

Ohio

Department of Aging

Empowering Elders. Strengthening Communities.

Civil Rights Training

Senior Farmers Market Nutrition Program

Objectives

- Protected Classes
- Discrimination
- Public Notification System
- Race and Ethnicity Data
- Complaints

Background

- Title VI of the Civil Rights Act of 1964
 - 7 CFR 15: Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture (USDA)
 - Administered by USDA Food and Nutrition Service (FNS)
 - FNS Instruction 113-1

Training Requirements

- Local agencies are responsible for training their subrecipients and staff.
 - Staff: volunteers and interns
- Document

Protected Classes

1. Race
2. Color
3. National Origin
4. Age
5. Sex
6. Disability

Limited English Proficiency (LEP)

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.”

- Reasonable steps to assure meaningful access to information and services:
 - Number or proportion
 - Frequency
 - Nature and importance of the program
 - Resources available and costs

Discrimination

- The act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on their protected bases (or class).

Examples

- *Delayed* service in receiving benefits
- *Denied* benefits
- Being treated *differently* than others to their disadvantage
- Disparate treatment of others that is not discriminatory in nature, but has the impact of that puts an individual or a group at a *disadvantage*.
- *Exclusion* of eligible persons based on race, color, national origin, age, sex, or disability
- *Inequitable* service or allocation of resources based on protected classes

Examples Cont.

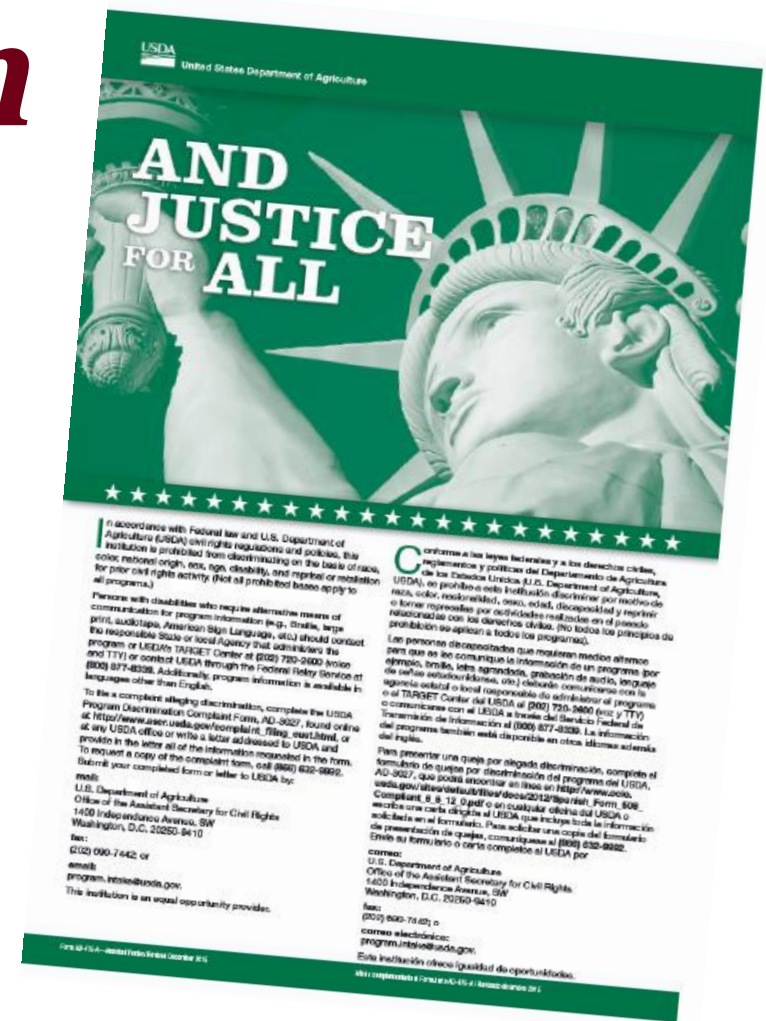
- Issuance of SFMNP application in a place, time, or manner that results in denying or limiting benefits to a specific group
- Segregation of persons in waiting areas or by the way they are scheduled
- Failure to apply the same eligibility criteria to all potentially eligible persons
- Maintaining waiting lists based on race, color, national origin, age, sex or disability

Public Notification System

- **3 Basic Elements:**
 - Program Availability
 - Hours of operation
 - Location of sites
 - Complaint Information
 - Nondiscrimination Statement

Methods of Notification

- Prominently display “And Justice for All” poster.
- Inform potentially eligible persons of programs or changes in programs.
- Provide information in alternative formats for persons with disabilities.
- Include nondiscrimination statement on publications and websites.



