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
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:

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