

# Welcome!

USDA Civil Rights Training  
2024

WORCESTER  
COUNTY  
FOOD  
BANK



# Training Information

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# Goals of USDA Civil Rights Training

- Ensure equal and consistent treatment
- Understand Rights and Responsibilities
- Reduce barriers to resources
- Promote dignity and respect

# Civil Rights Training – Required Elements

- Training
- Discrimination
- Assurances
- Public notification
- Data collection
- Complaints
- Compliance reviews and resolution of noncompliance
- Disability compliance
- Limited English Proficiency (LEP)
- Conflict resolution
- Customer service

# Civil Rights Training – Who & How Often?

- All staff and volunteers who interact with guest/clients must participate in training annually
- New staff and volunteers must receive training prior to working with guest/clients



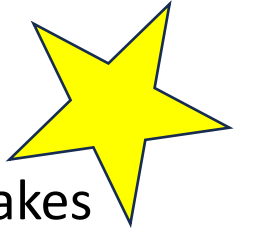


Discrimination

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# What is discrimination?

“Discrimination is different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on a protected class.”



# Protected Classes



- Race
- National Origin
- Disability
- Color
- Sex
- Gender Identity
- Sexual Orientation
- Age



# Types of Discrimination

- Disparate treatment
- Disparate impact
- Reprisal or Retaliation

# Disparate Treatment:

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**When a person is intentionally discriminated against as a member of a protect class.**

This type of discrimination occurs when people make plans or rules that intentionally treat some groups different than others based on race, color, national origin, age, sex, or disability.

Example: Members of one religious group are denied service because their beliefs differ from that of the organization distributing food.

# Disparate Impact:

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**Unintentional discrimination that has a negative result for a protected class.**

- This type of discrimination occurs when a program decides on a practice that unfairly affects protected classes in a way that results in inequity.

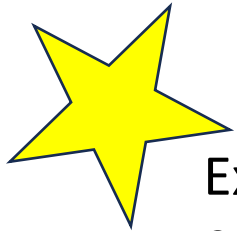
Example: People who do not speak English are asked to come later in the day when an interpreter is available. This creates a situation where services are delayed or food resources may become unavailable to a specific group.

# Reprisal or Retaliation:

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**Intentional act against someone because of prior civil rights activities.**

- Occurs when an individual or organization acts in a way that denies services or benefits that are available to other guest/clients in response to the individual's actions, comments, or behaviors.



Example: A guest/client's family is denied food resources because they filed a civil rights complaint against the agency.

Assurances

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# Assurances:

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To qualify for USDA, an application must be submitted by a written assurance that the agency will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines

A Civil Rights assurance statement must be incorporated in all agreements between:

- Federal and State Agencies (ie between USDA and DESE)
- State agencies and local agencies or subrecipients (ie between DESE and WCFB and between DESE and Partner Agencies)
- Local agencies and subrecipients (ie between WCFB and Partner Agencies)

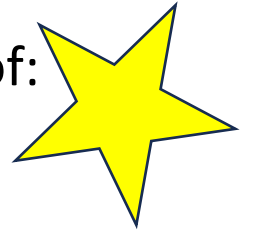
# Public Notification

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# Public Notification:

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- All USDA food assistance programs must include a public notification system.
- Purpose: to inform applicants, participants, and potentially eligible individuals of:
  - Program availability
  - Participant's rights and responsibilities
  - Policy of nondiscrimination
  - Procedure for filing a complaint





# Elements of Public Notification:

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Agencies must:

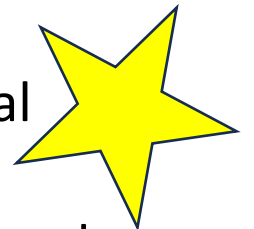
- Make program information available to the public upon request
- Prominently display the “And Justice for All” poster
- Inform potentially eligible individuals, applicants, participants, and community organizations of programs or changes in programs
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information
- Notify individuals with disabilities about the availability of reasonable modifications available
- Notify individuals with limited English proficiency of their right to free language assistance services

# Non- Discrimination Statement:

- **Full version:** <https://www.usda.gov/non-discrimination-statement>

- **Short version:** “This institution is an equal opportunity provider.”

- Can be used in special circumstances only.



