

Welcome to your annual Civil Rights training. Today's training has been developed for all individuals involved with the United States Department of Agriculture Food and Nutrition Services Programs, as well as anyone having direct contact with participants during breakfast, lunch, snack and supper programs. Topics discussed in this training include:

- USDA FNS protected classes,
- Training,
- Public notification system purpose,
- Notification of media outlets and the public,
- "And Justice for All" poster,
- Nondiscrimination statement uses and complaint filing procedures,
- Types of program accessibility,
- Physical accessibility,
- Meal modifications,
- Language accommodations,
- Self-evaluation of services,
- Customer service,
- Complaints,
- Conflict resolution,
- Data collection and maintenance,
- Civil Rights Coordinators and
- Administrative and site compliance reviews.

The Texas Department of Agriculture, or TDA, administers eleven of the sixteen FNS Programs in Texas through Food and Nutrition, or F&N. These programs include:

- Child and Adult Care Food Program,
- National School Lunch Program,
- School Breakfast Program,
- Summer Food Service Program,
- Special Milk Program,
- Fresh Fruits and Vegetables Program,
- Senior Farmer's Market Nutrition Program,
- Texas Commodity Assistance Program,
- Commodity Supplemental Food Program,
- Food Distribution Program and
- Food Assistance for Disaster Relief Program.

You are watching this video because you are associated with one or more of these programs. It is important to note that because there are a variety of programs and sites that receive this training, not every example in this video will apply to all.

If you have questions about the information provided, contact your F&N Community Operations Office, School Operations or Commodity Distribution Specialist. Contact information can be found online at <http://www.squaremeals.org/About/ContactFoodandNutrition.aspx> (*display URL on the video screen*).

***USDA FNS Protected Classes (visual title for video)***

As a Contracting Entity, or CE employee of one or more F&N programs, you are responsible for ensuring that everyone has equal access to the programs you administer. Federal law prohibits discrimination in program administration based on the following USDA protected classes:

- Race,
- Color,
- National origin,
- Sex,
- Age, or
- Disability.

Discrimination is the treatment or consideration of, or making a distinction in favor or against, a person based on the group, class, or category to which that person belongs. Unlawful discrimination in any form is strictly prohibited whether a program is fully or partially federally funded. Unlawful discrimination can be intentional or unintentional.

There are different types of discrimination and Civil Rights unlawful discrimination could be demonstrated by:

- Giving one group or type of participants larger or extra helpings of food while not providing the same to other groups or types of participants, for example, serving boys larger portions than girls.
- Separating genders by putting the girls separate from the boys.
- Closing programs in areas easily accessible by all groups. An example would include closing a service location for budget reasons and selecting a location that is easily accessed by all program participants, while keeping a location that is not easily accessible by some of your program participants. This could include participants who use public transportation or live far away from the location that will stay open.
- Failing to provide children with special needs meal modifications. Please see your program handbook to determine if this example applies to you and for additional information about providing meals to persons with special needs.
- Failing to provide program information to all potential program participants for example, not distributing program information in a language specific to the population of the service area such as Spanish or Vietnamese.

CEs MUST strictly adhere to and enforce the provisions of the Civil Rights laws and regulations contained and described in their program handbook. This training is a general overview regarding Civil Rights within F&N programs.

### ***Training (visual title for video)***

CEs must give civil rights training to all levels of staff, contractors, volunteers, etc., involved in any aspect of the F&N programs. This training must be given to all new staff, contractors, volunteers, etc. before they begin any program related duties and annually to all tenured staff, contractors, volunteers, etc.

In addition, CEs must document training efforts as part of the documentation and record-keeping requirements. Specifics regarding documentation and record-keeping requirements are available in your program handbook but must include at a minimum:

- Trainer's name,
- Training date,
- Title of training,
- Topics covered,
- Participant's names and
- Participant's signatures.

