

Civil Rights Compliance and Enforcement

Presented By:

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School Support

MDE OCN



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.

CIVIL RIGHTS TRAINING

- Training is required so that people involved at all levels of administration of programs that receive Federal financial assistance understand civil rights related laws, regulations, procedures and directives.
- State agencies are responsible for training local child nutrition administrators on an **annual basis**.
- Local agencies are responsible for training their managers and staff who interact with applicants or participants on an **annual basis**.

Required Topics

The annual training must include, but not be limited to, the following training topics in the FNS Instruction 113 – 1:

1. Collection and Use of Data
2. Effective public notification systems
3. Complaint procedures
4. Compliance review techniques
5. Resolution of noncompliance
6. Requirements for reasonable accommodation of persons with disabilities
7. Requirements for language assistance
8. Conflict resolution
9. Customer service

Protected Base

Defined as:

Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order.

What are the protected bases?

USDA Protected Bases

- 1. Race**
- 2. Color**
- 3. National Origin**
- 4. Age**
- 5. Disability**
- 6. Sex**
- 7. Gender Identity**
- 8. Religion**
- 9. Reprisal / Retaliation -
for prior Civil Rights activity**
- 10. Political Beliefs**
- 11. Marital Status**
- 12. Familial or Parental Status**
- 13. Sexual Orientation**
- 14. Protected Genetic Information**
- 15. All or part of an individual's
income is derived from any
Public Assistance Program**

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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 responsible Agency 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, this information is available in languages other than English.

To file a complaint alleging discrimination, please complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, 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:

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email:
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Para presentar una queja por alegada discriminación, complete el formulario de quejas al USDA y proporcione en la carta toda la información solicitada del formulario de presentación de quejas, comuníquese al (866) 632-9992. Envíe su formulario o carta completos al USDA por:

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Short Non-Discrimination Statement

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Collection and Use of Data

1. State and Local agencies are required to obtain data by race and ethnicity
2. Self identification or self-reporting is preferred method of obtaining data
3. Applicants/participants may not be required to furnish information on their race or ethnicity
4. Where an applicant/participant does not provide this information, the collector shall through visual observation secure and record the data

Effective Public Notification Systems

The purpose of the public notification system is to inform applicants, participants, and potentially eligible persons of:

- Program Availability
- Complaint Information
- Nondiscrimination Statement

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 OCR Director. Anonymous complaints will be handled as any other to the extent feasible based on available information.
- Forms – any OCR may develop complaint forms, but the use of such forms must not be a prerequisite for acceptance of a complaint

