# Civil Rights Compliance

The North Carolina Department of Agriculture and Consumer Services Food Distribution Division CULTUR

#### FNS Instruction 113-1

https://www.fns.usda.gov/fns-instruction-113-1

- The purpose of FNS Instruction 113-1 is to:
  - Establish and convey policy
  - Provide guidance and direction
  - Ensure compliance with and enforcement of the prohibition against discrimination

#### What is discrimination?

#### Simple Definition:

#### the unfair or prejudicial treatment of different categories of people and groups based on characteristics



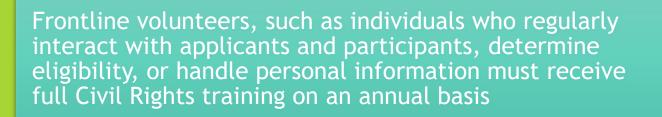
### Why Civil Rights Training?

- Training is required so that people involved in all levels of administration of programs that receive Federal financial assistance understand civil rights related laws, regulations, procedures and directives
- Local agencies are responsible for training their managers and staff who interact with applicants or participants on an annual basis
- New staff must receive Civil Rights training before participating in TEFAP/CSFP activities
- Volunteers must also receive training appropriate for their roles and responsibilities

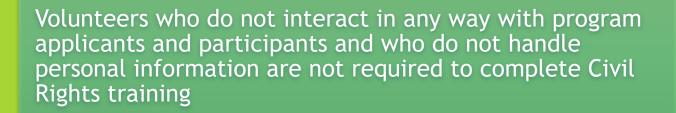




# Civil Rights Training for Volunteers



Volunteers who do not handle personal information and who may infrequently interact with program applicants, participants, or frontline staff must receive, at a minimum, limited Civil Rights training, which covers customer service and any other subject matter applicable to each volunteer's role and responsibilities





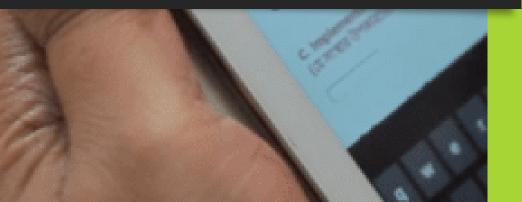


# Collection and Use of Data

State and local agencies are required to obtain data by race and ethnicity

Form FNS-191 (CSFP)
Data should be collected at point of application

Self-identification or selfreporting is preferred method of obtaining data



Applicants/Participants cannot be required to furnish information regarding their race or ethnicity

• Applicants shall be assured that the information is required and used for statistical purposes only and has no impact on eligibility criteria

Where an applicant/participant does not provide this information, the collector shall through visual observation secure and record the data

# Collection and Use of Data



#### **Effective Public Notification Systems**

#### Program availability

# Complaint information

#### Nondiscrimination statement

Inform applicants, participants and potentially eligible persons of their program rights, responsibilities and the steps necessary for participation Must 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 All information materials and sources, including websites, must contain a nondiscrimination statement. The statement is not required to be included on every page of the program website, but at least on the home page.

#### Notification Methods

Display	Prominently display the USDA "And Justice For All" non-discrimination poster
Inform	Inform potentially eligible people, applicants, participants, and grassroots organizations of the program and its requirements
Provide	Provide appropriate information in alternative formats for people with disabilities
Include	Include the nondiscrimination statement on all appropriate program materials provided to the public
Convey	Convey the message of equal opportunity in all photographic and other graphics that are used to provide program- related information to the public
Share	Share program-related information materials in languages other than English, if the need exists

### Civil Rights Complaint Procedures

#### **Right to File**

Anyone alleging discrimination has the right to file a complaint within 180 days of the alleged discriminatory action

