Civil Rights

Charles Crawford
Division Director II

September 2021 – State Conference
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.
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**.
Annual training must include, but is not limited to:

1. Collection and Use of Data
2. Effective public notification systems
3. Complaint procedures
4. Compliance review techniques
Annual training **must** include, but is not limited to:

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

As defined by FNS:

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

As defined for Child Nutrition Programs:

1. Race
2. Color
3. National Origin
4. Age
5. Disability
6. Sex
• Display where benefits are issued/received.

• Reproductions must be at equal size (11x17)

• If copied as black & white, use Form AD-475A

• Revised Sept. 2019
Full Non-Discrimination Statement

Must use correct version for CN Programs

Accessible on the OCN Home Page

https://mdeki2.org/OCN

Direct Link

This institution is an equal opportunity provider.
Do Not Change the Statement!

Correct Version
This institution is an equal opportunity provider.

Incorrect Examples
This institution is an equal opportunity employer.
Yoknapatawpha County Schools is an equal opportunity provider.
USDA is an equal opportunity provider.
Self identification or self-reporting is preferred method of obtaining data.

Applicants/participants may not be required to furnish information on their race or ethnicity.

Visual observation is NO LONGER an allowable practice for program operators to use during the collection of race or ethnicity data. (CACFP 11-2021, SFSP 07-2021)
Effective Public Notification Systems

Purpose 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 Sec. of Agriculture or designee may waive the 180-day 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 CR 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.

With Verbal Complaints – must write up the complaint for the complainant. Every effort should be made to secure the following information:

• Complainant Name, address & phone (email or other contact info)
• Specific location & name of agency delivering the service or benefit
• Nature of the incident or action that led the complainant to feel discriminated against
• 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
Complaint Procedures

Flow Chart
Available on last Page of FNS 113-1

https://www.fns.usda.gov/fns-instruction-113-1
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, info from grassroots orgs., State officials, etc…
Resolution of Non-Compliance

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.
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.
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).
Requirements for Language Assistance, Cont.

What factors should be considered to determine what constitutes reasonable steps?

- The **number or proportion** of LEP persons eligible to be served or likely to be encountered by the program or grantee;
- The **frequency** with which LEP persons come in contact with the program;
- The **nature and importance** of the program, activity, or service provided by the program to people’s lives; and
- 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.
Limited English Proficiency (LEP)

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).
Definition of 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

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
Types of Conflict

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<thead>
<tr>
<th>DESTRUCTIVE CONFLICT</th>
<th>CONSTRUCTIVE CONFLICT</th>
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<tr>
<td>• Divers energy</td>
<td>• Reveals issues of importance, resulting in issue clarification</td>
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<td>• Deepens differences in values</td>
<td>• Builds cohesiveness</td>
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<td>• Polarizes groups</td>
<td>• Causes reassessment by allowing for examination of procedures or actions</td>
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<td>• Destroys the morale of people</td>
<td>• Increases individual involvement</td>
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<td>• Reinforces poor self-concepts</td>
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<tr>
<td>Strategies to Resolve Conflict</td>
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<td>--------------------------------</td>
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<tr>
<td><strong>Remain calm</strong></td>
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<td><strong>Enter the process with an open mind.</strong></td>
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<td><strong>Don’t prejudge others.</strong></td>
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<td><strong>Don’t over-react.</strong></td>
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<td><strong>Attack the problem, not the person; and listen to their concerns.</strong></td>
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Alternate Dispute Resolution (ADR):

Use of a neutral 3\textsuperscript{rd} party to resolve, informally, a complaint of discrimination through the use of various techniques (e.g. fact finding, mediation, facilitating etc.)
Customer Service

- Be courteous
- Listen intently and take notes if needed
- Repeat back what you hear to ensure accuracy
- Follow up with corrective action if required
- Don’t forget, you are providing a service!
Questions
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