Civil Rights laws were enacted to remedy certain basic inequities in the legal, political and social systems of our nation. In addition, these laws clarify the forms in which Civil Rights violations occur and spell out the penalties and sanctions for failure to provide all affected persons with "Equal justice under the law..."

F&N programs are funded by federal dollars with USDA serving as the "pass-through" agency. Since these dollars are drawn from taxpayers across the nation, taxpayers are entitled to equal use of the programs. In essence, the tax dollars are to be used for the benefit of ALL eligible persons.

### ***Public Notification System Purpose (visual title for video)***

According to FNS Instruction 113-1, all programs must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint.

### ***Notification of Media Outlets and the Public (visual title for video)***

Contracting entities (CEs) are required to send out a public announcement to media outlets such as newspapers and radio stations announcing program availability. This notice must include the Nondiscrimination Statement we will discuss in a moment. CEs are not required to pay any media outlet to print or announce the information distributed.

Once the announcement is distributed to the media, CEs are required to keep a copy of the announcement, record of when it was submitted to the media and the media contact information on file. For CEs participating in the Child and Adult Care Food Program, TDA fulfills this requirement through a press release distributed to all Texas media outlets. Additional information regarding how this requirement affects your specific program is available in your program handbook.

### ***“And Justice for All” Posters (visual title for video)***

The USDA “And Justice for All” nondiscrimination poster is a tool to help communicate the services and benefits of your program without discrimination. All CEs must prominently display the poster within their establishments where services and benefits are delivered. CEs participating in National School Lunch Program, School Breakfast Program, Special Milk Program and Summer Food Service Program must also have the poster at each feeding site. Day Care Homes participating in the Child and Adult Care Food Program are not required to have the poster.

Only USDA original posters are accepted as approved posters and any reproduction will not be accepted. USDA-approved posters are available from TDA F&N by request through mail at P.O. Box 12847, Austin, TX 78711; e-mail through [squaremeals@TexasAgriculture.gov](mailto:squaremeals@TexasAgriculture.gov) (*display physical and e-mail address on the video screen*); contacting your F&N Community Operations Office; regional Education Service Center; or Commodity Distribution Specialist.

### ***Nondiscrimination Statement Uses and Complaint Filing Procedures (visual title for video)***

USDA has established a nondiscrimination statement and compliant filing procedures provided in each program handbook. The statement has two components:

- Nondiscrimination 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.” (*display on the video screen*)
- Complaint filing procedures – “To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call 1 (866) 632-9992 (toll free), 1 (800) 877-8339 (Federal Relay Service) or 1 (800) 845-6136 (Spanish Speaking Assistance). USDA is an equal opportunity provider and employer.” (*display physical and e-mail address on the video screen*)

All CEs are required to include these statements, in their entirety, on all program applications and materials regarding benefits and services. Examples of items requiring each statement would include, but are not limited to:

- Eligibility or program participation applications,
- Promotional literature,
- Websites and
- Menus.

If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, in print size no smaller than the text that “This institution is an equal opportunity provider.” This statement can only be used on an exception basis and requires permission from TDA after joint review by USDA and TDA.

In addition, recognizing that Internet, radio, and television public service announcements are generally short in duration, the nondiscrimination statement does not have to be read in its entirety. A statement

such as “The [program name] is an equal opportunity provider” is sufficient to meet the nondiscrimination requirement.

Certain items are exempt from the nondiscrimination statement and complaint filing procedures due to the lack of available printing space. If printing space be available, this exemption does not apply.

Examples of exempt includes, but is not limited to:

- Cups,
- Buttons,
- Magnets and
- Pens.

Reasonable efforts should be made to ensure racial, ethnic and disability balance when using human likenesses on any program related materials.

### ***Types of Program Accessibility (visual title for video)***

Program accessibility is a multi-faceted topic. Accessibility to the program can include physical access to the services provided, meal modifications (if your program provides meals) and language accommodations. All locations where USDA FNS services are provided must be in compliance with all civil rights requirements as outlined in FNS Instruction 113-1 and the appropriate program handbook.

### ***Physical Accessibility (visual title for video)***

F&N Programs that are fully or partially funded through federal dollars must be accessible to and useable by persons with disabilities, including persons with vision or hearing impairments. CEs are required to ensure physical access to buildings and parts of buildings housing these programs. If access is not available, CEs must then offer the most integrated setting possible to enable persons with disabilities to fully benefit from these programs. When building structural changes are necessary, a transition plan should be developed to ensure program accessibility. Access accommodations may include, but are not limited to:

- Moving to accessible buildings,
- Assigning aides to assist participants,
- Making home visits,
- Delivering services at alternative accessible sites (for sites with fifteen or fewer employees),
- Redesigning equipment,
- Changing the schedule of service hours,
- Altering existing facilities, and
- Constructing new, accessible facilities.

If services cannot be provided because of structural barriers, the CE must:

- Inform the person with disabilities of alternative sites where they can receive services and

- Pay all or part of any additional cost the person with disabilities incurs as a result of being transported to the alternate site. Sometimes paying such costs is not required, contact your F&N Community Operations Office, School Operations or Commodity Distribution Specialist for additional information.

### ***Meal Modifications (visual title for video)***

Appropriate CEs, serving breakfast, lunch, snacks and/or supper, are required to serve special meals without additional charge to persons with disabilities with diet restrictions. Programs that provide meals have the additional requirement to ensure meal modifications for persons with disabilities.

Modifications can include, but are not limited to:

- Changing the texture of the food served; for example the menu has carrots for lunch and a program participant cannot eat solid carrots so you mash the carrots provided to that participant.
- Serving an alternative selection that meets the meal guide requirements; for example a program participant is lactose intolerant and cannot drink fluid milk so you serve fluid soymilk to that participant.

Please refer to your program handbook for additional information regarding meal modification accommodations. If you are unable to find information related to your specific situation, you may contact your Regional F&N Community Operations Office, School Operations or Commodity Distribution Specialist.

### ***Language Accommodations (visual title for video)***

For generations, the United States of America (USA) has been referred to as a great melting pot. This referral is specific to the large diversity of our country's citizens. Many people immigrate to the USA either having a very limited ability or being unable to speak, read, write and/or understand English.

To ensure compliance with Civil Rights laws, CEs are required to provide all program materials to potentially eligible persons, applicants, program participants and the public in languages other than English, as appropriate. Additional information regarding this requirement is available in your program handbook. If you are unable to find information related to your specific situation, you may contact your Regional F&N Community Operations Office, School Operations or Commodity Distribution Specialist.

### ***Self-Evaluation of Services (visual title for video)***

With the help of persons with disabilities or similar advocacy organizations, evaluation of the quality and availability of services and the correction of inequitable policies or practices is required. Evaluations of services should include assessment on such questions as:

- Can a person with disabilities get to the facility with reasonable ease?
- If the person can reach the location, can they enter the facility and access the specific location where services are provided?

- If they can access the location where services are provided, is there an accessible restroom?
- If they can access the location where services are provided, are necessary accommodations made for their particular disability?
- If meals are served, are meal modifications available?
- If an applicant, program participant or large population of limited English proficiency persons are predominant in the community, are language accommodations available?

The results must be maintained in accordance with appropriate program recordkeeping requirements and must include:

- A list of interested persons consulted,
- A description of the areas examined and the programs identified, and
- A description of the completed modifications.

### ***Customer Service (visual title for video)***

To ensure customer service delivery is the best possible, CEs should have standard rules, policies and procedures regarding customer service and ensuring employees are applying the rules, policies and procedures consistently and equitably. Customer Service is:

- Effectively communicating with customers;
- Responding to their needs;
- Valuing their worth; and
- Instilling excellence through courtesy, Confidence and Enthusiasm. *(display on the video screen)*

Applicants, participants and the public are customers of your program. Anyone dealing directly with customers occupies a position of trust with respect and dignity as the foundations of building and maintaining trust and excellent customer service.

Why is this important to you? Treating customers with respect and dignity through excellent customer service saves you time and minimizes opportunities for complaints and angry customers as well as saves your agency money and staff resources. To ensure you provide excellent customer service, some best practices include:

- Treating all customers with respect and dignity,
- Exercising good listening skills by being attentive to the customer and their needs,
- Learning to empathize with the customer when necessary,
- Responding to questions in a non-threatening manner ensuring your voice and tone are calm and clear,
- Communicating rules as well as client rights and responsibilities clearly and precisely,
- Recognizing and appreciating that customers have many varied needs and few resources, and
- Recognizing when a person feels that they have been treated in a rude and discourteous manner.

As a professional, you must respond in a professional manner regardless of the customer's behavior. No matter what happens, try to avoid:

- Hastily and/or unnecessarily passing a complainant to a coworker. If at all possible, actively listen to the customer and assist with their concern or issue. Only pass the customer to someone else when you have exhausted all available resources at your disposal.
- Totally ignoring a complainant while they "talk themselves out and calm down."
- Placing a complaint caller on hold or leaving a complainant in a waiting room and returning every 5 minutes or so without offering assistance or an update on the person and/or information for whom/what they are waiting.
- Or, stating to the complainant, "Sorry, it's not my job!"

Instead, try to:

- Avoid interrupting the customer. Be patient and give the customer the opportunity to explain the issue.
- Be understanding. Of all the communications situations that you encounter, angry customers require the most empathy. Remember, don't be judgmental.
- Talk calmly and slowly, in a well-modulated voice and low pitch. This should help relax the customer and allow you to address the facts, not cater to the emotions.
- Apologize. Even if the problem is not the fault of your organization and clearly not your fault, apologize to the customer for his/her inconvenience.
- Identify the problem based on the information the customer gives you. Then determine a solution. Depending on the specifics of the conversation and your knowledge of your organization, the solution may involve contacting the customer again.
- Personally follow up with the customer to make sure that the customer has been satisfied and the issue is resolved.

Remember the golden rule when working with customers, "Do unto others as you would have done unto you."

### ***Complaints (visual title for video)***

Despite providing excellent customer services, occasionally there will be a customer who believes their Civil Rights have been violated. A Civil Rights complaint alleges some kind of discrimination or adverse action that pertains to the protected classes as identified at the beginning of this video.

CEs are required to have procedures in place to move the complaint into the appropriate process for handling Civil Rights complaints. CEs are not authorized to process a Civil Rights complaint. All associated staff must be able to provide written documentation regarding complaint procedures and an explanation of the complaint process. Additional information regarding appropriate handling of Civil Rights is outlined within your program handbook.

A person alleging discrimination has the right to file their complaint within 180 days of the alleged action. Complaints may be received, and must be accepted, either in writing or verbally and must be processed according to USDA FNS and TDA established timelines as outlined in your program handbook. All complaints must be kept confidential and the resolution of complaints is always encouraged at the lowest possible level.

### ***Conflict Resolution (visual title for video)***

In no way is a CE to impede with a customer's right to file a Civil Rights complaint. However, most conflicts are easily resolved by using appropriate tools. Conflict resolution consists of very useful tools to assist with the solution of complaints. The Conflict Resolution Network, found online at [www.crnhq.org](http://www.crnhq.org), (*display on the video screen*) identifies skills used in successful conflict resolution. These skills include:

- Using a win/win approach is about changing the conflict from an adversarial attack and defense, to cooperation. It is this powerful shift of attitude that alters the course of communication.
- Using a creative response is about turning problems into possibilities. It is about consciously choosing to see what can be done, rather than focusing on the perceived problem. It is affirming that you will choose to extract the best from the situation.
- Demonstrating empathy is about rapport and openness between people. When it is absent, people are less likely to consider needs and feelings. The best way to build empathy is to help the others feel that they are understood. That means being an active listener.
- When employing appropriate assertiveness you should be able to state your case without arousing the defenses of the other person. The secret of success lies in saying how it is for you rather than what they should or shouldn't do. "the way I see it...", attached to your assertive statement, helps. A skilled "I" statement goes even further.
- Cooperative power is being faced with a statement that has potential to create conflict, then asking open-ended questions to reframe resistance. Explore the difficulties and then re-direct discussion to focus on positive possibilities.
- Remember that managing emotions is internal as well as external. It is vital to manage your own emotions, sticking strictly to the facts of the complaint, and not invoking negative emotional reactions from the complainant. The secret is to start by supporting their real needs without supporting their destructive beliefs, and alienating patterns of reaction.
- A willingness to resolve the conflict is essential by both parties. Assessing each person's willingness to resolve, identifying barriers to a resolution and overcoming the barriers will continue the resolution process.

Employing some or all of these techniques should lead to effective conflict resolution. It is unlawful to treat a customer differently if they have filed a Civil Rights complaint or participated in an investigation. Retaliation is unacceptable and against the law. Should the complainant persist with their complaint, directed them to file their complaint with USDA's Office of Civil Rights at:

U.S. Department of Agriculture  
Director, Office of Adjudication

1400 Independence Avenue, SW  
Washington, DC 20250-9410  
1 (866) 632-9992  
1 (800) 877-8339 Federal Relay Service  
1 (800) 845-6136 Spanish Speaking Assistance (*display complete contact information on the video screen*)

### ***Data Collection and Maintenance (visual title for video)***

USDA FNS requires data pertaining to race and ethnicity be collected and maintained by CEs. The data collected is used to determine how effectively the programs are reaching potentially eligible persons and beneficiaries, identify areas where additional outreach is needed, assist in the selection of locations for compliance reviews and complete reports as required. Some programs are also required to collect benefit level data for potentially eligible program participants and actual program participants.

Self-identification or self-reporting is the preferred method of obtaining characteristic data. Program applicants and participants should be encouraged to provide the information by explaining the use of the statistical data. All personal information collected from program applicants and participants is confidential and should be safe guarded appropriately.

### ***Civil Rights Coordinators (visual title for video)***

Entities with fifteen or more employees, who participate in appropriate USDA FNS programs, must designate one or more persons to coordinate compliance with Title VI, Title IX and Section 504 regulations. To see if your entity participates in one of the appropriate programs, please refer to your program handbook.

### ***Administrative and Site Compliance Reviews (visual title for video)***

TDA determines entity compliance with civil rights regulations prior to application approval and during administrative and monitoring reviews. Reviews are also conducted on an ongoing basis for all USDA FNS programs. Special reviews are conducted when an issue has been identified. During reviews, items are asked such as:

- Do potentially eligible persons and households have an equal opportunity to participate in the program?
- Is the “And Justice for All” poster prominently displayed at each site as required?
- Is the appropriate nondiscrimination statement included as required on printed materials, media releases and on Web sites?
- Do graphic materials reflect inclusiveness based on race, color, national origin, sex, age and disability?
- Is program information being made available to potentially eligible persons, program applicants and participants?
- Is the CE providing program information to a variety of organizations within the community that may assist the local agency in reaching potentially eligible populations?

- Is applicant and participant racial and ethnic data being collected and maintained on file as required?
- Are civil rights complaints being handled in accordance with procedures outlined as per regulations, policies and guidelines?
- Has Civil Rights training been conducted as required for all staff, volunteers, etc.?
- Are standard policies and procedures adhered to without regard to protected basis?
- Is there equal access, i.e., website, social media, print materials, distribution locations, etc., to the program?

If noncompliance is determined during a review, a corrective action plan will be developed including a timeframe to allow the CE to bring their operation into compliance. If the CE is unable to bring their operation into compliance, the CE will be treated as with any other instance of noncompliance. Review your program handbook for additional information regarding program noncompliance.

This completes your Civil Rights training. Please contact your F&N Community Operations office, School Operations or Commodity Distribution Specialist if you have questions or require additional information or clarification.