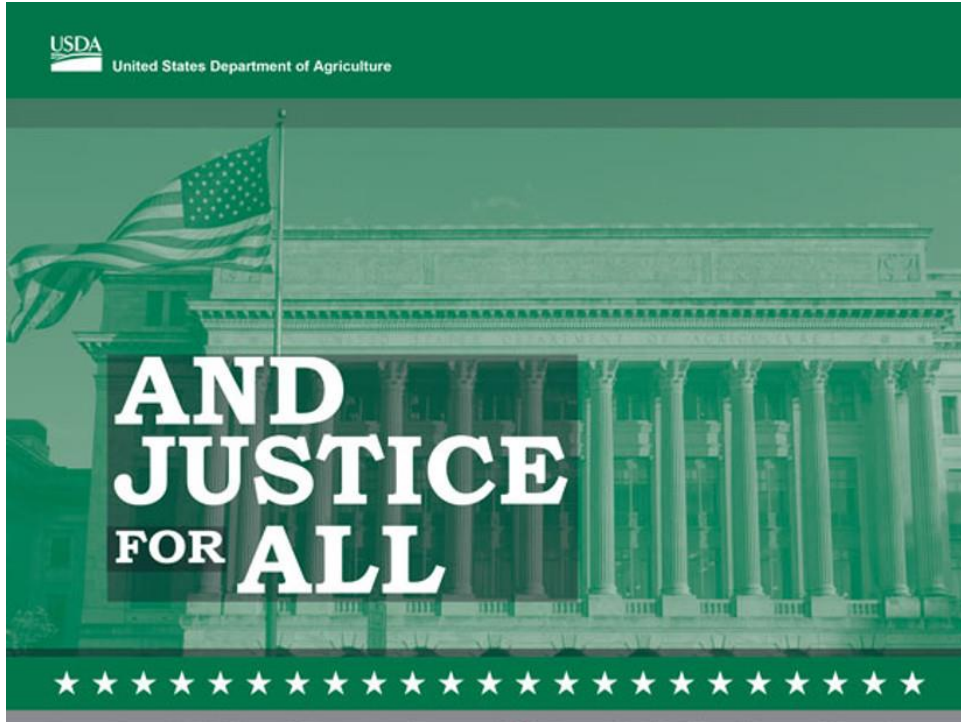
# Non- Discrimination Statement Posting:

All information materials and resources informing the public of USDA FSN program must contain a nondiscrimination statement.



At a minimum, the full Non-discrimination statement must be on:

- Application forms
- Notification of eligibility or ineligibility
- Notification of adverse action
- Webpage
- Public information such as program literature



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.)

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 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 [www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf](http://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

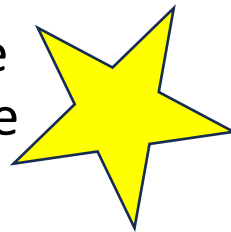
Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, edad, discapacidad, venganza o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles (no todos los principios de prohibición aplican a todos los programas).

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 [www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf](http://www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.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

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- "And Justice For All" poster must be placed in a prominent location where guest/clients will see it.



- Most recent version from 2019

No ID  
Required:

Guest/clients should never be asked  
for their ID, green card, passport, or  
birth certificate.



# Data Collection

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# Race and Ethnicity Data Collection

- **TEFAP is exempt from data collection**
- Other USDA programs such as FDPIR and CSFP must collect and maintain racial or ethnic data
  - Note: WCFB does not participate in these programs


# Civil Rights Complaints

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# Filing a Civil Rights Complaint:

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- Agencies are required to inform guest/clients of the option to file a complaint with the USDA.
- Guest/clients must file within 180 days of the alleged act of discrimination 
- Confidentiality is extremely important and must be maintained
- Maintain Civil Rights complaints in a log separate from other program complaints
- Find the form more information here: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>

# Filing a Civil Rights Complaint:

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Complaints should include:

- Name, address, phone of the complainant
- Location and name of the organization or office that allegedly discriminated
- Nature of the incident
- Names, titles, and business address of individual(s) who may have knowledge of the discriminatory action
- Date(s) during which the discrimination occurred
- Basis of the alleged discrimination

# Filing a Civil Rights Complaint:

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- Accept and forward all complaint to the FNS Civil Rights Division (CRD) or the the Office of the Assistance Secretary for Civil Rights in accordance with FNS Instruction 113-1
- Accept written, verbal, or anonymous
- Forward complaints based on race, color, national origin, sex, and disability to CRD within 5 calendar days of receipt
- Forward complaints based on age within 5 business days of receipt

# Compliance Reviews:

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Compliance reviews examine the activities of State agencies, subrecipients, and local sites to determine Civil Rights compliance.

