

Civil Rights



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Civil Rights

Michigan Department of Education

National School Lunch Program 2010





New Instruction

Food and Nutrition Service (FNS) Instruction 113-1

Civil Rights Compliance and Enforcement





What are civil rights?

Civil rights are the non-political rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments to the U.S. Constitution and Acts of Congress.





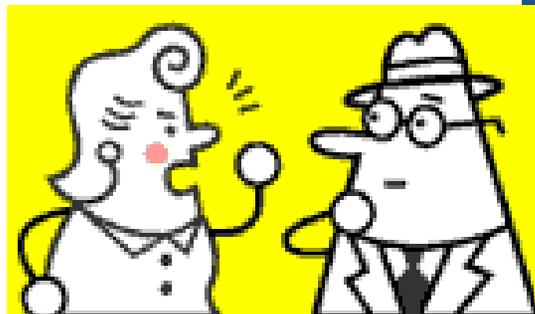
Protected Classes

- **Race**
- **Color**
- **National Origin**
- **Age**
- **Sex**



Types of Discrimination

- **Disparate Treatment**
- **Disparate Impact**
- **Reprisal/Retaliation**





Goals of Civil Rights

- ❖ **Equal treatment for all applicants and beneficiaries**
- ❖ **Knowledge of rights and responsibilities**
- ❖ **Elimination of illegal barriers that prevent or deter people from receiving benefits**
- ❖ **Dignity and respect for all**

Civil Rights Required Training Topics

- **Collection & use of data**
- **Effective public notification systems**
- **Complaint procedures**
- **Compliance review techniques**
- **Resolution of non-compliance**
- **Reasonable accommodation of people with disabilities**
- **Language assistance**
- **Conflict resolution**
- **Customer service**



Collection and Use of Data

- **Maintain on file the estimated number of potential eligible beneficiaries by ethnic/ racial category for the area served by the provider/district**
- **Collect and maintain the ethnic/racial category of each beneficiary annually**
- **Maintain all records three years**



Collection and Use of Data

People self-declare

- **If they refuse, advise that you or someone else will code for them based on perception.**

Rationale: Discrimination is often based on perception, and others would probably have a similar perception to the person doing the coding.



Collection and Use of Data

- **Helps determine if there are disparities between the potentially eligible population and the participating population or shows discrimination**
- **Outreach efforts can be targeted**
- **In general, any data collected about beneficiaries should be kept secure and confidential.**



Public Notification



- **Prominently display the “And Justice for All” poster.**
- **Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs.**
- **Provide appropriate information in alternative formats for persons with disabilities.**



Public Notification

- **Include the required nondiscrimination statement on all appropriate FNS and agency publications, web sites, posters and informational materials.**
- **Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information.**



Effective Public Notification

- Outreach to unserved or underserved populations
- Use appropriate media – be creative
- Information on rights
- Display non-discrimination poster
- Use other languages as needed & diverse graphics





Non-Discrimination Statement



“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating 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.”



Complaints Investigation

To file a complaint, complainants may write to: 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).





Non-Discrimination Statement

- **Short Version:**
- **“This institution is an equal opportunity provider.”**
 - **May be used where the longer statement does not fit.**
 - **Must be in font size no smaller than the font size used in rest of publication.**
 - **Should not be used where information on rights is provided.**



Complaints Investigation

- ❖ **Be aware of the bases for which complaints may be filed: race, color, national origin, age, sex, and disability.**
- ❖ **Never discourage groups or individuals from filing complaints or from voicing allegations of discrimination.**
- ❖ **Know where to file a complaint - USDA**



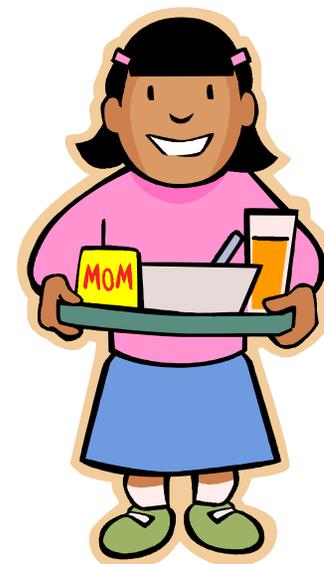
Language Assistance

- **People with limited English proficiency (LEP) need to be served in other languages**
- **Outreach in other languages is important**
- **Service must be provided – flexibility in how it is provided**



