

Civil Rights Training 2011

“Civil Rights Compliance and Enforcement—
Nutrition Programs & Activities”

North Texas Food Bank
In compliance of USDA

Purpose Statement

“The purpose of this Instruction is to establish and convey policy & provide guidance & direction to the USDA F&N Service and its recipients and customers, and ensure compliance with and enforcement of the prohibition against discrimination in all FNS nutrition programs & activities, whether federally funded in whole or not”

USDA Policy

USDA prohibits discrimination in all programs & activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic info, political beliefs, reprisal, or income.

Nondiscrimination Statement

“In accordance with Federal law and the U.S. Department of Agriculture policy, this institution does not discriminate on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (800) 795-3272 or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.

USDA poster/And Justice For All

Agencies must prominently display this poster for all clients to see



Training Your Staff

You must give civil rights training to all levels of staff involved in any aspect of the SNP program you operate! This training must be given to all new staff before they begin working in the program and training must be given annually to all tenured staff.

In addition, you must document your training efforts as part of the documentation and record-keeping requirements.

Civil Rights Disclaimer

These statements must be included in all intake forms or sign in sheets for clients to see:

English

(Your agency name) operates in accordance with the US Department of Agriculture and Texas Health and Human Services Commission policy, which prohibits discrimination on the basis of race, color, national origin, sex, age or disability.

Spanish

(Your agency name) funciona de acuerdo con la póliza del Departamento de Agricultura de los Estados Unidos y la Comisión de Salud y Servicios Humanos de Tejas, que prohíbe discriminación a base de raza, color, origen nacional, sexo, edad, incapacidad.

Part 1: Equal Access to the Programs

As an administrator of one or more SNP programs, you are responsible for ensuring that everyone has equal access to the program.

You may not discriminate in program participation based on:

- Race
- Color
- National origin,
- Sex
- Age
- Disability

Organizations MUST strictly adhere to and enforce the provisions of the Civil Rights laws and regulations contained and described in this training.

Part 2: The Special Nutrition Programs

The Eight Food Service Programs

1. Child and Adult Care Food Programs (CACFP)

Three separate programs that provide reimbursements for meals served in certain child care centers, adult day care centers, and meals served to children in day homes.

2. Summer Food Service Program (SFSP)

One program that provides reimbursement for meals served to children at specific sites during summer months and when normal school sessions are not in operation.

3. Food Distribution Programs (FDP)

A group of programs (Food Distribution Program, the Texas Commodity Assistance Program, and the Commodity Supplemental Food Program) that provide USDA-donated commodities to low-income individuals and families, public and private schools, summer food service programs, food banks, and soup kitchens.

Part 3: The Importance of “Equity”

Prejudice and Discrimination... Two Critical Terms

Issue #1

Which of the following is a correct definition for prejudice?

- A. An unjustified and unreasonable bias.
- B. A preconceived opinion about someone or something, usually unfavorable.
- C. A feeling or attitude that almost all of us have about something.
- D. All of the above.
- E. None of the above.

Part 3: The Importance of “Equity”

Issue #1. All of the above

If we are honest with ourselves, almost all of us have one or more prejudices. Some people have preconceived notions about rich people; that they are heartless and selfish. Other people have preconceived notions about poor people; that they are lazy and actually enjoy being without certain advantages.

Both of these sets of notions reflect unfavorable and faulty reasoning. To classify persons or things which appear alike is to stereotype them...that is...to attribute certain characteristics to all of them without regard to the individuality and uniqueness of each.

Part 3: The Importance of “Equity”

Issue #2:

Which of the following is a correct definition for discrimination?

- A. To make distinctions
- B. Good taste, discernment
- C. The use of good judgment
- D. All of the above
- E. None of the above

Part 3: The Importance of “Equity”

Issue #2. All of the above

Have you ever heard of a person with “discriminating taste”? This person uses good judgment in the selection of clothes, furnishings, associates, etc. Using this definition of discrimination, is discrimination in and of itself bad?

No! Absolutely Not!

But, there is a second part to the definition: “a showing of difference or favoritism in treatment”. Is there a problem with this definition?

Absolutely!

Used in this context, discrimination means: “to treat someone differently than others; to deny persons access to facilities based on race, color, national origin, age, sex, religion, disability, or political belief.

This context or form of discrimination is against the law!

Part 4: The Basis of Civil Rights Today

The following civil rights acts, enacted to protect all Americans, form the basis or foundation for all civil rights legislation in America today.

Title VI of the Civil Rights Act of 1964

This act established the concept of protecting certain classes of persons defined as “protected classes”.

Title VII of the Civil Rights Act of 1964

Title VI relates mainly to protecting persons from discrimination in programs receiving federal financial assistance.

Title IX of the Education Act of 1972

Title IX prohibits discrimination on the basis of sex in educational programs and activities that receive or benefit from federal financial assistance. **A provider may not exclude, deny or provide different or lesser services to applicants or beneficiaries on the basis of sex.**

Part 4: The Basis of Civil Rights Today

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 specifically prohibits discrimination on the basis of disability by recipients of federal financial assistance.

The Age Discrimination Act of 1975

The Age Discrimination Act of 1975 states that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program activity receiving federal financial assistance.

The Americans With Disabilities Act of 1990

This act prohibits discrimination on the basis of disability by both public and private entities, whether or not they receive federal financial assistance.

Information About The Americans With Disabilities Act (ADA)

The Americans With Disabilities Act (ADA), which became effective on January 26, 1992, prohibits discrimination on the basis of disability by both public and private entities, regardless of whether they receive federal financial assistance.

