



# Chester County FoodBank

## Civil Rights Training

The Emergency Food Assistance Program - TEFAP

State Food Purchasing Program - SFPP



# Why Is Civil Rights Training Important?

- ▶ It's important to understand which amendments and acts protect individual civil rights.
- ▶ It is our responsibility as food distributors to protect the civil rights of the people we serve, and advocate for those whose civil rights are violated.
- ▶ Many partner agencies in our network participate in federally funded nutrition programs like The Emergency Food Assistance Program (TEFAP) and the State Food Purchase Program (SFPP).

# Defining Civil Rights

- ▶ Civil rights are defined as the non-political rights of a citizen and the rights of personal liberty guaranteed to every U.S. citizens by amendments to the U.S. Constitution and acts of Congress.
- ▶ The United States Department of Agriculture (USDA) forbids discrimination towards individuals on the basis of race, color, national origin, age, disability status, gender, religion, citizenship, ancestry, marital status, or military status.
- ▶ Sexual orientation, including gender identity, are not protected under U.S. federal civil rights laws. Chester County Food Bank prohibits discrimination to any individual based on their sexual orientation, including how they choose to express their gender identity.

# Civil Rights: Key Points

- ▶ **Stereotype**: a preconceived generalization about a group of people not based in fact.
- ▶ **Prejudice**: a belief or attitude towards members of a particular group, often formed by stereotypes, that affect the ability to form positive relationships with others.
- ▶ **Discrimination**: the act of violating a person's civil rights, which often occurs when stereotypes and prejudices impact the way others are treated.

# The 8 Concepts of Civil Rights Compliance for Food Pantries and Food Cupboards

As food providers, we are all responsible for ensuring that the eight concepts of civil rights compliance are met:

1. Assurances
2. Public Notification
3. Data Collection
4. Training
5. Compliance Reviews
6. Accommodations for Individuals with Limited English Proficiency (LEP)
7. Accommodations for Individuals with Disabilities
8. Equal Opportunity for Religious Organizations

# Concepts of Civil Rights Compliance: Assurances

- ▶ A civil rights assurance statement is required to be included into all agreements between federal and state agencies, state and subrecipient agencies, and subrecipient agencies and their local sites (i.e. food banks and their provider agencies).
- ▶ Chester County Food Bank's (CCFB) assurance statement is in section **three** and **four** of the Organization Criteria in the Member Agency Agreement.

# Concepts of Civil Rights Compliance: Public Notification

- ▶ All food programs and providers are required to inform applicants, participants, and potentially eligible persons of their program rights, responsibilities, and steps for participation by doing the following:
  - ▶ Make program information available upon request.
  - ▶ Inform participants of any changes to the program.
  - ▶ Convey a message of equal opportunity that is easily viewable.
  - ▶ Include USDA nondiscrimination statement on all materials.
  - ▶ Provide appropriate information in alternative formats for people with disabilities and/or limited English proficiency.

