

# Civil Rights Compliance in Food Delivery Programs

Missouri Department of Health and Senior Services  
Bureau of Community Food and Nutrition Assistance

Commodity Supplemental Food Program -  
[www.dhss.mo.gov/CSFP](http://www.dhss.mo.gov/CSFP)



# Civil Rights Training

Local Agencies are responsible for training staff on an annual basis. At the end of the training, staff:

- Should be able to identify a civil rights complaint if received.
- Should know what to do if they receive a complaint.
- Should understand that it is the basic right of the individual to file a complaint.



# What are Civil Rights?

“The nonpolitical 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 by acts of Congress.”



# Civil Rights Legislation

- **Title VI of Civil Rights Act of 1964**
  - *Prohibits discrimination based on race, color, and national origin*
- **Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973**
  - *Prohibits discrimination based on disability*
- **Title IX of Education Amendments of 1972**
  - *Prohibits discrimination based on sex under any education program or activity that is receiving federal financial assistance*
- **Age Discrimination Act of 1975**
  - *Age*
- **USDA Regulation 7 CFR Part 16, Equal Opportunity for Religious Organizations**
- **FNS Instruction 113-1**

<http://www.fns.usda.gov/cr/crregulation.htm>

# Protected Classes

Federal law prohibits discrimination in Food Distribution Programs based on:

Race

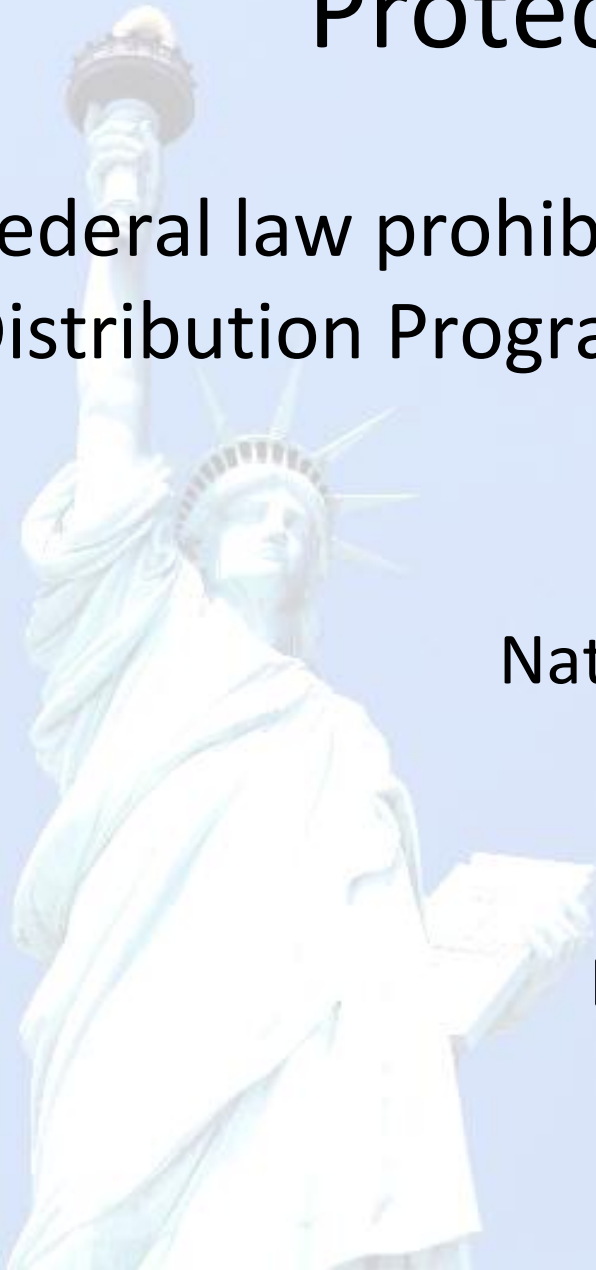
Color

National Origin

Age

Sex

Disability





# What is Discrimination?

The act of distinguishing one person or group of persons from other, either intentionally, by neglect, or by the effect of actions or lack of actions based on their protected classes.



