

CIVIL RIGHTS

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Civil Rights

WHAT ARE CIVIL RIGHTS?

Civil Rights are rights guaranteed to each individual through the United States Constitution and acts of Congress. The Federal Title VI Civil Rights Act states that no person in the United State of America shall be discriminated against on the grounds of race, color, national origin, age, sex, or disability. These group characteristics are 'Protected Classes'.

Discrimination is the act of illegally distinguishing between one person or group of persons from others either intentionally, by neglect, or by the actions or lack of actions based on their perceived or actual protected bases. There are two types of discrimination: disparate treatment (intentional) and disparate impact (intentional or unintentional).

Here are a list of the laws and regulations that pertain to applicant/participant rights:

Title VI of the Civil Rights Act of 1964

Protects people from discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.

Title IX of the Education Amendments of 1972

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity.

Section 504 of the Rehabilitation Act of 1973

No otherwise qualified individual with a disability in the United States, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Age Discrimination Act of 1975

Prohibits discrimination based on age in programs and activities receiving federal financial assistance. (Does not address employment).

Americans with Disabilities Act ("ADA") of 1990

Prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. The ADA also establishes requirements for telecommunications relay services.

Take the following steps to ensure that the Farmers' Market Nutrition Program doesn't discriminate against individuals:

- ✓ Screen job applicants carefully to avoid hiring individuals possessing any prejudices against people based on age, race, sex, gender, national origin, disabilities, or socio-economic background.
- ✓ Hire staff who speak the languages of your participants, translate materials into the

languages used by your participants, and use translators when necessary.

- ✓ Conduct Civil Rights Training for all new staff within three (3) months of hire and provide Annual Civil Rights Training for all staff.
- ✓ Explain the Farmers' Market Nutrition Program non-discrimination policy to all new staff.
- ✓ Make sure outreach efforts reflect the ethnic/racial groups in the program's service area.
- ✓ Serve all applicants and participants equally on a first-come, first-serve basis.
- ✓ Provide culturally appropriate nutrition education and referrals.
- ✓ Serve people with disabilities as outlined in the SPECIAL POPULATIONS chapter.
- ✓ Display the "And Justice for All" poster prominently at all sites. Call the Nutrition Project Director if copies of this poster are needed.
- ✓ Provide information in the languages of the program's participants.
- ✓ Ensure that clinics are accessible and have reasonable accommodations for people with disabilities.
- ✓ Ensure that photos and graphics reflect diverse populations.

PUBLIC NOTIFICATION

The purpose of public notification is to ensure that people understand program availability, participants' rights and responsibilities, policy of nondiscrimination, and procedures for filing a complaint. The following is the Non-Discrimination statement must be used:

USDA 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.

Guidelines for displaying the nondiscrimination statement:

All new materials **must** include the revised information for participants to file discrimination complaints.

All information materials and/or resources that are provided to applicants/participants that mention or reference the Farmers' Market Nutrition Program must include the Non-Discrimination Statement. Any usage of the shortened NonDiscrimination Statement must be reviewed and approved by MDAR.

- Some examples requiring the Non Discrimination statement are outreach flyers, brochures, termination or ineligibility letters, vendor lists, newsletters, etc.
- All nutrition education materials that mention the Farmers' Market Nutrition Program must contain the Non- Discrimination Statement. Materials that provide a nutrition message with **no** mention of the Farmers' Market Nutrition Program are **not** required to contain the Non-Discrimination sStatement.
- Any Web sites used by local programs or agencies to inform the public about the Farmers' Market Nutrition Program must contain the Non-Discrimination Statement. It is not required that the Non-Discrimination Statement be included on every page of the program's web site. The Non- Discrimination statement or a link to the statement <http://www.fns.usda.gov/sites/default/files/cr/Nondiscrimination-Statement.pdf> must be included on the programs home page.

COMPLAINT PROCEDURES

All Farmers' Market Nutrition Program applicants and/or participants have a right to file a complaint alleging discrimination based on race, color, national origin, age, sex, disability,

, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA, within 180 days of the alleged discriminatory action. Refer the complainant to the Non Discrimination Statement for instructions on how to file a complaint. Please send the following information to the Farmers' Market Program Coordinator at MDAR within five (5) business days of receiving the complaint:

1. Name, address, and telephone number of the complainant;
2. The location and name of the organization or office where the alleged incident occurred;
3. The nature of the incident or action;
4. The names, titles, and business addresses of persons who may have knowledge of the discriminatory action(s);
5. The date(s) during which the alleged discriminatory actions occurred; and
6. The basis for the alleged discrimination.

It is critical that the complaint process be followed closely to assure compliance with federal regulations. All staff must be educated on procedures for processing allegations of discrimination.

CIVIL RIGHTS TRAINING

Elder Nutrition Programs are required to provide Annual Civil Rights Training ("Training") for all coupon distribution staff ("Staff"). Staff must be informed of and updated on their obligations under Civil Rights laws and regulations. The Training must be conducted at least once during the federal fiscal year.