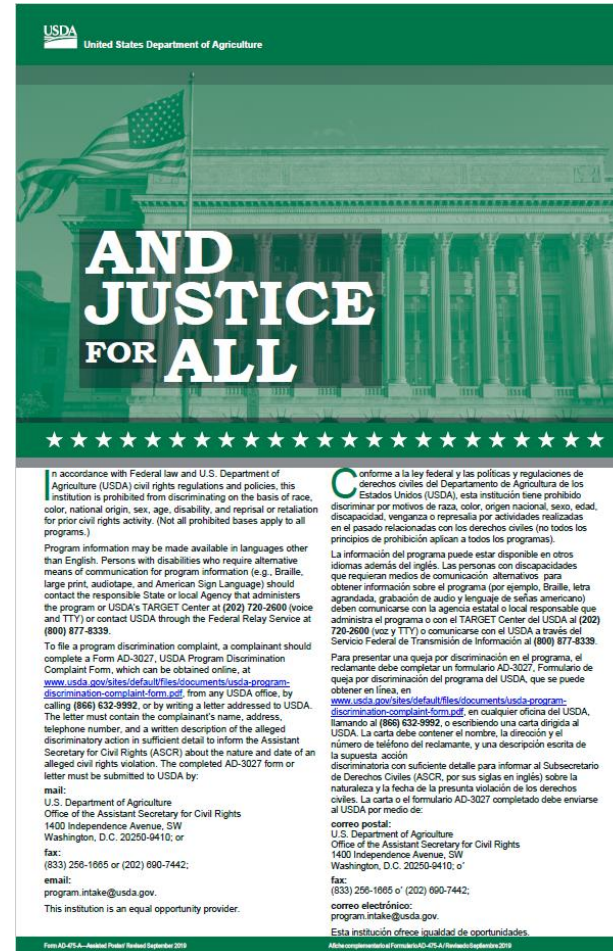
# Mandatory Displayed Documents

- ▶ The documents listed below are required to be displayed where they are easily viewable by all persons visiting your agency:
  - ▶ And Justice For All Poster
    - ▶ Pictured and explained on the next slide
  - ▶ Civil Rights Complaint Form
  - ▶ Notice for Faith-Based Organizations
    - ▶ Only required for faith-based organizations



# “And Justice For All” Poster

- ▶ The “And Justice for All” poster, with the USDA’s nondiscrimination statement, must be prominently posted at all times during food service distribution hours/activities.
- ▶ The poster notifies individuals of their civil rights and how to file a complaint if they believe their rights have been violated.
- ▶ If you need a copy of the poster, contact CCFB’s Agency Relations Coordinator.



“And Justice For All” Poster source: United States Department of Agriculture (Form AD-475A, September 2019).

# Civil Rights Complaint Form

- ▶ The Civil Rights Complaint Form is required to be posted along with the “And Justice for All” poster.
- ▶ This form can be used if an individual needs to file a federal civil rights complaint.
- ▶ Complaints must be filed within 180 days from the alleged act of discrimination, with some exceptions.
  - ▶ Complaints may be written, verbal, and/or anonymous.
  - ▶ CCFB will keep an official complaint log on file.
  - ▶ Confidentiality is important and must be maintained.

# Complaints and Customer Service

- ▶ The following proper customer service practices are some of the easiest methods to avoid complaints:
  - ▶ Clear communication
  - ▶ Transparency
  - ▶ Effective listening and polite responses
  - ▶ Courtesy and compassion
  - ▶ Kindness
  - ▶ Enthusiasm
  - ▶ Sympathy and Empathy

# Conflict Resolution

- ▶ Providers should attempt to curb conflict at their agencies and can reach out to Chester County Food Bank Agency Team members should they need help.
- ▶ Below are some guidelines to help with conflict resolution:
  - ▶ **Recognize the problem** - what happened and what is the issue at hand?
  - ▶ **Come up with a solution** - what can be done to alleviate the problem effectively?
  - ▶ **Gain approval** - ensure those filing the complaint approve the solution to the conflict.
  - ▶ **Plan an agreement with a framework** - what should be done and by when, who is responsible for what, and what responsibility measures are in place?
  - ▶ **Check in** - make sure the individual involved is content with the solution and provides feedback.

# Notice for Faith Based Organizations

- ▶ Faith-based or religious organizations are required to post a written notice explaining the right of the people served to be referred to a non-faith based or religious service provider if they choose.
  - ▶ Faith based organizations may not discriminate against recipients on the basis of religion or religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.
  - ▶ Organizations may not force recipients to attend or participate in any explicitly religious activities that are offered - including prayer - and participation in such activities needs to be voluntary.
  - ▶ The organization must separate in time or location any privately funded explicitly religious activities from those supported by direct federal financial assistance (i.e. distribution of TEFAP or SFPP product).

# Notice for Faith Based Organizations (Continued)

- ▶ If a client objects to the religious character of the organization, the organization will make reasonable efforts to identify and refer the client to another provider where the client has no objection. The organization is not responsible for guaranteeing that the alternate provider will be available.
- ▶ Individuals may report violations of the above protections (including denials of services or benefits) by an organization to the state agency (Pennsylvania Department of Agriculture).
- ▶ This written notice is a new component of civil rights training as of 2018. If you have questions about this requirement, please contact Chester County Food Bank's Agency Relations Coordinator.

