

# CIVIL RIGHTS COMPLIANCE AND ENFORCEMENT

State Conference

July 2020



MISSISSIPPI  
DEPARTMENT OF  
EDUCATION

**Marianna Chauvin**

Division Director II  
mchauvin@mdek12.org

## VISION

---

To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens

## MISSION

---

To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community



# 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.

# Civil Rights Training

---

- Training is required so that people involved at 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 local child nutrition administrators on an **annual basis**.
- Local agencies are responsible for training their managers and staff who interact with applicants or participants on an **annual basis**.

# Required Topics

---

The annual training must include, but not be limited to, the following training topics in the FNS Instruction 113 – 1:

1. Collection and Use of Data
2. Effective public notification systems
3. Complaint procedures
4. Compliance review techniques

# Required Topics cont'd...

---

5. Resolution of noncompliance
6. Requirements for reasonable modifications for persons with disabilities
7. Requirements for language assistance
8. Conflict resolution
9. Customer service

# Protected Base

---

Defined as:

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 bases?



# Protected Bases (FNS)

---

Child Nutrition protected bases are:

1. Race
2. Color
3. National Origin
4. Age
5. Disability
6. Sex
7. Reprisal or Retaliation

# Protected Bases (CN Programs)


---

Child Nutrition protected bases are:

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

# And Justice for All

- Display where benefits are issued/received.
- Reproductions must be at equal size (11x17)
- If copied as black & white, use Form AD-475  
-A Rev Dec 2015



**AND JUSTICE FOR ALL**

In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and marital or marital status for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (800) 725-6000 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online, at <https://www.ams.usda.gov/sites/default/files/USDA-3027-2012-2-Complaint-Form-0000-0002-0016-11-21-17-Final.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

mail:  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-8410; or  
fax:  
(800) 255-1665 or (202) 690-7442;  
email:  
program.intake@usda.gov.  
This institution offers equal opportunity provider.

Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, edad, discapacidad, virginidad o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles (no todos los principios de prohibición aplican a todos los programas).

La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieren medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (800) 725-6000 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea en <https://www.ams.usda.gov/sites/default/files/USDA-3027-2012-2-Complaint-Form-0000-0002-0016-11-21-17-Final.pdf>, en cualquier oficina del USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la supuesta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

correo postal:  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-8410; o  
fax:  
(800) 255-1665 o (202) 690-7442;  
correo electrónico:  
program.intake@usda.gov.  
Esta institución ofrece igualdad de oportunidades.

Form 0-2015- Revised Poster 1 Revised September 2015

Ámbito comprensivo al Formulario 0-2015 / Revisado Septiembre 2015

# Short Non-Discrimination Statement

---

This institution is an equal opportunity provider.

# DO NOT CHANGE THE STATEMENT!

## CORRECT VERSION:

This institution is an equal opportunity provider.

## INCORRECT VERSIONS!

- This institution is an equal opportunity ~~employer~~.
- ~~Yoknapatawpha County Schools~~ is an equal opportunity provider.
- ~~USDA~~ is an equal opportunity provider.

# 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 may not be required to furnish information on 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 System

---

The purpose of the public notification system is to inform applicants, participants, and potentially eligible persons of:

- Program Availability
- Complaint Information
- Non-discrimination statement

Provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for LEP persons

# Complaint Procedures

- Right to File – anyone alleging discrimination has the right to file a complaint within 180 days of the alleged discriminatory action. (The Secretary of Agriculture or his designee may waive the 180 filing deadline for good cause. The reason justifying the waiver must be documented in writing in the complaint file.)
- Acceptance – complaints, written or verbal, must be forwarded to the appropriate FNS Regional Civil Rights Director within 5 working days. Anonymous complaints will be handled as any other to the extent feasible based 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 cont'd...

---

- **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 contacting means)**
- **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 cont'd...

---

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

SEE ATTACHMENT (FLOW CHART)

# 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 orgs., 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 the particular program which noncompliance was found.

This is a requirement!

The Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008 prohibit discrimination and ensure equal opportunity for persons with disabilities in employment, State and local government services (Title II), public accommodations, commercial facilities, and transportation (Title III). Section 504 of the Rehabilitation Act of 1973 also prohibits discrimination on the basis of handicap in programs or activities receiving federal financial assistance.

# Requirements for Language Assistance

Title VI of the Civil Rights Act of 1964 and its regulations require recipients of federal financial assistance, i.e. SAs, local agencies, or other sub-recipients, to take reasonable steps to ensure “meaningful” access to information and services they provide for individuals with limited English proficiency (LEP). What factors should be considered to determine what constitutes reasonable steps?

1. The number or proportion of LEP persons 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.

Meaningful access is accomplished by providing reasonable, timely, appropriate, competent/qualified, accurate and effective language services to individuals with LEP when accessing recipient programs and activities.



USDA LEP Policy Guidance can be found at:

<https://www.fns.usda.gov/cr/limited-English-proficiency-lep>

Federal regulations also prohibit discrimination of LEP persons on the ground of national origin (7 CFR Part 15).

# Conflict Resolution

---

- **Conflict** - when one or both parties are not able to secure what they need or want and are actively seeking their own goals.

# Conflict Resolution cont'd...

---

## Causes of Conflict:

- Misunderstanding
- Personality clashes
- Competition for resources
- Authority Issues
- Lack of cooperation
- Differences over methods of style
- Low performance
- Value or goal differences

## **Destructive** conflict . . .

- Diverts energy from more important issues and tasks.
- Deepens differences in values.
- Polarizes groups so that cooperation is reduced.
- Destroys the morale of people or reinforces poor self-concepts

## **Constructive** conflict . . .

- Reveals issues of importance, resulting in issue clarification.
- Builds cohesiveness as people learn more about each other.
- Causes reassessment by allowing for examination of procedures or actions.
- Increases individual involvement.

# Conflict Resolution cont'd...

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

- Remain calm and approachable.
- Enter the process with an open mind.
- Don't prejudge others.
- Don't over-react.
- Attack the problem, not the person and listen to understand their concerns !

## Alternate Dispute Resolution (ADR)

Use of a neutral 3<sup>rd</sup> party to resolve informally a complaint of discrimination through the use of various techniques (e.g. fact finding, mediation, facilitating etc.)

# Customer Service

---

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



# Questions?



MISSISSIPPI  
DEPARTMENT OF  
EDUCATION

---

# Marianna Chauvin

Division Director II  
mchauvin@mdek12.org

[mdek12.org](http://mdek12.org)

