



Civil Rights Compliance and Enforcement

The North Carolina Department of Agriculture
and Consumer Services
Food Distribution Division



11/28/2018

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FNS Instruction 113-1

- ▶ The purpose of FNS Instruction 113-1 is to:
 - ▶ Establish and convey policy
 - ▶ Provide guidance and direction
 - ▶ Ensure compliance with and enforcement of the prohibition against discrimination



What is discrimination?



Simple Definition of *discriminate*:

to unfairly treat a person or group of people differently
from other people or groups

Why Civil Rights Training?

- ▶ Training is required so that people involved in all levels of administration of programs that receive Federal financial assistance understand civil rights related laws, regulations, procedures and directives
- ▶ State agencies are responsible for training agencies on an annual basis.
- ▶ Local agencies are responsible for training their managers and staff who interact with applicants or participants on an annual basis.

WHY
ARE
WE
HERE?



Training



- ▶ The annual training must include, but not be limited to, the following topics in the FNS Instruction 113-1:
 - ▶ Collection and use of data
 - ▶ Effective public notification systems
 - ▶ Complaint procedures
 - ▶ Compliance review techniques
 - ▶ Resolution of non-compliance
 - ▶ Requirements for reasonable accommodation of persons with disabilities
 - ▶ Requirements for language assistance
 - ▶ Conflict resolution
 - ▶ Customer service

Collection and Use of Data



- ▶ 1.) State and local agencies are required to obtain data by race and ethnicity
- ▶ 2.) Self-identification or self-reporting is preferred method of obtaining data
- ▶ 3.) Applicants/Participants cannot be required to furnish information regarding their race or ethnicity
- ▶ 4.) Where an applicant/participant does not provide this information, the collector shall through visual observation secure and record the data

Effective Public Notification Systems

- ▶ The purpose of the public notification system is to inform applicants, participants, and potentially eligible people of:
 - ▶ Program availability
 - ▶ Complaint information
 - ▶ Non-discrimination statement



Complaint Procedures



- ▶ **Right to File**-anyone alleging discrimination has the right to file a complaint within 180 days of the alleged discriminatory action
- ▶ **Acceptance**-complaints, written or verbal, must be forwarded to the appropriate Office of Civil Rights (OCR) Director. Anonymous complaints will be handled as any other to the extent feasible on available information.
- ▶ **Forms**-any OCR may develop complaint forms, *but* the use of such forms must not be a prerequisite for acceptance of a complaint

Complaint Procedures

(continued)