# Concepts of Civil Rights Compliance:

## Data Collection

- ▶ All data must be confidential, stored in a secure place, and requirements for data collection must be followed.
- ▶ TEFAP and SFPP are self-declaration of need programs, therefore, agencies are not allowed to ask for *proof* of income.
- ▶ TEFAP and SFPP records - including TEFAP and SFPP forms and proxy forms - must be retained for four years (the current year and the three previous years).
- ▶ TEFAP and SFPP forms past the retainment period must be shredded and disposed of in a secure, responsible manner.

# Concepts of Civil Rights Training: Training

- ▶ All program coordinators, volunteers, and staff who interact directly with the individuals and families served by your agency are required to undergo annual civil rights training and sign the appropriate self-certification forms confirming completion.
- ▶ The self-certification forms must be submitted via mail or email to Chester County Food Bank during the annual membership renewal process and copies also need to be kept on file at your agency for review during monitoring compliance visits.
  - ▶ If submitting by email, send certifications to CCFB's Agency Relations Coordinator at [elyse@chestercountyfoodbank.org](mailto:elyse@chestercountyfoodbank.org)



# Concepts of Civil Rights Training: Compliance Reviews and Awards

- ▶ Agencies wishing to participate in TEFAP and the SFPP must already be in compliance with civil rights requirements. CCFB will conduct an annual site visit to determine the appropriateness of the program in addition to ensure the agency is in compliance with other areas of the Member Agency Handbook.
- ▶ New agencies will be monitored prior to participation in TEFAP and SFPP.
- ▶ In addition to the annual site visits by CCFB, a representative from the Pennsylvania Department of Agriculture may also conduct a compliance visit.

# Concepts of Civil Rights Training: Limited English Proficiency (LEP)

- ▶ In order to provide competent, timely, accurate, and effective services and accommodations to assist individuals that have limited English proficiency, agencies are required to do the following:
  - ▶ Employ staff/volunteers who know the languages commonly spoken in the area, if applicable.
  - ▶ Compile translated materials and paperwork - e.g. Self Declaration of Need Forms.
  - ▶ Ensure employees/volunteers know the process for serving individuals with LEP.
  - ▶ Offer professional interpreters or language lines when applicable.
- ▶ It is not acceptable to ask the people you serve to provide their own interpreters or put children into situations where they need to interpret for their parents.

# Concepts of Civil Rights Training: Accommodations for Disabilities

- ▶ The USDA defines a disability as a physical or mental impairment that significantly limits one or more major life activities.
- ▶ Reasonable accommodations must be made for people with disabilities by ensuring the following are done at your agency:
  - ▶ Using pre-identified proxies to pick up food.
  - ▶ Utilizing volunteers to help carry food up and down stairs and to vehicles.
  - ▶ Reconfiguring space, when possible, to provide an efficient flow for individuals that may use a wheelchair or have mobility challenges.
  - ▶ Providing tools for volunteers to communicate with individuals who may be hearing or visually impaired.

# Concepts of Civil Rights Training: Equal Opportunity for Religious Organizations

- ▶ While faith-based organizations are able to participate in federally funded programs, discrimination is prohibited against an organization by the USDA on the basis of religion, religious beliefs, or character.
  - ▶ Agencies are also prohibited from discriminating against an individual seeking help based on the individual's religion, religious beliefs, or lack of religious beliefs.
  - ▶ Faith based organizations can use space in their facilities without removing religious art or symbols.
  - ▶ Federal funds/food can not be used or distributed during activities that support worship, religious instruction, proselytizing, or prayer.
  - ▶ Engaging in prayer with the individuals and families you serve is in direct violation of the USDA's guidelines for freedom of religion and religious beliefs. It is CCFB's recommendation to separate prayer from your food program.

# Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of 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), and 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:

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

This institution is an equal opportunity provider.

# Civil Rights Legal Authorities

- ▶ Various amendments, acts, rules, regulations, and executive orders have contributed to establishing and protecting civil rights and the next several slides help list and explain them.
- ▶ For additional information about each individual legal authority, you can search for the Federal Code of Regulations (FCR) online, peruse the U.S. Department of Justice's [Office of Justice Programs website](#), or visit the [USDA's website](#).

# Legal Authorities

- ▶ The 13th and 14th Amendments to the Constitution provided civil rights to all citizens, however, they did not go far enough to protect individuals from discrimination.
  - ▶ The Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 provided protection based on race, color, and/or national origin.
  - ▶ The Education Amendments of 1972 provided protection based on sex and gender.
  - ▶ The Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 provided protection based on disability status.
  - ▶ The Age Discrimination Act of 1975 provided protection based on age.

