

Civil Rights Compliance

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



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

Frontline volunteers, such as individuals who regularly interact with applicants and participants, determine eligibility, or handle personal information must receive full Civil Rights training on an annual basis

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

Volunteers who do not interact in any way with program applicants and participants and who do not handle personal information are not required to complete Civil Rights training

Training Content

- The annual training must include, but not be limited to, the following topics in the FNS Instruction 113-1:
 - Collection and use of data
 - Effective public notification systems
 - Complaint procedures
 - Compliance review techniques
 - Resolution of non-compliance
 - Requirements for reasonable accommodation of persons with disabilities
 - Requirements for language assistance
 - Conflict resolution
 - Customer service





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 self-reporting is preferred method of obtaining data



Collection and Use of 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

Effective Public Notification Systems

Program availability

Inform applicants, participants and potentially eligible persons of their program rights, responsibilities and the steps necessary for participation

Complaint information

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

Non-discrimination statement

All information materials and sources, including websites, must contain a non-discrimination 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, written or
anonymous

Can be made by
any person at any
level

Civil Rights
complaint is based
on 6 protected
classes

Have specific
processes in place
for your agency

The image displays two versions of the USDA Program Discrimination Complaint Form Instructions. The top version is in English, and the bottom version is in Spanish. Both forms are titled "UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) Office of the Assistant Secretary for Civil Rights" and "USDA Program Discrimination Complaint Form Instructions". They include a purpose statement, a filing deadline, and instructions for how to submit a complaint. The English version includes a "FILING DEADLINE" section, while the Spanish version includes a "PROPÓSITO" section. Both forms also mention that the complaint form is below the instructions.

AD-3027 (1/19/12) OMB Control Number 0508-0002

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
Office of the Assistant Secretary for Civil Rights
USDA Program Discrimination Complaint Form Instructions
(The complaint form is below the instructions)

PURPOSE: The purpose of this form is to assist you in filing a USDA program discrimination complaint. For help filling out the form, you may call any of the telephone numbers listed at the bottom of the complaint form. You are not required to use the complaint form. You may write a letter instead. The letter must contain all of the information requested in the complaint form. The letter must be signed by you or an authorized representative. Incomplete information may result in your complaint not being processed.

You may also send a complaint by FAX or e-mail. If you send a complaint by e-mail, you must include the subject line "USDA Program Discrimination Complaint" in your email. Incomplete information or an unsigned letter may result in your complaint not being processed.

FILING DEADLINE: A program discrimination complaint must be filed within 90 days of the date of the discriminatory act.

AD-3027 (1/19/12) OMB Control Number 0508-0002

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
Office of the Assistant Secretary for Civil Rights
USDA Program Discrimination Complaint Form Instructions
(The complaint form is below the instructions)

PROPÓSITO: Este formulario está diseñado para ayudarle a radicar una querrela por discriminación en los programas de USDA. Si desea ayuda para completar el formulario, usted puede llamar a los números de teléfono indicados al final del formulario.

No es necesario que usted utilice este formulario. Usted puede enviar una carta. La carta tiene que incluir la misma información requerida en este formulario. Es necesario que usted o su representante firme y feche su carta. Usted también puede enviar el formulario o la carta por fax o correo electrónico. Si usted envía sus documentos por correo electrónico, por favor adjunte al e-mail una copia del formulario con su firma. La presentación de un formulario incompleto o no firmado atrasará el proceso del trámite de su querrela.



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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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



Full Non-Discrimination Statement



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.

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:

1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
program.intake@usda.gov

This institution is an equal opportunity provider.

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

Short Non-Discrimination Statement

“This institution is an equal opportunity provider.”

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



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

United States Department of Agriculture

FNS USE ONLY

SOLO PARA FNS

AND JUSTICE FOR ALL

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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 www.usda.gov/sites/default/files/documents/usda-program-discrimination-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:

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(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, sexo (incluyendo identidad de género y orientación 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](https://www.usda.gov/sites/default/files/documents/USDAProgramComplaintForm-Spanish-Section%20508%20Compliant.pdf), en cualquier oficina del USDA, llamando al (866) 632-9992, 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 (ASCR, por sus siglas en inglés) sobre la naturaleza 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
fax:
(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 Partner Revised May 2022

Alfabetización en el Formulario AD-475-A/Revisado May 2022



Requirements for Language Assistance

- Title VI and its regulations require state agencies, local agencies, or other sub-recipients to take reasonable steps to assure “meaningful” access to information and services they provide.

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

What are “Reasonable” Steps?

- 1.) The number or proportion of LEP (Limited English Proficiency) people eligible to be served or likely to be encountered by the program or grantee;
- 2.) The frequency with which LEP individuals come in contact with the program;
- 3.) The nature and importance of the program, activity, or service provided by the program to people's lives; and
- 4.) The resources available to the grantee/recipient and costs.

Equal Opportunity for Religious Organizations



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

<https://www.fns.usda.gov/usda-foods/qas-equal-opportunity-religious-organizations>

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 USDA-funded 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.

Conflict Resolution

Conflict resolution is the process by which two or more parties reach a peaceful resolution to a dispute.



CONFLICT RESOLUTION



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

Be professional

Be courteous

Listen intently and take notes if necessary

Repeat back what you have been told to ensure correctness

Follow up with corrective action if required



Thank you

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

