

The Emergency Food Assistance Program T.E.F.A.P.

Annual Civil Rights Training



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Civil Rights Program Authorities

- ✓ Title VI of the Civil Rights Act of 1964
 - ✓ Civil Rights Restoration Act of 1987
 - ✓ Section 504 of the Rehabilitation Act of 1973
 - ✓ Americans with Disabilities Act
 - ✓ Americans with Disabilities Act Amendments Act
 - ✓ Title IX of the Education Amendments of 1972
 - ✓ Age Discrimination Act of 1975
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Civil Rights Program Authorities

Continued

- ✓ The Personal Responsibility and Work Opportunity Reconciliation Act of 1996
 - ✓ 7 CFR Parts 15, 15a and 15b
 - ✓ TEFAP Specific (7 CFR Parts 250-251)
 - ✓ FNS 113-1 and its Appendix (C for TEFAP)
 - ✓ Executive Order 13166 – (LEP)
 - ✓ 7 CFR Part 16, Equal Opportunity for Religious Organizations
 - ✓ USDA Departmental Regulation 4330-2
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Civil Rights Areas of Compliance

**Assurances and
Training**

**Non-
Discrimination
Statements**

**Public
Notification
Outreach**

**Types of
Discrimination**

**Complaint
Procedures**

**Reasonable
Accommodations
for Persons with
Disabilities**

**Requirements for
Language
Assistance**

**Equal Opportunity
for Religious
Organizations**

**Conflict
Resolution and
Customer Service**



Assurances

To qualify for Federal financial assistance, written assurance that the program will be operated in a non-discriminatory manner must be included in all agreements between agencies.



Civil Rights Training

Staff and Volunteers at all TEFAP eligible distribution sites MUST receive Civil Rights Training

- **All persons that directly deal with guests and/or handles confidential information is required to receive this training annually. (Food banks are required to keep a training log documenting yearly trainings of food bank staff and volunteers.)**
- **Subrecipient agencies are responsible for training their local sites, including “frontline staff” who interact with applicants or participants on an annual basis. (RAs are required to keep a training log documenting yearly trainings of staff and volunteers.)**
- **New employees must receive training before participating in program activities.**
- **Volunteers must receive training appropriate to their roles and responsibilities.**

Civil Rights Training

- **The Training Must Include the following topics:**
 - “And Justice For All” Poster*
 - Complaint Procedures*
 - Limited English Proficiency (LEP)*
 - Reasonable Accommodations for Disabled Persons*
 - A Plan for Conflict Resolution and Customer Service*
- **Acceptance of “Federal Financial Assistance,” no matter how minimal, requires the recipient agency to assure compliance with Federal Civil Rights Laws and Requirements**
 - This includes TEFAP – USDA Foods, funding and equipment

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Civil Rights Training

All staff should receive training on all aspects of Civil Rights compliance, including:

- Collection and use of data;
- Effective public notification systems;
- Complaint procedures;
- **Compliance review techniques;**
- Resolution of noncompliance;
- Requirements for reasonable accommodation of persons with disabilities;
- Requirements for language assistance;
- Conflict resolution; and
- Customer service.

Compliance review techniques

- The State Agency reviews civil rights as part of the compliance monitoring • TEFAP/CSFP agencies must check for civil rights compliance at all USDA food distribution sites • TEFAP/CSFP staff and volunteers must complete the annual civil rights training

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Civil Rights Training

Collection and use of data

- Any data collected about clients must be kept secure and confidential
- Data can be used to determine if more people could be reached in your community

Effective public notification systems

- Place the nondiscrimination “*Justice For All*” poster in a prominent area where clients and potential clients have ready access
- Ensure that the community knows about program availability, how to file a complaint and have access to the non-discrimination statement

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Complaint procedures

- The person alleging the complaint must be provided with the nondiscrimination statement and procedure
- The nondiscrimination statement has the complaint process (the statement is on the “*Justice For All*” poster)
- A complaint alleging discrimination must be made within 180 days of the event
- Complaints should be forwarded to the State Agency or directly to USDA using the address in the nondiscrimination statement
- Never discourage groups or individuals from filing complaints or from voicing allegations of discrimination

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Civil Rights Training

Compliance review techniques

- The State Agency reviews civil rights as part of the compliance monitoring
- TEFAP agencies must check for civil rights compliance at all USDA food distribution sites
- TEFAP staff and volunteers must complete the annual civil rights training

Resolution of noncompliance

- Resolve all civil rights issues (examples- proper access for those with disabilities and language assistance)
- Be responsive to corrective action regarding civil rights