# Legal Authorities Continued

- ▶ 7 Code of Federal Regulations (CFR), Part 15: gives USDA authority to develop civil rights requirements and prohibits discrimination in federally assisted programs or activities.
- ▶ 7 CFR, Part 16: provides equal opportunity for religious organizations.
- ▶ 28 CFR, Part 35: covers nondiscrimination by state and local governments on the basis of disability.
- ▶ USDA Department Regulation 4330-2: prohibits discrimination in programs or activities funded in whole or in part by the USDA.



# Legal Authorities Continued

- ▶ Executive Order 13166: improves access to services for people with Limited English Proficiency.
- ▶ FNS Instruction 113-1 and Appendix C: provides information on civil rights compliance and enforcement.
- ▶ 79 Federal Regulation, Number 229: USDA LEP policy guidance.

# What Is Your Agency's Responsibility?

- ▶ Annually train staff and volunteers in Civil Rights and maintain all necessary documentation. Send copies of your Civil Rights training to CCFB and keep copies at your facility.
- ▶ Hang the appropriate posters and forms
  - ▶ The “And Justice for All” poster
  - ▶ The Civil Rights Complaint Form
  - ▶ The Written Notice for Faith-based Organizations, if applicable.
- ▶ Treat all program participants with dignity and respect, avoiding stereotypes, and making assumptions about individuals or groups.

# Let's Visit Some Scenarios

- ▶ For the next portion of the training, we will visit and discuss a series of situations that will allow you to critically think about certain Civil Rights and if the issues are in violation or not.
- ▶ These situations are not meant to trick you, they are designed to promote thoughtful dialog and help your agency serve the community to the best of its ability.

# Scenario 1

- ▶ A church operates a neighborhood food pantry which receives TEFAP commodities and capital assets from Chester County Food Bank. They also do a meal program once a week for those in need using only food donations from an area restaurant. Everyone that works at the food pantry and meal program are volunteers. Does the church have to adhere to civil rights rules? Do all volunteers need to be trained, and if so, why do they need to know about compliance review techniques and data collection?

# Scenario 1 Explained

- ▶ Yes. Acceptance of Federal financial assistance requires the recipient agency to adhere to Federal civil rights requirements in all aspects of its operations.
- ▶ Any frontline workers, including volunteers, need to be trained when they first come on the job and then again annually. They may not need in-depth information on compliance review techniques and data collection, but they need to know that these are requirements to ensure compliance is being upheld.
- ▶ For example, if a new volunteer gives out TEFAP foods without collecting the necessary information, the pantry would be in violation of Part 3 of the Civil Rights Compliance for Food Pantries/Cupboards.

## Scenario 2

- ▶ A complaint was received that a volunteer at a pantry was rude and disrespectful to a consumer seeking services. Are there civil rights issues in this situation? Does it matter if the volunteer and the consumer are of different races, national origins, or genders?

# Scenario 2 Explained

- ▶ Based on the information provided, it is not clear if the disrespectful treatment was based on race, color, national origin, age, sex, gender identification, or disability. If there was such an allegation against the volunteer, then it would not matter if the volunteer and the consumer are of different races, national origins, ages, or genders. People can, and sometimes do, discriminate against people similar to them.

## Scenario 3

- ▶ Members of an ethnic minority group say an organization is discriminatory because it does not provide them with food that is familiar to them. Is their complaint legitimate?



# Scenario 3 Explained

- ▶ It is not discriminatory for an organization to not have certain foods for specific ethnic groups. In fact, it could become discriminatory if ethnic food is provided to some groups but not to others. It is best to offer everyone diverse food choices and be sensitive to the dietary needs/habits of your consumers.
- ▶ If there are regular requests of certain types of food, it would be a good idea to try and accommodate the request if possible.

## Scenario 4

- ▶ An organization decides to schedule different food delivery days for people who live on the northern and southern parts of a town. Most of the people who live on the north side are racial minorities. With this delivery schedule, residents of the north side would get their food two days later than the southern part of the town. Is this an example of discrimination?