- USDA review State agencies
- State agencies review local agencies
- Local agencies review their subrecipients (ie WCFB reviews Partner Agency compliance)

Review Types:

- Pre-Award
- Routine
- Special compliance

# Resolution of Noncompliance:

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Noncompliance is 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, local, or subrecipient agency.

Steps must be taken immediately to obtain compliance.

A finding's effective date is the date of notice to the reviewed entity.

# Voluntary Resolution Agreement:

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Voluntary resolution is a written agreement that the reviewed entity voluntarily enters with USDA to ensure compliance with Federal Civil Rights laws.

Takes place between two or more parties (ie DESE and WCFB and Partner Agency)

Used to closeout a Civil Rights review in lieu of issuing a written Compliance Review report with findings.

Disability

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# Disability:

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Disability – a person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment

Note: major life activities include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.

This definition also includes major life functions such as functions of the immune system, brain, circulatory, digestive, bowel, bladder, normal cell growth, respiratory, cardiovascular, endocrine, and reproductive functions per the ADA Amendments Act of 2008.



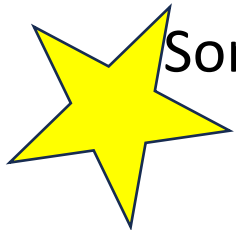
# Disability Access:

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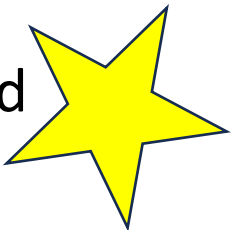
- Ensure communication with individuals with disabilities is as effective as communication with others
- Ensure members of the public are provided **reasonable modifications** in order to access program information and assistance



Some examples of alternative accommodations include:



- Proxy
- Telephone or oral interviews
- Sign language interpreters
- Reader services
- Alternative arrangements to receive services
  - Example: facility is not handicap accessible, so a volunteer brings food out to guest/client's vehicle



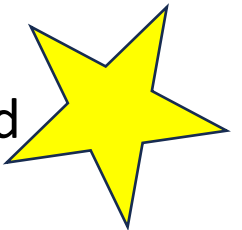
# Limited English Proficiency

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# Limited English Proficiency

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- Limited English Proficiency, or LEP, relates to individuals whose primary language is not English.
- These individuals may have a limited ability to read, speak, write, or understand English.
- Agencies providing USDA resources have a responsibility to take **reasonable steps** to ensure individuals who identify as having LEP have **meaningful access** to programs and services.
- Meaningful access - language assistance that results in accurate, timely, and effective communication at no cost to the individual with LEP. This access should not be significantly restricted, delayed, or inferior compared to services provided to English proficient individuals.



# Religious Protections

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# Religious Protections FD-138

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- Guest/clients may not be required to participate in religious activities
- TEFAP services to participants must be separated by location and/or time from religious activities
- TEFAP agencies may have promotional materials available by self-serve or upon request
  - Example: handing out religious materials, or including with the food, is not permitted



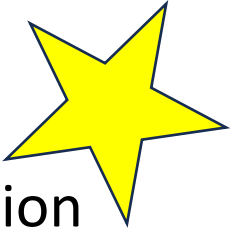
# Conflict Resolution

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# Conflict Resolution:

Civil Rights compliance with conflict resolution includes:

- Stay calm and listen
- Take time to explain the rules
- Follow the agency's policy on complaints
- Try to offer solutions
- Ask a supervisor or call for help





Customer Service

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# Customer Service:

Civil Rights compliance with customer service includes:

- Be patient, be polite
- Learn new ways to improve customer service
- Ask yourself “Am I treating this person in the same manner I treat others?”
- Ensure all guest/clients receive equitable treatment and service
- Equitable does not mean identical
- Practice empathy and compassion
- Recognize that participants have varied needs
- Accommodations or individuals with disabilities or language need are not special favors

# Questions?

**Federal:**

Carletta Watkins  
Regional Civil Rights Officer  
Northeast Region  
USDA Food and Nutrition Service  
703-605-4379  
[Carletta.Watkins@usda.gov](mailto:Carletta.Watkins@usda.gov)

**State:**

Lucinda Ward  
Food Distribution Coordinator  
Office for Food and Nutrition Programs  
MA Dept of Elementary and Secondary Education  
781-338-6466  
[Lucinda.A.Ward@mass.gov](mailto:Lucinda.A.Ward@mass.gov)

**Local:**

Sarah Walker  
Chief Operating Officer  
Worcester County Food Bank  
508-842-3663  
[swalker@foodbank.org](mailto:swalker@foodbank.org)

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*Creating a  
hunger-free community*

Thank you!