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Requirements for reasonable accommodation of persons with disabilities – such as:

8

- Ensure that people with disabilities can get into your food pantry or warehouse from the parking lot, entrances, hall, elevators, rest rooms, as well as allowing service animals
- Arrange ways for people to get services (example-if your program is in the basements and you don't have an elevator, staff should be available on the main floor to assist clients)
- Equal access and service

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Requirements for language assistance

- Local agencies must take reasonable steps to ensure meaningful access to the information and services provided for people with limited English proficiency.
- Forms are available in different languages, please contact the State Agency

Conflict resolution

- Assess the nature of the problem
- Take appropriate steps to notify all pertinent parties that there is a problem and work together to identify a solution
- Follow-up

Civil Rights Training

Equal Opportunity Rules for Religious Organizations

- No organization, in the administration or distribution of Federal funds, will be discriminated against on the basis of religion, or religious belief
- Religious organizations retain their independence to carry out their mission, provided that direct USDA funds do not support any inherently religious activities such as religious instruction or recruiting
- Faith-based organizations can use space in their facilities to provide USDA-funded services without removing religious art, icons, scriptures or other religious symbols
- No organization that receives USDA funds can discriminate against a program beneficiary, or prospective beneficiary on the basis of religion or religious beliefs

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Religious Activities Do's & Don'ts

It is acceptable to...	It is unacceptable to...
Have a cross hanging on a wall at the USDA Foods distribution facility.	Require recipients to stand by the cross and recite a prayer prior to receiving USDA Foods.
Have a menorah on a table at the USDA Foods distribution facility during the holiday season.	Refuse USDA Foods to recipients who do not practice the Jewish faith.
Have a display stand at the front/back of the USDA Foods distribution facility that contains faith-based pamphlets for anyone interested.	Insert faith-based pamphlets in bags or boxes when distributing USDA Foods.
Have a prayer service on the second level of a church building while the distribution of USDA Food is happening on the lower level.	Have a prayer service in the same room and at the same time as the distribution of USDA Foods.

Complaint Procedures

- Any person has the right to file a complaint within 180 days of the alleged discriminatory action.
- Ask the client or participant, if they need assistance in completing the form.
- Every effort should be made to have the complainant provide information found on the complaint form.
- Complaints may be written, verbal, or anonymous.
- If the person making the complaint does not want to put it in writing, the person receiving the complaint must complete a written report for them to the best of their ability.
- A Civil Rights Complaint Form is available in the FNS Instruction 113-1 or from the USDA website: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>



Conflict Resolution

Key Points

- 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.

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Conflict Resolution

Communication components to defuse a difficult situation...

- Words
- Tone of Voice
- Body Language

A combination of these components when having face-to-face interactions with our customers.

Each component “says” something to our customer.

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Conflict Resolution

Tips for working with people during difficult situations:

- Remain calm.
- State that you want to help and ask how you can be of assistance.
- Using information provided, determine what the issue is.
- Take time to try to understand the person's point of view. Listen for details about the concern, situation, or request. Repeat the concern or request to make sure you understand the person's expectations
- When appropriate, apologize for the situation.
- Offer solutions. Take responsibility for finding a solution, or for putting a solution into action.
- Don't take the situation personally.
- Follow up. Personally make sure that the customer has been satisfied; and provide feedback.