# Scenario 4 Explained

- ▶ There is not enough information to make a determination of civil rights violation. This could be discrimination if the service or the quality of the food is *deliberately* subordinate for one group of people, which could result in charges of impact discrimination.
- ▶ Possible solutions would be to ensure no differences in the quality of service and food to your constituents, or to ensure food is delivered on the same day or the next.

# Scenario 5

- ▶ An organization wants to include religious literature with food packages that contain TEFAP and SFPP commodity foods and say a prayer with shoppers as they depart. Are these activities allowed?

# Scenario 5 Explained

- ▶ No. Proselytizing is not allowed during food distribution hours, nor is prayer, as these acts would be in direct violation of the USDA's guidelines for freedom of religion and religious beliefs.
- ▶ These acts would be in violation of part 8 of The Civil Rights Compliance for Food Pantries/Cupboards.

# Scenario 6

- ▶ A woman comes to your food cupboard and says that the food pantry at the church down the street refused to give her food because she is not a church member. Is this a civil rights violation?

# Scenario 6 Explained

- ▶ If the food pantry in question does not receive TEFAP or SFPP foods, they are technically not in violation, **HOWEVER**, this act is in violation of CCFB's membership agreement.
- ▶ No organization that received direct assistance from the USDA - like TEFAP - can discriminate against a beneficiary or prospective beneficiary on the basis of religion or religious belief.
- ▶ CCFB requires provider agencies to serve the public, therefore, they are not allowed to serve just church members.

# Scenario 7

- ▶ A pantry that receives TEFAP and SFPP commodity foods is located in the basement of a building and is not accessible to people with wheelchairs or people unable to utilize stairs/steps. What are some ways to ensure that all people have equal opportunity to benefit from the food pantry?



# Scenario 7 Explained

- ▶ Attempts should be made to improve access to the food pantry by way of making an elevator accessible or moving the pantry to the ground level. If these are not possible alternatives, services can be provided in another manner such as bringing a variety of food items downstairs for the person to choose from, taking their food order and delivering it to their car, or providing a home delivery service.

# Scenario 8

- ▶ A family comes to your pantry and they do not speak English. You are unable to understand them, but you can understand the little English their child speaks. You proceed to use their child as an interpreter. Is this acceptable?

# Scenario 8 Explained

- ▶ No, this is not okay. This scenario is in violation of section 8 of Civil Rights Compliance for Food Pantries/Cupboards. It is not acceptable to put children into situations where they need to interpret for their parents.
- ▶ In order to provide competent, timely, accurate, and effective services and accommodations to assist individuals that have limited English proficiency, agencies are required to do the following:
  - ▶ Have some volunteers/staff members on board who are familiar and fluent with the languages commonly spoken in the area.
  - ▶ Compile translated materials and paperwork - e.g. Self Declaration of Need Forms.
  - ▶ Ensure employees/volunteers know the process for serving individuals with LEP.
  - ▶ Offer professional interpreters or language lines when applicable.

# Scenario 9

- ▶ A pantry manager designates Thursdays to serve only Hispanic households to make sure there are Spanish speaking interpreters present on site. The pantry manager also thinks Hispanic families would be more comfortable in a setting where other people speak their language. Is this an example of a civil rights violation?

# Scenario 9 Explained

- ▶ Even though the manager had good intentions, designating a specific day to serve any population could be perceived as an act of segregation. The pantry can advertise specific times it has interpreters on site so people can decide to come during those times. The pantry, however, can not require people of a racial/ethnic group or nationality to only come at a certain time because that would be discrimination. Interpretation materials need to be provided whenever anyone who needs the service comes to your organization.

# Scenario 10

- ▶ A Muslim woman filed a complaint with the State that the TEFAP food boxes received were of inferior quality. She tells you that ever since then, the delivery people have been coming later in the day and are no longer friendly. Is this a discrimination complaint and if so, what kind and how should it be handled?

# Scenario 10 Explained

- ▶ Unless she is alleging that everyone in the Muslim community receives TEFAP food boxes of inferior quality or that she is being treated differently because she is a Muslim, this would not be a valid civil rights complaint and should be handled as a program complaint.