Language Assistance

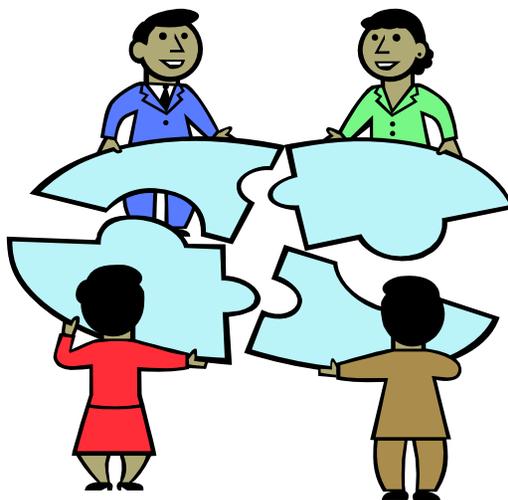
- **Children should not be used as interpreters.**
- **Volunteers may be used, but make sure they understand interpreter ethics – particularly confidentiality.**





Language Assistance

See www.lep.gov for more information and resources





Conflict Resolution

- **Try to remain calm**
- **Try to explain situation**
- **Get help, especially if threats or if violence is possible**
- **Use alternative dispute resolution (ADR) techniques**





Customer Service

PLATINUM RULE

**“Treat others the way they want to be treated
(or at least be aware of what that is).”**





Situation



A complaint is received from a site that someone who came to conduct a review was rude and disrespectful. The complaint states that the reviewer's tone was demeaning and generally unpleasant.

Are there civil rights issues here and if so, what? Does it make a difference if the site and reviewer are different races, national origins or genders?



Situation



. Some people come to an outreach activity for sites. They do not speak English. You cannot understand them and have no idea what language they are speaking. You write a note to give to someone saying that they need to return with an interpreter

Is this proper or should something else be done?



Situation



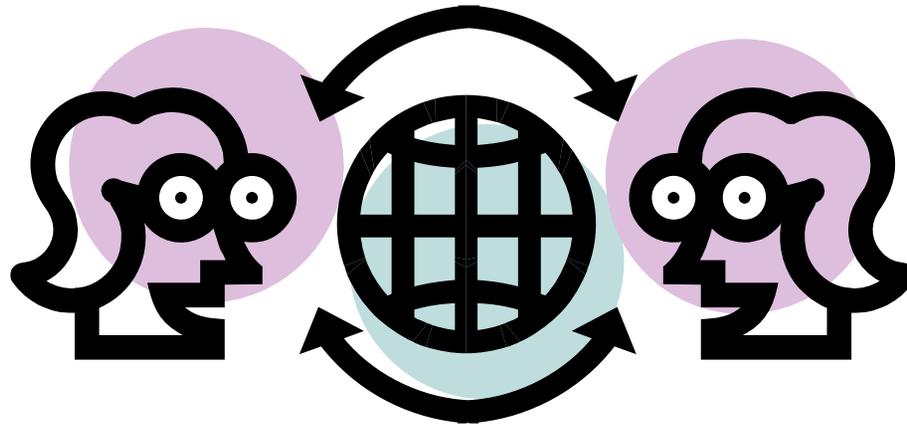
A site designates a “Polish Table” so that the children whose first language is Polish can sit together and feel comfortable.

Should the provider get an award for being innovative or be counseled for possible civil rights problems?



Situation

How should a sponsor determine when materials should be translated into another language and when an interpreter should be hired?





Situation

To meet the annual training requirement for site supervisors, the sponsor develops a computer based training program that everyone will be required to complete.

Is this allowable?





Situation

A community group approaches a school food service director and asks for a list of Hispanic children so it can provide holiday presents to them.

What civil rights issues does this pose and how should this be handled?





Situation

A parent of a child alleges program discrimination by a school site and wants to file a complaint. You know that the school site does not discriminate.

What should you do?



Situation

A site supervisor refuses admission to a Hispanic child because she thinks he is Arabic and thinks it is patriotic to exclude those she considers responsible for 9/11. Is this discrimination since the child is not Arabic, but is Hispanic?





Situation



A provider is very angry that someone filed a frivolous discrimination complaint and took up a lot of her time and made her look bad. She tells her co-provider to watch out for this “troublemaker.” The next time the person visits, he encounters “attitude” from the co-provider. What are the civil rights violations described here?



Situation

A local Hmong provider wants only children whose parents are Hmong to enroll in the program. The admission policy is non-negotiable.

Since the Hmong are a minority group, may the sponsor participate?





Situation

A parent complains about the choices provided during breakfast and demands that gluten-free products be provided for her child.

What must the provider do, and how does this relate to civil rights?





Situation

When collecting an enrolled application, the parent/guardian refuses to complete the ethnic/racial question.

What should you do?





Situation

Representatives from an ethnic minority group contact you and insist a sponsor provides ethnic food choices.

Is their complaint legitimate and why?





Questions