

Partner Agency Civil Rights Training



BRAZOS VALLEY
foodbank

Introduction

First, thank you all for your service to your community and neighbors.

To comply with program requirements set forth by the Department of Agriculture, we have put together this training on Civil Rights for you and your volunteers and staff to use.

This must be done annually in order to continue to receive resources from Federal Programs, the Feeding America Network, and Brazos Valley Food Bank (BVFB).

What will be covered?

- This training will cover the following topics:
- Civil Rights Legislation
- Complaint Procedure
- Collection and Use of Data
- Public Notification
- Compliance Reviews
- Noncompliance
- Customer Service and Conflict Resolution

(see TEFAP Handbook, Sct. 6000, Civil Rights, "Training")

The TEFAP Handbook link:

[Policy and Handbook for TEFAP \(squaremeals.org\)](https://squaremeals.org)

TEFAP Handbook pdf Version:

[TEFAP Complete Handbook V016_221007.pdf \(squaremeals.org\)](https://squaremeals.org)

Civil Rights Legislation

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- The following laws and regulations guide us on how to best be fair and equitable to our neighbors:
 - Title VI of the Civil Rights Act of 1964: Establishes Race, Color, and National Origin as protected classes.
 - Section 504 of the Rehabilitation Act of 1973 & Americans w/Disabilities Act of 1990 (ADA); ADA Amendments Act of 2008: Established the protection of rights and expansion of access for people with disabilities.
 - Age Discrimination Act of 1975: Adds age to the lists of protected classes

Civil Rights Legislation

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Title IX of the Education Amendments of 1972: Established Sex as a protected class.

Civil Rights Restoration Act of 1987: Clarifies the scope of the Civil Rights Act of 1964

28 CFR Part 35: Nondiscrimination on the Basis of Disability in State/Local Government Services

28 CFR Part 42: Nondiscrimination in Federally Assisted Programs

Executive Order 13166 – “Improving Access to Services for Persons with Limited English Proficiency” (August 11, 2000)

7 CFR Parts 15, 15a and 15b: Forbade discrimination of protected classes in regards to programs receiving Federal funding and/or resources.

7 CFR Part 16: Ensures a level playing field for the participation of faith-based organizations and other community organizations in USDA programs.

USDA Departmental Regulation 4330-2 (non-discrimination regulations) & USDA LEP Policy

These are the laws the U.S. Department of Agriculture used to establish their program(s) Protected Classes – It is against the law to discriminate against people based on:

Race

Color

National Origin

Age

Sex

Disability

Discrimination

- For the purpose of this training, discrimination is defined as the determination of access to services or actions taken in a way as to create a systemic disadvantage to people or persons based on a characteristic listed as a protected class. Simply put, it is illegal to be unfair to people based on race, sex, color, age, national origin, or disability.
- Discrimination can occur from deliberate actions as well as by accident. In short, it is an adverse act against a person based on one or more of the protected classes.
- It is also unlawful to retaliate against someone who made a civil rights complaint. They must be treated the same as everyone else, regardless of previous issues.

Civil Rights Complaints

- Civil rights complaints MUST be handled separately from standard complaints. The person making the complaint must make the decision if they are raising a concern, making a formal complaint, or making a civil rights complaint.
- The flow chart on the following slide is the process for handling civil rights complaints throughout BVFB's region. *CE is a reference to Houston Food Bank, who is the Contracted Entity (CE) with TDA, BVFB is a sub-recipient through HFB.*
- [USDA Discrimination Complaint Form](https://www.usda.gov/sites/default/files/documents/Complain_combined_6_8_12_508.pdf)
https://www.usda.gov/sites/default/files/documents/Complain_combined_6_8_12_508.pdf
- [Departamento de Estado Unidos denuncia de discriminación de la agricultura forma \(usda.gov\)](https://www.usda.gov/sites/default/files/documents/USDAProgramComplaintForm-Spanish-Section508Compliant.pdf)
<https://www.usda.gov/sites/default/files/documents/USDAProgramComplaintForm-Spanish-Section508Compliant.pdf>

Federal Nutrition Programs

- Civil Rights Complaint Procedure

- Civil Rights complaint (verbal or written) is received by either:

BVFB Staff

Site staff or volunteers



- The individual that receives the complaint will provide the complainant the Civil Rights Complaint Form. The complainant will be directed to return the form to BVFB, call the number below, or mail the form to:

US Department of Agriculture
Office of the Assistance Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
(202)752-5964

(found on the ...and Justice for All poster)



- If the form is returned to BVFB, BVFB must inform the Texas Department of Agriculture of the complaint before the close of business.