# Scenario 11

- ▶ Susan is a staff member at a local pantry. Her colleague came in and told Susan that they saw Cindy, a client of the food pantry, visiting a nearby food cupboard located in their church in a different part of the town. Susan and her colleague are unsure how to proceed so Susan calls the director at the other food cupboard. They talk about Cindy and look through their records to discuss Cindy's address, household info, and when she visited their food pantries. Both the food pantry and food cupboard receive TEFAP and SFPP commodities and CCFB capital assets. All clients, including Cindy, sign a Self Declaration of Need Form (with data privacy warning) once a year at intake. Has either food distributor violated Cindy's civil rights or data privacy?



# Scenario 11 Explained

- ▶ Since neither the food pantry nor the food cupboard refused to serve Cindy or set up any rules that prevent her from being served because of her status, with regard to assistance, or as part of any other protected class, her civil rights have not been violated.
- ▶ Susan and the other food cupboard director, **HOWEVER**, are not allowed to discuss any personal and private information about Cindy, such as her address, details about her household, or the fact that she received service from either organization without each location obtaining her written permission to do so via a release of information form.
- ▶ The data privacy warning that Cindy signed only informs her that statistics about her may be shared with named entities (e.g., CCFB, Chester County Department of Health and Human Services, PA Dept of Agriculture, USDA) that require regular reporting on the total service that the food pantry is providing to the community. It does not provide her consent to release personal information to other parties, such as other food pantries throughout Chester County.

# Scenario 12

- ▶ At the end of a long day of food distribution as you are about to close up and head home, a police officer enters and begins asking for information about a family that he thought had been served that day at the food pantry. The officer describes the family and asks if he can have the names of everyone in the household and the address of their residence. Should you give this information to the police?

# Scenario 12 Explained

- ▶ No, you should not share this information *without a signed warrant from the police or immigration enforcement*. You should not turn over any client data without the signed warrant. It is also recommended to contact an attorney about your program's rights and responsibilities if a warrant is provided. Reach out to Chester County Food Bank's Agency team for further assistance in a matter like this.

# Scenario 13

- ▶ The leader of a charitable organization who makes large donations to the operations of a food pantry requests a list of all Hispanic participants so that they can be given special holiday baskets. Does this pose any civil rights problems and how should you respond to this request?

# Scenario 13 Explained

- ▶ This scenario poses a number of problems:
  - ▶ First, it would violate the confidentiality provisions of data collection. Data on ethnicity and race must be kept confidential and should not be made available on an individual basis.
  - ▶ Second, what this person proposes to do violates Title VI because the distribution would be limited to people based on national origin and would not be available to everyone. By complying with the request, the food pantry would be helping discriminate against other groups, and this is not allowed.
  - ▶ Title VI states that: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

# References

- ▶ Greater Pittsburgh Community Food Bank. (n.d.). *Civil Rights Training* [PowerPoint Presentation]. <https://www.pittsburghfoodbank.org/wp-content/uploads/2019/01/Copy-of-Civil-Rights-Training-v2.pdf>.
- ▶ Pennsylvania Department of Agriculture, Bureau of Food Distribution. (2018). *The Emergency Food Assistance (TEFAP) Outlet Manual*. [https://www.agriculture.pa.gov/Food/food\\_assistance/The%20Emergency%20Food%20Assistance%20Program/Documents/TEFAP\\_Outlet\\_Manual\\_June\\_2018.pdf](https://www.agriculture.pa.gov/Food/food_assistance/The%20Emergency%20Food%20Assistance%20Program/Documents/TEFAP_Outlet_Manual_June_2018.pdf).
- ▶ Second Harvest Heartland & The Food Group. (2019). *Civil Rights Training 2019* [PowerPoint Presentation]. <https://thefoodgroupmn.org/wp-content/uploads/2018/01/Civil-Rights-Training-2018-website.pdf>.

# Thank You!

- ▶ Thank You for participating in Chester County Food Bank's Civil Rights Training!
- ▶ To access Chester County Food Bank's Civil Rights Training Certificate of Completion, please visit the website's Agency Zone page at <https://chestercountyfoodbank.org/community-partners/agency-zone/>.
- ▶ Please send your signed Civil Rights Training Certificate of Completion to [elyse@chestercountyfoodbank.org](mailto:elyse@chestercountyfoodbank.org).

# Disclaimer

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