformly. We always want to be sensitive to the high-stress lives of many of the people we serve and address behavior, rather than the person. Having a policy in place is also helpful in cases where you need to find alternative ways to provide a pathway to food such as a proxy.

A 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>