# Public Notification System

- All sponsors and their sites must display in a prominent place the “And Justice For All”, nondiscrimination poster.
- Provide informational materials in the appropriate translation as needed.



# Nondiscrimination Statement

## Full 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, religion, political beliefs, or disability.**

**To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.”**

## Minimum Statement

*If the material or document is too small to permit the full statement (above) to be included, the material **MUST**, at a minimum, include:*

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



# Non-Discrimination Statement

- Include the non-discrimination statement on **all** materials that mention USDA programs (including websites).
- A nondiscrimination statement is not required to be imprinted on items such as cups, buttons, magnets, and pens that identify the program, when the size or configuration makes it impractical.

Also...

- When using graphics, reflect diversity and inclusion.



# Racial/Ethnic Data Collection

- During the month of April each year, sites shall collect the number of participants receiving food packages by racial/ethnic category.
  - Count may be collected as a manual head count of food package recipients
  - OR
  - Staff may record ethnicity and race from a review of certification forms
- Local agencies must submit a report of racial/ethnic participation each year using Form FNS-191

# Racial/Ethnic Data Collection

**Collect ethnic data first, then racial data:**

## **Ethnicity**

1. **Hispanic or Latino**
2. **Not Hispanic or Latino**

## **Race**

1. **American Indian or Alaskan Native.**
2. **Asian**
3. **Black or African American**
4. **Native Hawaiian or Other Pacific Islander**
5. **White**

# Compliance Reviews

The purpose is to determine if the applicant or recipient of Federal financial assistance is in compliance with civil rights requirements



# Compliance Reviews



- Local Agency compliance is reviewed during management evaluation
- Displaying nondiscrimination poster in conspicuous location
- Nondiscrimination statement on all printed materials and web sites
- Local Agency provides outreach materials to organizations within the community to reach all eligible populations
- Ethnic and racial data collected and maintained for 3 years
- Annual civil rights training conducted for staff
- Procedure in place to handle civil rights complaints in accordance with regulations



# Civil Rights Complaints



- Right to file a complaint: Any person who believes he or she has been discriminated against based on race, color, national origin, sex, age, or disability has a right to file a complaint within **180 days** of the alleged discriminatory action.
- How to file a complaint:
  - **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)
  - MDHSS, Bureau of Community Food and Nutrition Assistance, P.O. Box 570, Jefferson City, MO 65102-0570 or call (888) 435-1464

# Forms of Civil Rights Complaints



- **May be written or verbal**

- If receiving a verbal complaint, *listen politely*
- Complaints can be made via phone, letter, email, fax or any other form of communication

- **May be anonymous**

- Anonymous complaints should be handled as any other complaint

- **May be related to any area of CNP operation**

- Program administration, food service, employment

# Limited English Proficiency (LEP)



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

All organizations receiving Federal financial assistance have a responsibility to take “reasonable steps” to ensure meaningful access to their programs and activities by persons with LEP.

# Primary factors to consider when determining reasonable steps:

1. Number of LEP individuals participating in the program.
  - The greater the number = the higher the need
2. Frequency of contact with the program.
3. Nature and importance of the Program.
4. Resources available.
  - Accessibility of a translator for applications, etc.
  - Availability of materials in various languages

**SHORTAGE OF RESOURCES DOES NOT ELIMINATE REQUIREMENT!!!**



# LEP Resources

- [www.lep.gov](http://www.lep.gov)
  - Information and resources
  - “I Speak” card
- Household applications in other languages  
[www.fns.usda.gov/cnd/FRP/frp.process.htm](http://www.fns.usda.gov/cnd/FRP/frp.process.htm)





# Customer Service is Important

## Treat all participants with dignity and respect

- Respond to questions in a non-threatening manner (voice tone)
- Recognize that participants have varied needs and (sometimes) few resources
- Recognize when a person feels they have been treated in a rude manner
- Develop good listening skills

“How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving, and tolerant of the weak and strong. Because someday in life you will have been all of these.”

George Washington Carver