The form must be mailed to the following address within 5 working days:

US Department of Agriculture
Office of the Assistance Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
(202)752-5964

Collection and Use of Data

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Federal Food & Nutrition Service (FNS) policy requires agencies and institutions at every level of our network to collect data relating to ethnicity and race from clients applying for their programs, with the exception of those applying for The Emergency Food Assistance Program (TEFAP).

All pantry organizations, on-site kitchens, mobile pantry partners and produce partners associated with BVFB are operating under the rules and regulations of TEFAP.

Collection and Use of Data

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- When applicants raise concerns about information collected for the application process, below is an example of an appropriate explanation of why the information is needed:
- “This information is requested solely for the purpose of determining the State’s compliance with Federal civil rights laws, and your response will not affect consideration of your application and may be protected by the Privacy Act. By providing this information, you will assist us in assuring that this program is administered in a non-discriminatory manner.”

The client can decline to self-identify, if this happens you may choose to mark “other”

This information is collected to:

Determine how effectively the programs are reaching potential applicants
And households in the area.

Identify regions for additional outreach and resources.

Assist in identifying areas for compliance reviews

Public Notification: Basic Elements

The public notification system must include the following three basic elements:

Program Availability: All partner agencies that distributes program benefits and services must take specific action to inform applicants, eligible persons of their program rights and participants, and potentially responsibilities and the steps necessary for participation.

Complaint Information: Applicants and participants must be advised at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.

Non-discrimination Statement: All information materials and sources, including Web sites, used to inform the public about FNS (our food) programs must contain a non-discrimination statement. It is not required that the non-discrimination statement be included on every page of the program information material. At the minimum, the non-discrimination statement, or a link to it, must be included on the first or home page of program information

Public Notifications & Reasonable Accommodations

Additionally, the following is also required:

Prominently displaying the “And Justice for All” poster

Take reasonable steps to provide appropriate information and services in alternative formats for persons with disabilities and in the locally appropriate language(s) for people with **Limited English Proficiency (LEP)** to grant meaningful access to services



Public Notifications – Expectations on LEP

What constitutes reasonable steps to assure meaningful access will be contingent on a number of factors.

Among the factors to be considered are:



The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee.



The frequency with which LEP individuals come in contact with the program.



The nature and importance of the program, activity, or service provided by the program to people's lives.



And the resources available to the partner agency and costs.

Non-discrimination Statement

The language
for the
non-discrimination
statement is:

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Full version: “In accordance with federal civil rights 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), disability, age, or 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 to obtain program information (e.g., Braille, large print, audiotope, 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 TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.”

Non-discrimination Statement

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“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:

<https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.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

Short version (to be used when there is not enough space on materials for the full version): “This institution is an equal opportunity provider.”

COMPLIANCE REVIEWS

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Compliance Reviews are done routinely to verify that Federal, State, and Local Institutions and partner agencies are following all laws, regulations, and program policies to uphold required civil rights and program standards.

The three types of reviews are preapproval/pre-award, routine/post-award, and special.

BVFB standard of compliance of its partners are based on the standards as set by the state and/or federal programs that support the resources being provided to you.

COMPLIANCE REVIEWS

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Pre-award/preapproval reviews: New partners are reviewed prior to starting their partnership with us to make sure that they are either already in or able to be in full compliance upon the official start of the partnership.

Routine/post-award: This review is the regularly reoccurring reviews completed once the partnership has started.

Some of the questions asked are:

- ✓ Do printed materials contain the non-discrimination statement?
- ✓ Is the “And Justice For All” poster displayed appropriately?
 - ✓ Are program informational materials available to all?
 - ✓ Is data on race and ethnicity collected appropriately?
- ✓ How are applicants and participants advised of their right to file a Civil Rights complaint of discrimination?
 - ✓ Are reasonable modifications appropriately made for people with disabilities?

COMPLIANCE REVIEWS

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Special: may be scheduled or unscheduled and occur for various reasons including but not limited to:

- To follow up on previous findings of noncompliance.
- To investigate reports of noncompliance by other agencies, media, or grassroots organizations.
- Specific to an incident or policy.
- If there is a history of statistical underrepresentation of a particular group or groups.
- Pattern of complaints of discrimination.
- Any compliance issues will be discussed during site visits. They will also be noted in the final report along with a Corrective Action Plan, timeline of correction and follow up visit if needed.

Noncompliance

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An agency may be the subject of a resolution of noncompliance if a factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to.