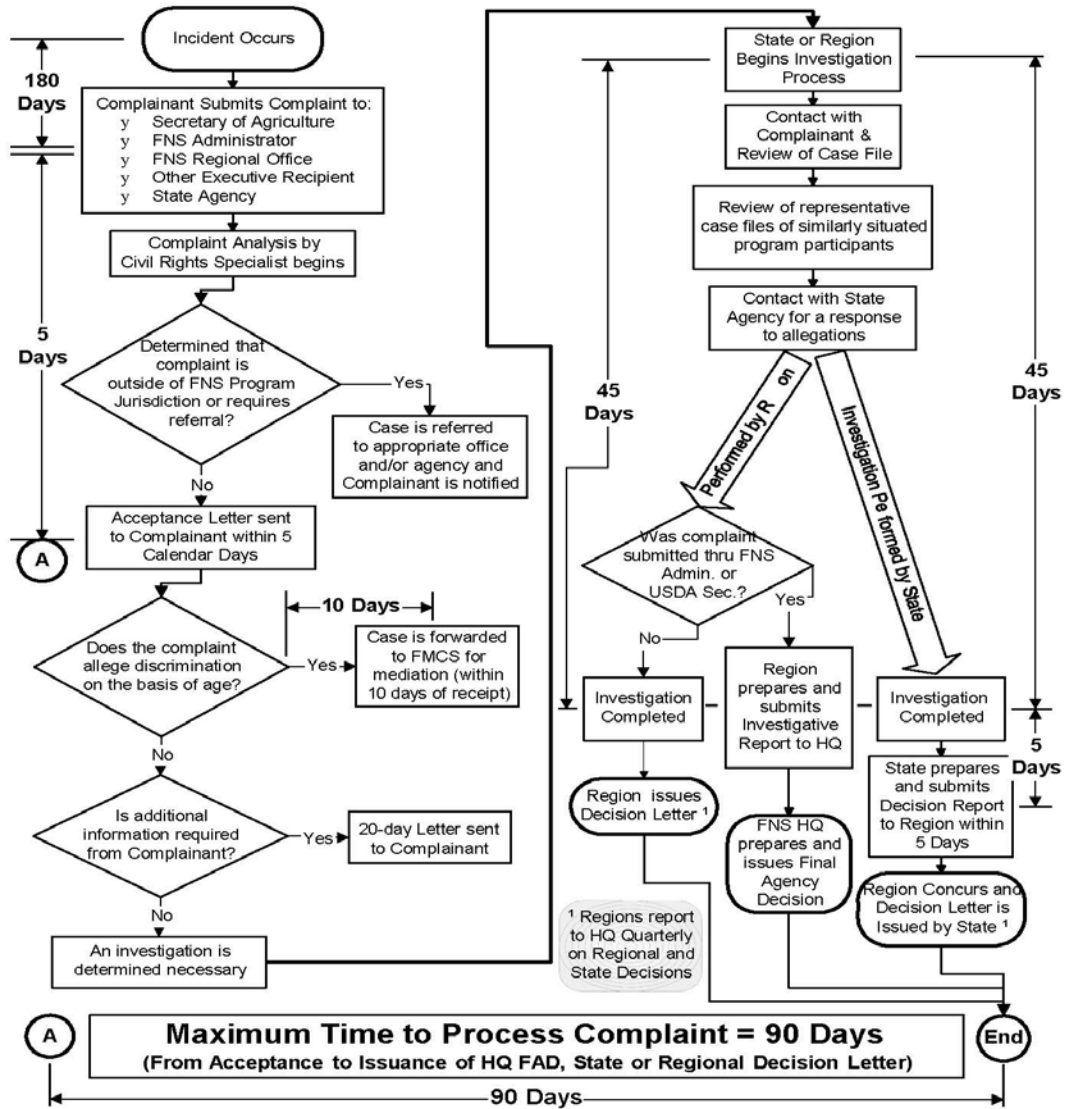
- ▶ **Verbal complaints**-the person to whom the allegations are made must write up the elements of the complaint for the complainant. Every effort should be made to have the complainant provide the following information:
 - ▶ Complainant name, address & phone, email or other contact
 - ▶ Specific location and name of agency delivering the service or benefit
 - ▶ Nature of the incident or action that led the complainant to feel discriminated

Complaint Procedures

(continued)

- ▶ What protected base (class) the complainant feels discriminated against
- ▶ Names, phone numbers, titles, addresses or people who may have knowledge of the discriminatory action
- ▶ The date(s) which the alleged discriminatory actions occurred or duration of such actions

FNS 113 Complaint Processing Procedures & Timelines



Compliance Reviews



- ▶ Must advise the reviewed entity in writing of findings and recommendations
- ▶ Federal or state reviewer must secure information as necessary to make the determination of compliance
- ▶ Routine reviews conducted as required by program regulations. Selection criteria:
 - ▶ Unusual fluctuations of racial/ethnic groups in service area
 - ▶ Number of discrimination complaints filed against the agency
 - ▶ Unresolved findings from previous reviews
 - ▶ Information from grassroots organizations, state officials, etc...

Resolution of Noncompliance

- ▶ **Noncompliance** - factual finding that a Civil Rights requirement is not being adhered to
- ▶ **Achieving Voluntary Compliance** - if found noncompliant, immediate steps to become compliant must be taken
- ▶ **Termination / Suspension of Assistance** - any action must be limited to the agency found noncompliant and limited to a particular program which noncompliance was found



What is a Protected Class?

- ▶ Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order

- ▶ What are the protected classes?

RACE

AGE

COLOR

DISABILITY

NATIONAL ORIGIN

SEX

RELIGION (CFSP) (FDPIR)

POLITICAL AFFILIATION (CFSP) (FDPIR)

Full Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

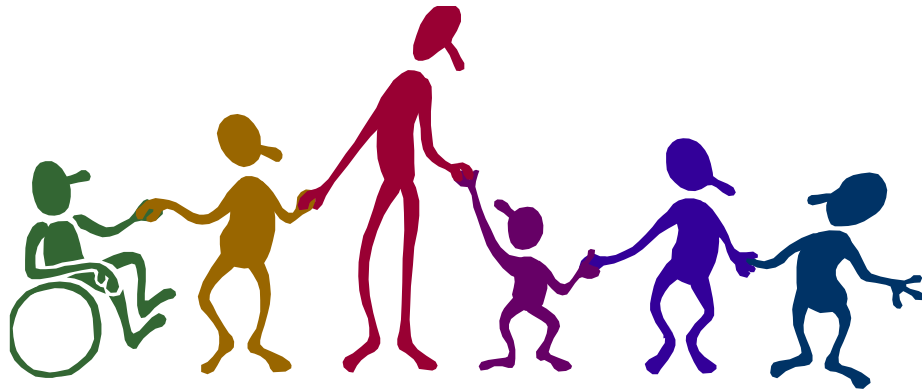
- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.



Short Non-Discrimination Statement

- ▶ “This institution is an equal opportunity provider.”



Requirements for Reasonable Accommodation of People with Disabilities

- ▶ The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for people with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation.





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Requirements for Language Assistance

- ▶ Title VI and its regulations require state agencies, local agencies, or other sub-recipients to take reasonable steps to assure “meaningful” access to information and services they provide.
- ▶ What factors should be considered to determine what constitutes reasonable steps?
 - ▶ 1.) The number or proportion of LEP (Limited English Proficiency) people eligible to be served or likely to be encountered by the program or grantee;
 - ▶ 2.) The frequency with which LEP individuals come in contact with the program;
 - ▶ 3.) The nature and importance of the program, activity, or service provided by the program to people’s lives; and
 - ▶ 4.) The resources available to the grantee/recipient and costs.

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Equal Opportunity for Religious Organizations

- ▶ Ensures a level playing field for the participation of faith-based organizations and other community organizations in USDA programs.



Equal Opportunity for Religious Organizations (continued)

- ▶ This is accomplished by:
 - ▶ prohibiting discrimination on the basis of religion, religious belief, or religious character in the administration of Federal funds;
 - ▶ allowing a religious organization that participates in USDA programs to retain its independence and continue to carry out its mission, provided that direct USDA funds do not support any inherently religious activities such as worship or religious instruction.

Equal Opportunity for Religious Organizations (continued)

- ▶ clarifying that faith-based organizations can use space in their facilities to provide USDA-funded service without removing religious art, icons, scriptures, or other religious symbols; and
- ▶ ensuring that no organization that receives direct financial assistance from the USDA can discriminate against a program beneficiary, on the basis of religion or religious belief.

For further information: www.fbc.gov



Conflict Resolution

Conflict resolution refers to resolving the dispute to the approval of one or both parties

- ▶ Enter the process with an open mind
- ▶ Don't prejudge others
- ▶ Don't overreact

Attack the problem, not the person and listen to understand the problem!

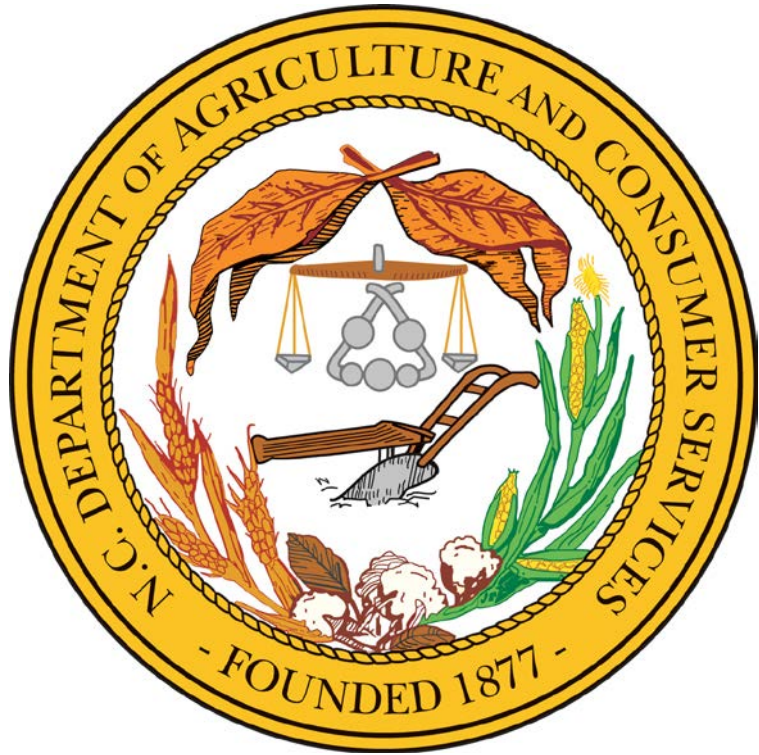


Customer Service



- ▶ Be professional
- ▶ Be courteous
- ▶ Listen intently and takes notes if necessary
- ▶ Repeat back what you have been told to insure correctness
- ▶ Follow up with corrective action if required
- ▶ Remember...You are providing a service!





Thank you
for being a part of the
fight to end hunger in
North Carolina!