The following topics **MUST** be covered during the training:

- ✓ Collection and use of data
- ✓ Effective public notification systems
- ✓ Compliant procedures
- ✓ Compliance review techniques
- ✓ Resolution of noncompliance
- ✓ Requirements for reasonable accommodation of persons with disabilities
- ✓ Requirements for language assistance
- ✓ Conflict resolution
- ✓ Customer service

See USDA Civil Rights Instruction 113-1 for detailed information. [Civil Rights Instruction 113-1](#)

Here are some different ideas for conducting the Training:

- ✓ Attend the Training at The Learning Center.
- ✓ Utilize Training materials from The Learning Center (videos, PowerPoint presentations, handouts, modules, etc.).
- ✓ Hire a consultant to conduct civil rights workshops at the program.

In order to assure Civil Rights compliance with all laws and regulations, MDAR will conduct a compliance review as part of the biannual monitoring visit.

DATA COLLECTION AND REPORTING

USDA mandates the Elder Nutrition Program collect racial and ethnic participant data as a means of determining how effectively FNS programs are reaching potential eligible persons and beneficiaries and identifying areas where additional outreach is needed. Staff needs to collect data on each applicant/participant's race and ethnicity at the time of certification for this purpose. Staff must first ask applicants/participants to self-identify their racial group and ethnicity. If applicants/participants are uncertain, staff may then use a visual assessment to determine an applicant/participant's racial/ethnic category. An applicant/participant may be included in the group to which he/she appears to belong, identifies with, or is regarded as belonging to, in the community. Make sure the participant understands that the collection of this information is strictly for statistical reporting requirements and has no effect on the determination of their eligibility to participate in the program. Staff needs to retain the yellow cover sheets which contain data on each applicant/participant's race and ethnicity for three (3) years. The cover sheets must be kept in a location that is easy to access in the event that MDAR requests access to the cover sheets.

LIMITED ENGLISH PROFICIENCY

Elder Nutrition Programs must take reasonable steps to accommodate applicants/participants who self-identify as having Limited English Proficiency ("LEP"),p. MDAR has translated nutrition education materials in Spanish and Chinese, as well as basic instructions in Portuguese and Russian. These materials are available for use by Elder Nutrition Programs. Please contact us if you require these materials.

Civil rights regulations prohibit discrimination in any program activity, so applicants and participants cannot be required to bring a translator or interpreter in order to apply for, or receive, Farmers' Market Nutrition Coupons. If translators or translated materials for a specific language are not available, consider providing translators by:

- ✓ Finding interpreters through other supporting or host agencies or other community service agencies/organizations. Make sure the interpreter understands interpreter

ethics, particularly confidentiality.

- ✓ Setting up a network of volunteer translators (using bilingual students from local schools, for example).
- ✓ Contracting with professional translators.

All interpreters must sign a Confidentiality Agreement. Whenever possible, use translators who are bicultural as well as bilingual.

NOTE Before translating any materials, call the Farmers' Market Nutrition Program Coordinator at MDAR to determine if a similar document has already been translated by another Eder Nutrition Program.

VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS

This issue should never give rise to discrimination.

ACCESSIBILITY

Elder Nutrition Programs must ensure physical accessibility for buildings and facilities, particularly to persons in wheelchairs and with mobility disabilities.

CUSTOMER SERVICE

Treat all applicants and participants with dignity and respect.

CONFLICT RESOLUTION

If there are complaints that are not civil rights related, work to resolve them. If they are civil rights related, please refer the customer to the NonDiscrimination Statement and follow the referral policy.

Civil Rights Discrimination Complaint Referral Form

ELDER NUTRITION PROGRAM AND STATE OFFICE USE ONLY

FOR ELDER NUTRITION PROGRAM USE ONLY.

The local program shall take no action on Civil Rights Complaints. **Immediately** refer the applicant/participant to the procedure in the Non Discrimination Statement **and** forward all oral or written civil rights discrimination complaints to the Farmers' Market Nutrition Program Coordinator at MDAR for follow-up. ***Make one (1) copy of this form and maintain in Civil Rights File.***

Submit original complaint form to:

**Farmers' Market Nutrition Program Coordinator
Massachusetts Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114**

Retain a copy of the complaint in Elder Nutrition Program Civil Rights File.

ELDER NUTRITION PROGRAM FILING REPORT INFORMATION

Date Complaint Received: _____ Date Complaint Sent to State Office: _____ Staff

Name & Title who received and is reporting complaint: _____

Elder Nutrition Program Name: _____ /Site Name _____

Please describe the complaint in detail:

Staff Signature: _____ **Date:** _____

FOR STATE OFFICE USE ONLY.

ELDER NUTRITION PROGRAM CIVIL RIGHTS TRACKING SYSTEM

	Date of incident	Applicant/Participant	Date submitted to FNS or State	Outcome or Follow Up
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