When this occurs, steps will be immediately taken to obtain voluntary compliance with the overlooked law, regulation, policy, instruction, or guidelines.

The date that notice is sent to the violating agency will be the effective date of the resolution.

A resolution of noncompliance is resolved when the partner agency enters, and completes, a voluntary resolution agreement (VRA)



A Voluntary Resolution Agreement (VRA) is an agreement that recipient(s) are willfully consenting to undertake remedial actions to address identified areas of noncompliance or in violation with applicable civil rights laws and/or regulations.

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The VRA may be between multiple parties such as the officials in authority to regulate civil rights laws (Food and Nutrition Service, Civil Rights Division, (FNS CRD), recipient or sub-recipient (State agency or Foodbank), and program participant (Complainant).

Voluntary Resolution Agreements may be used to closeout a Civil Rights Review at the discretion of federal/state officials in lieu of issuing a written Civil Rights Review report with findings.

Customer Service

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Providing quality customer service is key to meeting the needs of your customers.

For our programs, customers are: applicants, participants, and the public.

Customer service is effectively communicating with your customers, responding to their needs, valuing their worth, and instilling excellence through courtesy, confidence, and enthusiasm.

Customer Service

To ensure you provide excellent customer service, consider these best practices:

Treat	Treat customers with respect and dignity.
Exercise	Exercise good listening skills by being attentive to the customer and their needs.
Learn	Learn to empathize with the customer, when necessary.
Respond	Respond to questions in a non-threatening manner ensuring your voice and tone are calm and clear.
Communicate	Communicate rules, rights, and responsibilities clearly and precisely.
Recognize and appreciate	Recognize and appreciate that customers have many needs and few resources.
Recognize	Recognize changes in a customer's demeanor, because it often signals the person feels they have been treated in a rude, discourteous, or unfair manner.

Customer Service

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To maintain a level of excellence in professionalism follow these **Do's** and **Don'ts**:

Don'ts

Don't:

Place a complainant caller on hold or leave them in a waiting room without providing useful updates.

Don't:

Totally ignore a complainant and/or let the complainant talk themselves out of the situation.

Don't:

Quickly or unnecessarily passing off a complainant to a co-worker/co-volunteer.

Don't:

Providing the excuse, "Sorry, it's not my job!"

Do's

Do:

Apologize. (Yes, even if you had nothing to do with the situation. There's no "I" in team or agency so we succeed and fail together.)

Do:

Identify the problem based on the information the customer gives you.

Do:

Determine a solution.

Do:

Personally follow up to make sure the customer has been satisfied, and the issue is resolved

Do:

Be understanding.

Do:

Avoid interrupting them.

Do:

Talk calmly and slowly in a well-modulated voice with low pitch.

Conflict Resolution

Now let's discuss how to approach conflict resolution and the best approaches if things don't work out. Here are some successful ways to approach an unpleasant situation:

Using a win/win approach is about changing the conflict from an adversarial attack and defense to cooperation.

Demonstrate empathy to help cultivate feelings of openness and positive rapport between people.

Manage emotions internally and externally. It is vital to manage your own emotions and stick strictly to the facts of the complaint.

Promote a willingness to resolve conflict by identifying barriers to resolution for each person involved in the situation.

Remember the person and the conflict are not the same.

Finally, if a customer files a Civil Rights complaint or participates in an investigation, it is unlawful to treat that person differently. Plus, retaliation is unacceptable and against the law.

Civil Rights Training Summary

- In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution and partner agencies are prohibited from discriminating on the basis of race, color, sex (including gender identity and sexual orientation), national origin, age, disability, or reprisal or retaliation for prior civil rights activity.

Thank You
for your time and
for volunteering!!

Sources:

Texas Department of Agriculture | Food and Nutrition Division, Section 3, Managing the Program & Section 6, Civil Rights

USDA, Civil Rights Division, Food and Nutrition Service, Webinar Session, March 5, 2020: Civil Rights Training. The Emergency Food Assistance Program.

USDA, Civil Rights Division, Food and Nutrition Service, Webinar Session, Date: Unknown: Civil Rights Training, Child Nutrition Programs

FNS Instruction 113-1

Institution of Child Nutrition. (2020). Civil Rights in Child Nutrition Programs. University, MS: Author.

Adapted from East Texas Food Bank – Power Point Presentation

CIVIL RIGHTS QUIZ

Copy link below into your browser for best results:

Link for the partner agency (TEFAP) test – copy and paste into a browser:

<https://www.surveymonkey.com/r/XWVV5MN>

OR open your camera and hover over the QR code – follow prompts to take the quiz:

