

# CIVIL RIGHTS

*Training Session FFY2021*



# WHY TRAINING IS NECESSARY

- Required by TEFAP Contract
- Encourages voluntary compliance
- All employees and volunteers who have public contact should know basics



# WHAT IS UNLAWFUL DISCRIMINATION?

- Disparate Treatment
  - Intentional
  - Deny services to a specific group of people
- Disparate Impact also know as Adverse Impact
  - Unintentional
  - Most common occurrence
  - Indirectly discriminate against a group of people due to rules or actions
- Retaliation/Reprisal
  - Poor treatment of a person(s) who has filed a complaint, and or cooperated with an investigation



# PROTECTED CLASSES

- Race
- Color
- National Origin
- Age
- Gender
- Disability



# WHAT IS A CIVIL RIGHTS COMPLAINT?

- Must be against a component of the federal program.
- Must be based on one or more of the protected classes.
- Must be filed within 180 days of the occurrence or notice.



# WHERE TO FILE A COMPLAINT

To file a complaint alleging discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html)

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](mailto:program.intake@usda.gov).



# EQUAL OPPORTUNITY RULES



# EQUAL OPPORTUNITY RULES

1. No organization, in the administration or distribution of Federal funds, will be discriminated against on the basis of religion, or religious belief.
2. 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.
3. Faith-based organizations can use space in their facilities to provide USDA-funded services without removing religious art, icons, scriptures or other religious symbols.
4. No organization that receives USDA funds can discriminate against a program beneficiary, or prospective beneficiary on the basis of religion or religious beliefs.





# TEFAP POLICY MEMORANDUM, #4

1. The organization may not discriminate against applicants and recipients on the basis of religion or religious beliefs, a refusal to hold a religious belief or a refusal to attend or participate in a religious practice.
2. The organization may not require applicants or recipients to attend or participate in any explicitly religious activities offered by the organization.
3. The organization must separate in time or location any privately funded explicitly religious activities from activities supported by direct Federal financial assistance.
4. If an applicant or recipient objects to the religious character of the organization, the organization will undertake reasonable efforts to identify and refer them to an alternate provider to which he or she has no objection, as long as the alternate provider is within reasonable distance and offers similar services.

# LIMITED ENGLISH PROFICIENCY (LEP)

An LEP individual is a person who is unable to speak, read, write or understand the English language at a level that permits him or her to interact **effectively** with health and social services agencies and providers.

To comply with Title VI federally-funded entities must ensure that LEP persons have meaningful access.



# (LEP) LANGUAGE ASSISTANCE

Our plan includes a program:

- At no cost to the customer
- Discourages use family, friends or minor children
- Services are timely (Same day assistance when ever possible)



# (LEP) LANGUAGE ASSISTANCE

## Resources

- <https://translate.google.com/>
- Free Language Line: To place a call to an interpreter:
  - Dial: 1614-591-3519; Access code 4942
  - The voice prompt will ask you to press the number of the language listed below
  - If your language isn't listed, press 8
  - To speak with an operator, press 9
  - Once the interpreter is on the phone, they will ask you the following questions:
    - First and Last Name
    - Food Bank Location
  - When finished, thank the interpreter and hang up



**WHERE YOU PAYING ATTENTION?**



# SITUATION 1

A long time volunteer, in a position of authority, sometimes says inappropriate things to people of another gender, most just say it's the way of their generation and laugh it off. Some say they like the attention. Some just grit their teeth and are silent so they can get their food and leave.

Is this a civil rights violation?

- Yes
- No

This would fall more under sexual harassment and therefore while not a civil rights violation, should NOT be acceptable at your organization.



# SITUATION 2

Mabel works in a Soup Kitchen as a server. She consistently gives the men larger portions than the women because “men always have bigger appetites than women.”

Is this a civil rights violation?

- Yes
- No

Is this disparate treatment, adverse impact or retaliation?

- Disparate Treatment
- Adverse Impact

You are unintentionally discriminating against another group of people by showing favor to one (gender)

- Retaliation



# SITUATION 3

One of your volunteers has fallen on hard times and is embarrassed by his situation. You offer him a private trip through your pantry when you are not normally open to ease his embarrassment.

Is this a civil rights violation?

- Yes
- No

*While not a civil right violation, Any volunteers / staff who are also eligible to receive food, must follow same guidelines as all recipients, including adhering to same hours of operation for pantry / meal site*





# SITUATION 4

A man walks into a pantry that is supported by the Church. He is ill and asks the volunteer if the preacher can talk to him and pray with him. Is it okay for the pastor to counsel and say a prayer with this man?

Is this a civil rights violation?

- Yes
- No

*It is only a civil rights violation if the condition to receive food is that they must pray. You may ask them if they want prayer, but be sure that it is done in a way that makes it clear it is not conditional*



# SITUATION 5

You decide to do holiday baskets for Thanksgiving and Christmas for families with children and intend to include TEFAP commodities in the baskets.

Is this a civil rights violation?

- Yes
- No

Is this disparate treatment, adverse impact or retaliation?

- Disparate Treatment
- Adverse Impact

You are unintentionally discriminating against another group of people by showing favor to one (age)

- Retaliation



# SITUATION 6

You are very angry that the person you just helped accused you of discrimination. You tell your co-workers to watch out for this “troublemaker.” The next time the person contacts the pantry, she encounters “attitude” from the workers.

Is this a civil rights violation?

- Yes
- No

Is this disparate treatment, adverse impact or retaliation?

- Disparate Treatment
- Adverse Impact
- Retaliation

*It is unlawful to treat anyone who has filed a complaint without the same level of dignity and respect that you treat others.*

# SITUATION 7

An elderly Spanish client comes into the pantry obviously infested with bed bugs and he speaks very little English. Using hand gestures and shaking your head no, you ask him to leave without serving him.

Is this a civil rights violation?

➤ Yes

➤ No

*While he is elderly, Spanish and ESL, you also are responsible for keeping the integrity and safety of your food and facilities. Bedbugs are NOT a protected class. Suggestions to still help: serve him outside and refer him to elderly services as food is not the only help he needs*



# QUESTIONS?

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