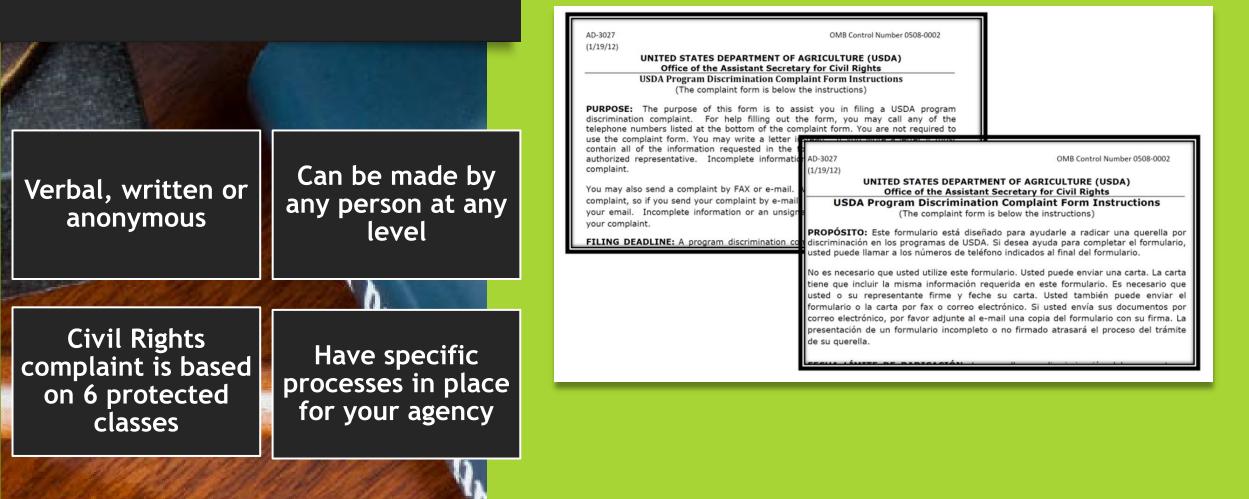
#### Acceptance

Complaints, written or verbal, must be forwarded to the appropriate Office of Civil Rights (OCR) Director. Anonymous complaints will be handled as any other to the extent feasible on available information.

#### Forms

Any OCR (Office for Civil Rights) may develop complaint forms, *but* the use of such forms must not be a prerequisite for acceptance of a complaint

#### Complaints of Discrimination





# Verbal Complaints

• The person to whom the allegations are made must write up the elements of the complaint for the complainant.

#### Verbal Complaints Content

Complainant name, address & phone, email or other contact Specific location and name of agency delivering the service or benefit Nature of the incident or action that led the complainant to feel discriminated

What protected base (class) the complainant feels discriminated against Names, phone numbers, titles, addresses or people who may have knowledge of the discriminatory action

The date(s) which the alleged discriminatory actions occurred or duration of such actions

#### Compliance Reviews

- Must advise the reviewed entity in writing of findings and recommendations
- Federal or state reviewer must secure information as necessary to make the determination of compliance
- Routine reviews conducted as required by program regulations. Selection criteria:
  - Unusual fluctuations of racial/ethnic groups in service area
  - Number of discrimination complaints filed against the agency
  - Unresolved findings from previous reviews
  - Information from grassroots organizations, state officials, etc...

#### **Resolution of Noncompliance**

Noncompliance - factual finding that a Civil Rights requirement is not being adhered to

Achieving Voluntary Compliance - if found noncompliant, immediate steps to become compliant must be taken

**Termination / Suspension of Assistance** - any action must be limited to the agency found noncompliant and limited to a particular program which noncompliance was found



# What is a Protected Class?

• Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order



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#### Short Non-Discrimination Statement

"This institution is an equal opportunity provider."

"Esta institución es un proveedor que ofrece igualdad de oportunidades." (Spanish)



https://www.fns.usda.gov/cr/fns-nondiscrimination-statement

# Requirements for Reasonable Accommodation of People with Disabilities

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for people with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation.

https://www.ada.gov/index.html

# Reasonable Accommodations for People with Disabilities

Reasonable accommodations that do not cause undue hardship must be provided

Accommodating facilities consider:

- ✓ Parking lot
- ✓ Entrances
- ✓ Exits
- ✓ Hallways

- ✓ Elevators
- ✓ Restrooms✓ Braille signage

#### "And Justice For All" Poster

- AD-475A is the required version for TEFAP and CSFP
- Display in a prominent location for all to view
- For AJFA posters, contact your NCDA&CS FDD Field Services Representative

https://www.ncagr.gov/fooddist/FieldServices.html





n 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 (including gender identity and sexual orientation), age, disability, and reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTV) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online, at www.usda.gov/sites/default/files/documents/usda-programdiscrimination-complaint-form.pdf, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or

fax: (833) 256-1665 or (202) 690-7442; or

email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, esxo (incluyendo identidad de genero y orientacion de sexual), edad, discapacidad,venganza o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles.