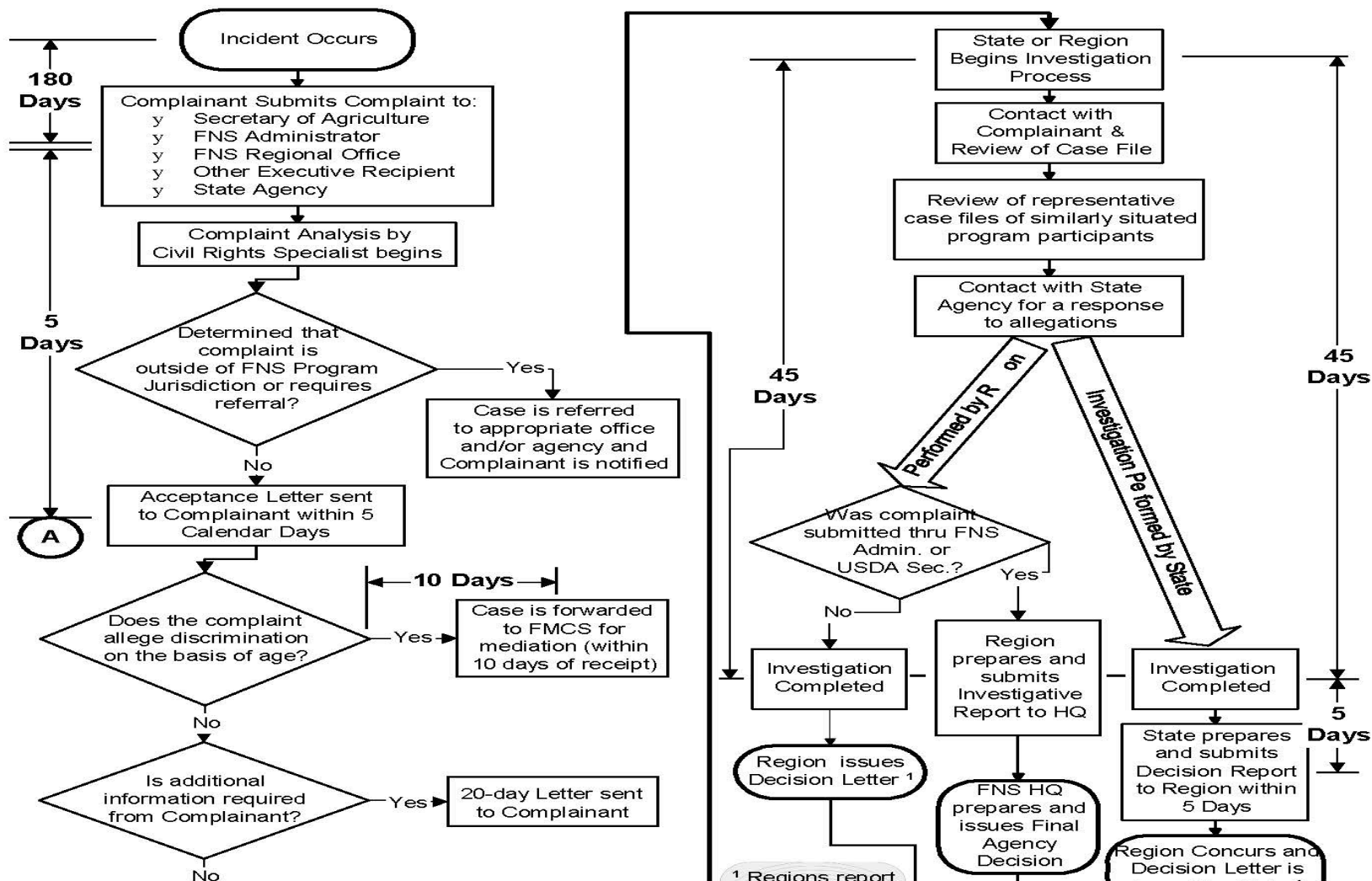
Complaint Procedures continued

- **Verbal Complaints** – the person to whom the allegations are made must write up the elements of the complaint for the complainant. Every effort should be made to have the complainant provide the following information:
- **Complainant Name, address & phone (email or other contacting means)**
- **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 of persons who may have knowledge of the discriminatory action**
- **The date(s) which the alleged discriminatory actions occurred or duration of such actions**



Complaint Procedures continued

FNS 113 Complaint Processing Procedures & Timelines



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 orgs., 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 the particular program which noncompliance was found.

Requirements for Reasonable Accommodation of Persons with Disabilities

- The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation.

Requirements for Language Assistance

Title VI and its regulations require SAs, local agencies, or other sub-recipients take reasonable steps to assure “meaningful” access to information and services they provide. What factors should be considered to determine what constitutes reasonable steps?

1. The number or proportion of LEP persons 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.

Conflict Resolution

Conflict - when one or both parties are not able to secure what they need or want and are actively seeking their own goals.

Causes of Conflict

- Misunderstanding
- Personality clashes
- Competition for resources
- Authority issues
- Lack of cooperation
- Differences over methods or style
- Low performance
- Value or goal differences

Conflict Resolution

Destructive conflict . . .

- Diverts energy from more important issues and tasks.
- Deepens differences in values.
- Polarizes groups so that cooperation is reduced.
- Destroys the morale of people or reinforces poor self-concepts

Conflict Resolution

Constructive conflict . . .

- Reveals issues of importance, resulting in issue clarification.
- Builds cohesiveness as people learn more about each other.
- Causes reassessment by allowing for examination of procedures or actions.
- Increases individual involvement.

Conflict Resolution

Conflict resolution refers to resolving the dispute to the approval of one or both parties.

- Remain calm and approachable.
- Enter the process with an open mind.
- Don't prejudge others.
- Don't over react.
- Attack the problem, not the person and listen to understand their concerns !

Conflict Resolution

Alternate Dispute Resolution (ADR)

Use of a neutral 3rd party to resolve informally a complaint of discrimination through the use of various techniques (e.g. fact finding, mediation, facilitating etc)

Customer Service

- Be professional
- Be courteous
- Listen intently and take notes if needed
- Repeat back what you have been told to insure correctness
- Follow up with corrective action if required
- Remember . . . You are providing a service!

Test time ! ! ! !