Data Collection and Reporting

- **Separate categories**
 - Ethnicity:
 - Hispanic or Latino
 - Non Hispanic or Latino
 - Race:
 - American Indian or Alaskan Native
 - Asian
 - Black or African American
 - Native Hawaiian or Other Pacific Islander
 - White
- **Self-identification**
- **Record Retention: 3 years**
- **Confidentiality**

Complaints

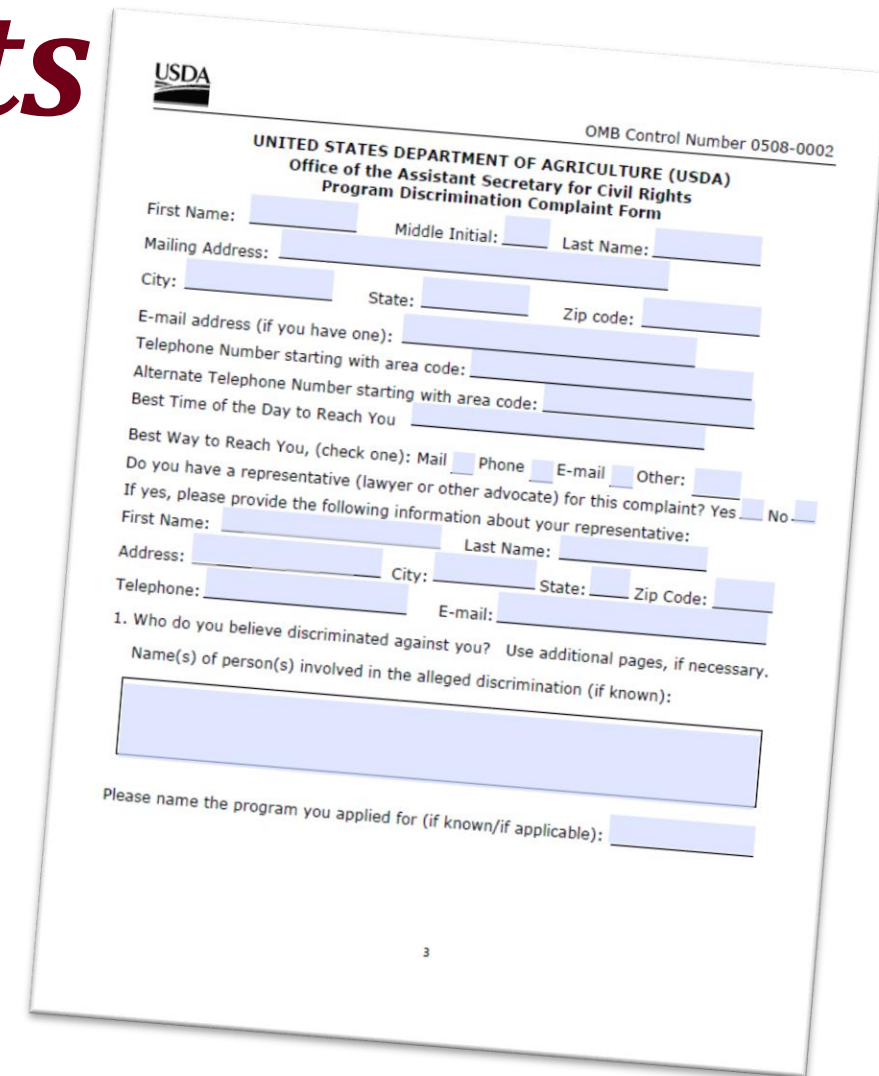
- **Right to File:**
 - 180 days within alleged discriminatory action.
- **Forms:**
 - Must not be a prerequisite. May be written, verbal, or anonymous.
 - Verbal: person to whom allegation is made must write-up elements of complaint.
- **Acceptance:**
 - Complaints based on all protected classes, except age: forward to FNS Civil Rights Division within 5 calendar days.
 - Complaints based on age (and other protected classes): forward to FNS Civil Rights Division within 5 business days.
- **Complaint Log and Confidentiality**

Elements of Complaint

- Complainant's contact information
- Location and name of agency/subrecipient delivering services
- Nature of incident
- Basis on which complainant believes discrimination exists (protected class)
- Contact information or persons with knowledge of incident
- Dates which alleged discrimination occurred

Processing Complaints

- Must be processed within 90 days of receipt.
- Decision letter sent to complainant:
 - Appeal rights to Secretary of Agriculture



The image shows a sample of the USDA Program Discrimination Complaint Form. The form is titled "UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) Office of the Assistant Secretary for Civil Rights Program Discrimination Complaint Form" and includes the OMB Control Number 0508-0002. The form contains several sections for providing contact information and details of the complaint. The fields are filled with redacted information, represented by blue boxes. The sections include: Personal Information (First Name, Middle Initial, Last Name, Mailing Address, City, State, Zip code, E-mail address, Telephone Number, Alternate Telephone Number, Best Time of the Day to Reach You); Contact Preferences (Best Way to Reach You, checked for Mail, Phone, E-mail, Other); Representative Information (Do you have a representative, Yes/No, First Name, Last Name, Address, City, State, Zip Code, Telephone, E-mail); and the main complaint section (1. Who do you believe discriminated against you? Name(s) of person(s) involved in the alleged discrimination (if known):). A large redacted box covers the name(s) of the person(s) involved. Below this, there is a field for "Please name the program you applied for (if known/if applicable):" which is also redacted. The form number "3" is visible at the bottom center.

Compliance Review

- **3 Types:**
 - Pre-Award Compliance Reviews
 - Routine (Post-Award) Compliance Reviews
 - Special Compliance Reviews

Resolution of Noncompliance

- **Factual Finding:**
 - Steps must be taken immediately to obtain voluntary compliance.
 - A finding's effective date is the date of notice to the reviewed entity.
- **Voluntary Resolution Agreement**

Complaint Submission:

Crystal Tolar

Regional Civil Rights Officer

77 West Jackson Blvd., 20th Floor

Chicago, Illinois 60604

Tel: 703-305-2195

Email: Crystal.Tolar@fns.usda.gov