La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (202) 720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en https://www.usda.gov/sites/default/files/ documents/USDAProgramComplaintForm-Spanish-Section 508 Compliant.pdf, en cualquier oficina del USDA, llamando al (866) 632-6992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCP, por sus siglas en inglés) sobre la naturateza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

correo postal: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; o'

(833) 256-1665 o' (202) 690-7442; o' correo electrónico: program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.

Form AD-475-A -- Assisted Poster Revised May 202



### Requirements for Language Assistance

 Title VI and its regulations require state agencies, local agencies, or other subrecipients to take reasonable steps to assure "meaningful" access to information and services they provide.

https://www.fns.usda.gov/cr/limited-english-proficiency-lep



#### How to Accomplish Equal Opportunity for Religious Organizations

Prohibit discrimination on the basis of religion, religious belief, or religious character in the administration of Federal funds Allow a religious organization that participates in USDA programs to retain its independence and continue to carry out its mission, provided that direct USDA funds do not support any inherently religious activities such as worship or religious instruction

Clarify that faith-based organizations can use space in their facilities to provide USDAfunded service without removing religious art, icons, scriptures, or other religious symbols

Ensure that no organization that receives direct financial assistance from the USDA can discriminate against a program beneficiary, on the basis of religion or religious belief

#### Conflict Resolution

### Conflict resolution refers to resolving the dispute to the approval of one or both parties.

If we handle conflict appropriately, it not only makes us more effective, but it can also bring about needed change and innovation to our organization.



#### FOCUS ON THE SITUATION ONLY

• Engage with the upset customer directly, giving them your full attention and eye contact



#### LET THEM VENT

• Hear the customer out before you step in. If you interrupt, they may need to repeat what they have already said.



#### RELATE TO THE CUSTOMER

• Perhaps the most important step in resolving a conflict is letting your customer know that you "feel their pain."

#### SUMMARIZE THEIR SITUATION

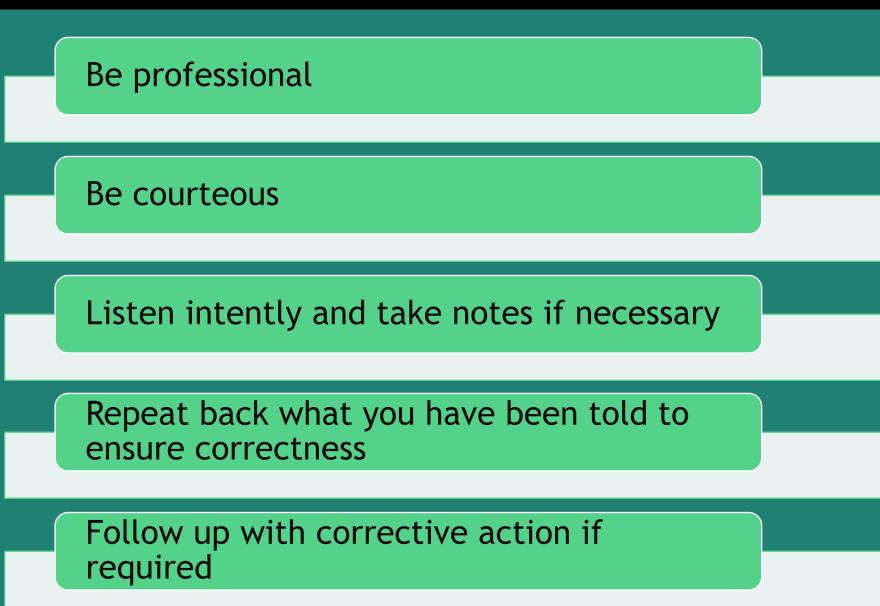
Upset customers need to see and hear that you understand their level of frustration.



#### PROBLEM SOLVE

• Agree on the problem, brainstorm options, agree on the solution and follow up on commitments made.

### **Customer Service**





# Thank you

for being a part of the fight to end hunger in North Carolina!