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Conflict Resolution

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

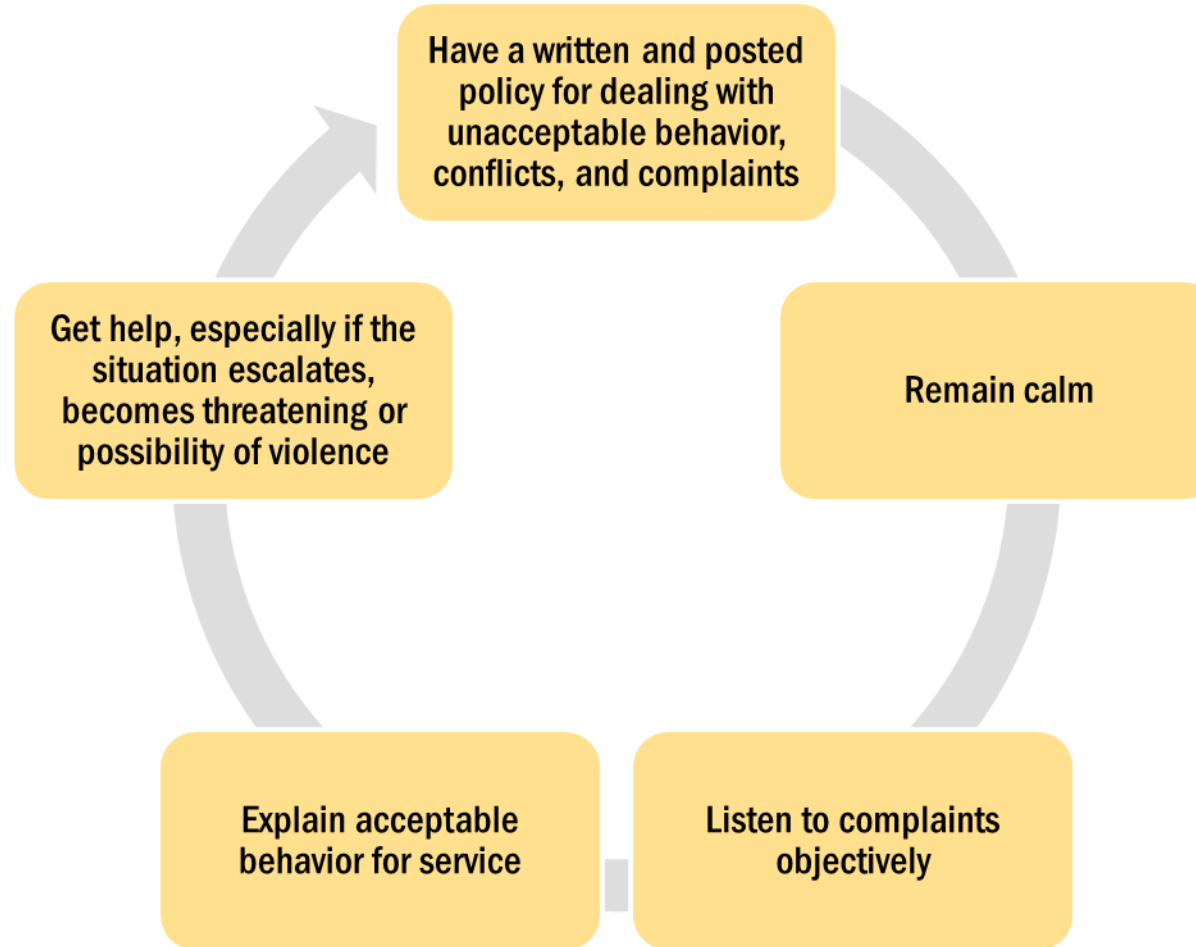
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Conflict Resolution



Elements of Public Notification

All FNS programs (i.e. TEFAP) must include a public notification system

Elements of public notification include:

- ▶ Program availability –
 - Inform applicants, participants and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation
 - Convey the message of equal opportunity in all photos or graphics used to provide program or program-related information
- ▶ Complaint information –
 - Participants must be advised of their rights and complaint procedures (including how to file a complaint)
- ▶ Nondiscrimination statement –
 - Must be included on the first or home page of the program information



Elements of Public Notification (Cont'd)

State agencies and their subrecipients must:

- Inform **potentially eligible persons**, applicants, participants and grassroots organizations of programs or changes in programs, program Rights and Responsibilities, the Policy of Nondiscrimination and the Procedure for Filing a Complaint
 - Convey the **message of equal opportunity in all photos** and other graphics that are used to provide program or program related information
- Notify persons with disabilities about the availability of **reasonable modifications and auxiliary aids and services**.
- Notify persons with LEP of their **right to free language assistance** services.
- Prominently display the “**And Justice for All**” poster

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USDA Nondiscrimination Statement

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, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs).

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) 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**. Additionally, program information is available in languages other than English.

To file a complaint alleging discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at:

<https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>

(Spanish)