Part 5: Using What You've Learned

Now that we've looked at the various civil rights laws enacted to protect us all, let's look at several scenarios to determine how much you've learned.

Scenario One

Rio Grande Academy, a Protestant private school, operates the National School Lunch Program. Mid-term, two children are suspended from the school based on the administrator learning that the parents of these children are adherents to the Muslim faith. Up to this point, the children have been excellent students.

What are the issues? What CR laws are involved?

Part 5: Using What You've Learned

Scenario One

The basic issues at hand in this scenario are that these two children are being discriminated against based on their family's religion and possible political beliefs that would be violations of Title VI of the Civil Rights Act of 1964.

Part 5: Using What You've Learned

Scenario Two

During an inventory review, a Summer Food Service Program contractor has noticed that large amounts of bulk foods are missing from the central kitchen. A week later, an anonymous caller reports that several older Hispanic children (volunteers in the program) are selling these foods “on the street” and are bragging that they took the food from the contractor’s operation. The caller also reports that she can identify these volunteer youths who are selling the food. The contractor then decides to photograph all the Hispanic youth volunteers while none of the white or African-American youth volunteers are requested to do so.

Part 5: Using What You've Learned

Scenario Two

This practice (of photographing only one racial group of volunteers) potentially violates Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color or national origin. Also possibly violates Title VII of the Civil Rights Act of 1964.

Part 5: Using What You've Learned

Scenario Three

A Special Nutrition Programs contractor is very conscientious in posting the USDA “...And Justice For All” poster. She has posted it in each of her administrative offices.

Part 5: Using What You've Learned

Scenario Three

The poster must be placed in public areas such as food service areas or in areas where services are provided. Public notice is mandated by Titles VI and VII of the Civil Rights Act of 1964.

Part 5: Using What You've Learned

Scenario Four

Bill is an elderly owner of a child care center. He is hiring new caregivers and interviews Rosalie. Rosalie reveals to Bill during her interview that she has worked in other child care centers and has references. She also tells Bill she needs this job very much because she cannot continue to make ends meet on her TANF and Food Stamp benefits.

After the interview, Bill throws Rosalie's application away because "all people on welfare are lazy and not to be trusted." Was Bill prejudiced against Rosalie or did he discriminate against her in his hiring practices?

Part 5: Using What You've Learned

Scenario Four

First and foremost, Bill's prejudiced and stereotypical beliefs about welfare recipients have caused him to not consider a person who may have, in fact, been a very good employee. While no specific CR law was violated, Bill exemplifies prejudicial thinking at its worst.

Part 5: Using What You've Learned

Scenario Five

Mabel works in an adult day care center as a server in the food service. She consistently gives the men larger portions than the women because "men always have bigger appetites than women."

Part 5: Using What You've Learned

Scenario Five

In this instance, Mabel probably does not think she is discriminating against the female participants she is serving. Her thinking is most likely based on long-held stereotypical assumptions that men need larger servings/more food than women. However, she is, in fact, discriminating based on sex and is in violation of Title VI of the Civil Rights Act of 1964.

Part 5: Using What You've Learned

Scenario Six

Frankie's grandmother, May, is his caretaker. She is 87 years old and severe arthritis which prevents her from climbing stairs. On several occasions, Frankie has complained that he doesn't like the meals they serve at his school's SFSP program. May has tried to visit the feeding area at Frankie's school on several occasions but climbing the stairs is too painful for her and on one occasion she fell.

The elevators are undergoing extensive repair and will be out of service for most of the summer. The food service manager asks Frankie's grandmother not to come back until the elevators are repaired.

Part 5: Using What You've Learned

Scenario Six

Under the civil rights laws, you may not discriminate against a person qualified for services OR the person who must seek the services on their behalf. In this scenario, Frankie's grandmother should be granted reasonable accommodation. Section 504 of the Rehabilitation Act and the Americans With Disabilities Act mandate that this woman should be able to visit and observe the meal site. In other words, have access and/or be able to interact with the organization

Part 5: Using What You've Learned

Scenario Seven

Richard is a paraplegic, disabled veteran of 69 years of age. Richard would like to attend the elder adult educational programs offered by an adult day care center in his neighborhood. When he expresses his interest in being enrolled in these workshops, he is told that he can be enrolled in the group for disabled people or not at all. When he questions this, he is told that his presence in the non-disabled group would be detrimental to those participants learning process and would slow down the instructor.

Part 5: Using What You've Learned

Scenario Seven

Richard should be allowed to enroll in the programs based on his ability to learn and interact with other participants. Clearly, the organization is placing unreasonable qualifications on him. Violations are indicated with respect to Title IX of the Education Amendments of 1972.

Part 5: Using What You've Learned

Scenario Eight

Amie Tan is an Asian woman operating the CACFP day care home program. She will only sponsor other Asian women as day home providers because she feels she can only trust other Asians

Part 5: Using What You've Learned

Scenario Eight

If Amie has other nonAsian day home provider applicants who are equally qualified, failure to sponsor the non-Asian applicants would likely be a violation of Title VI of the Civil Rights Act of 1964.

Training Complete!



236 volunteers served
12,349 hours

35 satellite (MEP) sites
to bring food to low-
income communities

served 12,607 individuals
including 5,602 children

1.2 million
healthful meals
distributed to our
neighbors-in need

Crossroads Community Services
nourishing people, powering change