

# Civil Rights

*Office of School Support Services*

*School Nutrition Programs*

*May 2013*

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# Civil Rights Training

**Michigan  
Department of Education  
National School Lunch Program  
2013**



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# New Instruction

Food and Nutrition  
Service (FNS)  
Instruction 113-1

Civil Rights  
Compliance and  
Enforcement



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<http://www.fns.usda.gov/cr/crregulation.htm>

USDA United States Department of Agriculture  
Food and Nutrition Service

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**Civil Rights**  
Civil Rights Laws, Regulations, Executive Orders and related Other Guidance

- Civil Rights Instruction 1131-9, issued Nov. 8, 2005.** The purpose of this instruction is to establish and clarify policy and provide guidance and direction to the USDA Food and Nutrition Service and its recipients and customers, and ensure compliance with and enforcement of the prohibition against discrimination in all FNS programs and activities. [View this document](#)
- Title VI of the Civil Rights Act of 1964.** 42 U.S.C. § 2000e to 2000e-16, which prohibits discrimination based on race, color, and national origin in programs and activities receiving Federal financial assistance and USDA.
- Amendments with Unavailable Act.** 28 CFR Part 15, Subpart C, Section 15.101 which prohibits discrimination on the basis of disability in all services, programs, and activities provided to the public by State and local governments, except public transportation services.
- Title IX of the Education Amendments of 1972.** 20 U.S.C. § 1681 to 1681j, which prohibits discrimination based on sex in the under the education program or activity receiving Federal financial assistance and USDA implementing Regulation. 7 CFR Part 15.8.

Useful Links

- Ask a Question for  
Filing Government  
Complaints
- File a Complaint
- Request Information  
Programs
- Learn about Alternative  
Dispute Resolution
- Laws, Regulations &  
Other Guidance
- Language Access  
Preferences
- File a Complaint  
Request for the No-Fear  
Act
- "Real Justice for All"  
Initiative
- Civil Rights Policies  
& Plans
- Links

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## 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 13<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution and Acts of Congress.

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## Protected Classes

- ▶ Race
- ▶ Color
- ▶ National Origin
- ▶ Age
- ▶ Sex
- ▶ Disability

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## Types of Discrimination

- ▶ Disparate Treatment
- ▶ Disparate Impact
- ▶ Reprisal/Retaliation

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## 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

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## Civil Rights Required Training Topics

- ▶ Collection and 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

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## 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 for three years

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## Collection and Use of Data

- ▶ Students/households may self-declare racial/ethnic identity
- ▶ If they refuse, advise that you or someone else will complete the racial ethnic data collection based on perception

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## Collection and Use of Data

- ▶ Data can be used to determine if there are disparities between the potentially eligible population and the participating population or if there is discrimination
- ▶ Outreach efforts can be targeted
- ▶ In general, any data collected about beneficiaries should be kept secure and confidential

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## 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



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<http://www.fns.usda.gov/cr/justice.htm>

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## Public Notification

- ▶ Include the required nondiscrimination statement on all 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

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## Effective Public Notification

- ▶ Outreach to underserved populations
- ▶ Use appropriate media - be creative
- ▶ Civil Rights Information
- ▶ Display non-discrimination poster
- ▶ Use other languages as needed and diverse graphics

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## “And Justice for All”

The poster must be placed in a prominent area where participants and potential participants have ready access.



The United States Department of Agriculture (USDA) is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

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## Non-Discrimination Statement

**In accordance with Federal law and U.S. Department of Agriculture (USDA) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.**

**To file a complaint alleging discrimination, write USDA, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.**

All information materials and sources, including web sites, used by Food Nutrition Services, State Agencies, local agencies, or other sub recipients to inform the public about FNS programs must contain a non-discrimination statement.

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## 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

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## Complaint 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

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## Language Assistance

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



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## Conflict Resolution

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



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## Situation

A complaint is received from a school 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?

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## Situation

Some people come to an afterschool snack program and activity. 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?



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## Situation



A school designates a “Polish Table” so that the children whose first language is Polish can sit together and feel comfortable. Should the LEA get an award for being innovative or be counseled for possible civil rights problems?



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## Situation

A parent of a child alleges program discrimination by a school and wants to file a complaint. You don't think that the school site discriminates. What should you do?

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## Situation



A school 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?

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## Situation

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

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



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## 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?



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## Situation

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

Is their complaint legitimate and why?



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## Questions?

- School Nutrition Programs
  - 517-373-3347
  - [MDE-schoolnutrition@michigan.gov](mailto:MDE-schoolnutrition@michigan.gov)

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