https://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf

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

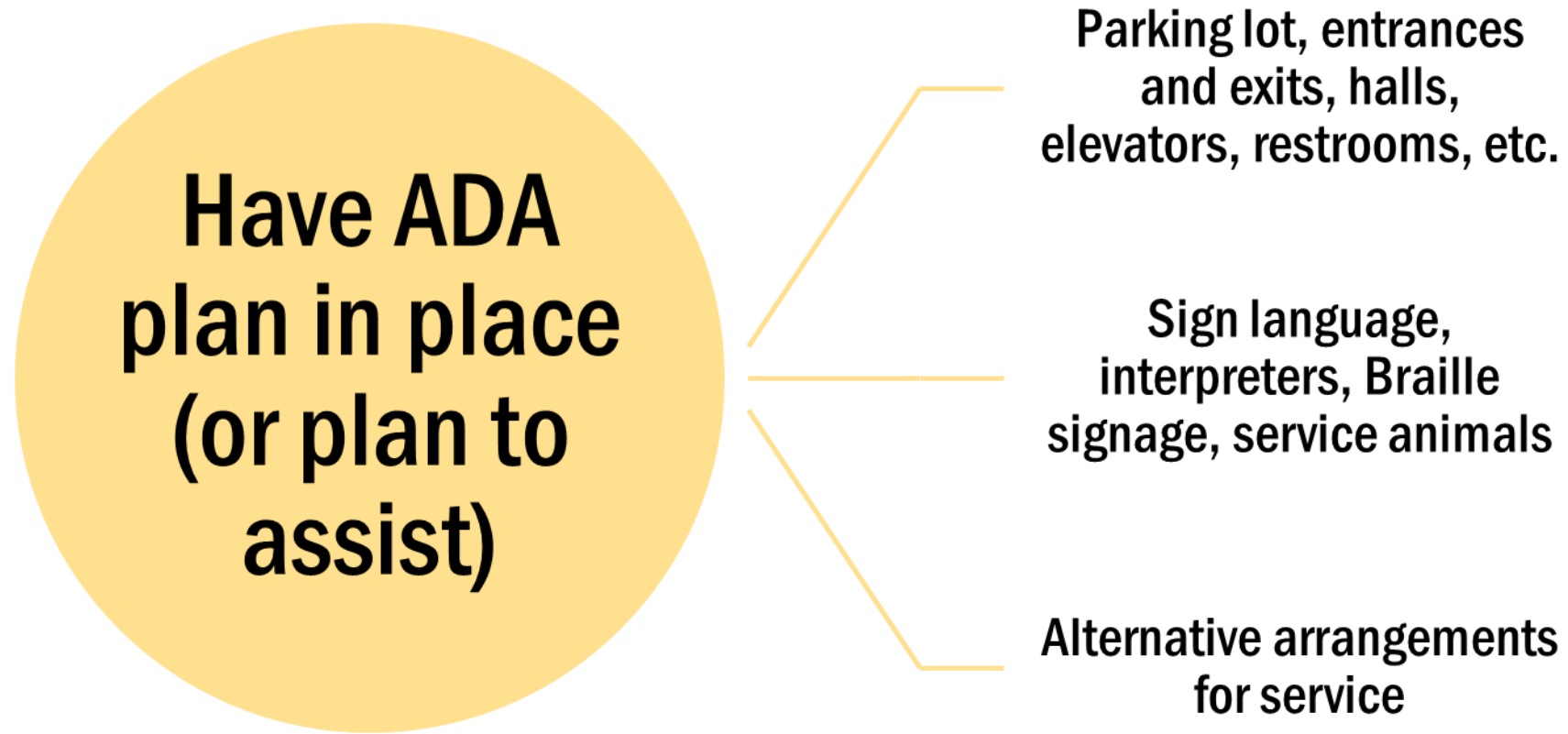
This institution is an equal opportunity provider.

American Disabilities Act (ADA)



Public accommodations (businesses and non-profit organizations) must provide goods and services to people with disabilities on an equal basis with the rest of the public.

Access for People with Disabilities



What Is 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.

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.

“Reasonable Steps” are contingent upon:

- ✓ The number or proportion of LEP person eligible to be served or likely to be encountered by the program or recipient
 - ✓ 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
 - ✓ The resources available to the recipient and costs. A shortage of resources does not eliminate the requirement for an agency to take reasonable steps.
 - ✓ Children who are minors should not be used as interpreters
 - ✓ Volunteers may be used, but make sure they understand confidentiality
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Memorandum Policy No: FD-155

Partnerships with Faith-Based and Neighborhood Organizations Final Rule: Written Beneficiary Notice and Referral Requirements for TEFAP

The purpose of this memorandum is to clarify the written notice and referral requirements for organizations that receive USDA Foods or administrative funding as part of the Commodity Supplemental Food Program (CSFP) and The Emergency Food Assistance Program (TEFAP), per the U.S. Department of Agriculture's (USDA) regulations on equal opportunity for religious organizations

to participate in USDA assistance programs at 7 CFR Part 16. The final rule, entitled *Partnerships with Faith-Based and Neighborhood Organizations* (89 FR 15671), amended 7 CFR Part 16 and directed agencies to provide policy guidance or reference materials on a number of program-specific topics.

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Beneficiary Protections: Written Notice

In accordance with 7 CFR Part 16.4(c)(1), all organizations that receive USDA Foods or administrative funds for CSFP and TEFAP must provide a written notice to all beneficiaries and prospective beneficiaries of certain protections in a manner and form prescribed by this policy memorandum. The written notice must include all information in Attachment A, including the following assurances:

- (i) The organization may not discriminate against beneficiaries or prospective beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;
- (ii) The organization may not require beneficiaries or prospective beneficiaries to attend or participate in any explicitly religious activities that are offered by the organization, and any participation by beneficiaries or prospective beneficiaries in such activities must be purely voluntary;

- (iii) The organization must separate in time or location any privately funded explicitly religious activities from activities supported by direct Federal financial assistance;

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Beneficiary Protections: Written Notice cont'd

(iv) Beneficiaries or prospective beneficiaries may report violations of these protections (including denials of services or benefits) by an organization by contacting or filing a written complaint with USDA's Office of the Assistant Secretary for Civil Rights.

Organizations, inclusive of all recipient agencies and local agencies certifying potential beneficiaries and providing CSFP and TEFAP benefits to participants, must provide the written notice, per the program specific requirements described below, to applicants prior to the time they enroll in the program or receive services from such programs.

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Beneficiary Protections: Written Notice cont'd

1. Post a written notice at service locations. The posted written notice must be visible to all TEFAP beneficiaries and prospective beneficiaries upon entrance into the distribution site;
2. Provide flyers or handouts at each distribution; and/or
3. Add the written notification to their TEFAP intake form.

Each organization must select a method that will result in all TEFAP beneficiaries and prospective beneficiaries being notified. The chosen method(s) for notifying beneficiaries and prospective beneficiaries must be fully implemented as soon as possible.

For TEFAP, the written notice described above must also inform beneficiaries and prospective beneficiaries about how to obtain information from either FNS or the State agency about other federally funded service providers in their area.

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Complaints of Discrimination

Differently treated based on TEFAP protected classes

- ✓ **Race**
 - ✓ **Color**
 - ✓ **National Origin**
 - ✓ **Age**
 - ✓ **Sex**
 - ✓ **Disability**
- 

Complaints of Discrimination

Race

- Occurs when an applicant or employee/volunteer is treated differently based on ancestry, physical, or cultural characteristics associated with a certain race, such as skin color, hair texture or styles, or certain facial features.

Color

- Occurs when a person is treated differently from others based on his/her skin pigmentation (lightness or darkness of the skin), complexion, shade, or tone.
- Can occur between persons of different races or ethnicities, or even between persons of the same race or ethnicity.

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Complaints of Discrimination

Sex

- Involves treating a person unfavorably because of that person's sex or pregnancy.

Age

- Involves treating a person unfavorably based on age. It also means excluding people over 40 from participation in, denying the benefits of, or subjecting to discrimination under any program or activity receiving Federal financial assistance.

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Complaints of Discrimination

National Origin

- Involves treating a person unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).

Disability

- Includes treating a person unfavorably based on a person's physical or mental impairment which substantially limits one or more *major life activities, the person has a record of such an impairment or is regarded as having such an impairment.

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Complaints of Discrimination

Types of Discrimination:

- ❖ Differential Treatment – refusing service or using different eligibility criteria for certain applicants
- ❖ Disparate Impact – discrimination that is not intentional, but has that effect
- ❖ Reprisal/Retaliation – negative treatment of someone because they filed a complaint



Resolution 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, subrecipient agency, or a local site. Steps must be taken immediately to obtain voluntary compliance. A finding's effective date is the date of notice to the reviewed entity.

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Complaint Procedures

Complaints may be sent directly to:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Ave. SW
Washington, DC 20250-9410
FAX: (202) 690-7442
Email: program.intake@usda.gov

Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at: (800) 877-8339



Customer Service.....How Is Your Attitude?

Treat all people with dignity and respect.

Answer questions in a voice that is nonthreatening

Clearly explain to everyone the rules as well as their rights and responsibilities.

Find and use tools and techniques to improve customer service.

Recognize when stress creates a problem in giving service excellence

Treat everyone with dignity and respect and make people feel welcomed. Be patient and polite.

Make sure that the USDA foods participants receive equal treatment and service.

“Equal” does not mean “Identical”. For example, one participant receives corn, another receives green beans.

Do not do special favors for anyone that you are not prepared to provide for everyone.

Disabilities and Language needs are not considered “special favors” since they are required.

Questions and Answers



Thank you for completing your Civil Rights training

- Brian Gerkenismeyer, Program Coordinator
- NE DHHS Food Distribution Programs
- Brian.gerkenismeyer@nebraska.gov
- Marceline Sawadogo, Program Specialist,
- NE DHHS Food Distribution Program
- Marceline.Sawadogo@nebraska.gov

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