This presentation is provided by:
Second Harvest Heartland and The Food Group

Main Topics covered in this Training

- Civil Rights Training and Requirements
- Data Privacy & Confidentiality
- Equity & Access
- Overview of TEFAP guidelines and Requirements
- Quiz
Civil Rights Training and Requirements
Training Requirements

- It is required that at least 1 person per agency go through the in-depth training of this presentation
- Frontline staff who interact with program applicants or participants and supervisors of frontline staff must receive annual training
- Civil Rights training should be presented to regular, one time, or group volunteers throughout the year
Civil Rights is the law of the land

- Educate your staff & volunteers on protected classes
- This helps clients feel welcome, safe & included when they access your services
- This helps protect agency from liability/civil rights violation claim or lawsuit

Federally Protected classes (from USDA non-discrimination statement) - race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA

MN Protected Classes - Race, Color, Creed, Religion, National origin, Sex, Marital status, Familial status, Disability, Public assistance, Age, Sexual orientation, Local human rights commission activity
Types of Discrimination

- **Disparate treatment** – Because of protected class, someone is treated differently – may sue agency
- **Disparate Impact** - Discriminatory result on a protected class results from action or rule – appeal to Federal agency
- **Reprisal/Retaliation** - Negative treatment due to prior civil rights activity by an individual or his/her family or known associates or for cooperating with an investigation – may sue agency
Data Privacy and Confidentiality
**Data Privacy & Confidentiality**

**What are the rights of individuals on whom private data is collected & stored?**
- Can refuse to provide private information
- Access to their private data
- Right to correct their private data
- Consent to release to other parties

**What can be shared? What’s private?**
- Protected information is all personal, non-public info like address, phone, DOB, SSN, or medical records
- Private data, which is protected, can only be viewed by the subject (the person the info is about) and by people who work with the information. Examples are medical records, public assistance information, etc.
- A Signed Release identifies info to be shared, who with, how long the release will be in effect, permission for the release to be withdrawn
How to properly store information & who has access

- Secure electronic files
  - Do not store at home! Must be stored onsite (office or program location)
  - Locked cabinet or office
- Limit number of staff or volunteers who have access
- Information should be stored at least 1 year (or 7 years if participating in TEFAP)
- How to dispose of properly – shredded or securely deleted from electronic files
  - MN Pollution control prohibits papers from being burned
When can you share information with other organizations?

- Aggregated reports to the food bank, Hunger Solutions, MN DHS/OEO currently through Let’s Solve Hunger

- Analyzing data & mapping need using a third-party application, e.g., “Community Close-up” or “Map the Meal Gap”

How do you explain to clients why you are collecting information?

- Aggregated data is reported--When data is aggregated, it is compiled into data summary reports. Used to look at trends, make comparisons, and reveal information that wouldn’t normally be noticeable when data is viewed separately.

- Need to track “unduplicated” service

- Personal information is not shared without consent – even with another foodshelf
When and how can you share stories about clients?

- Sharing stories with the public can help educate & also support fundraising efforts
- Talk with the client about sharing their story & make sure to get a media release
- Can be anonymous (but still use the release)
- Be cautious about doing this in a small town or tight-knit community
Use of Forms & Policies:

- Tennessen Warning/Data Privacy Notice
- Release of Information
- Media Releases
- Confidentiality Policy
- Volunteer Policy

Your local food bank can provide templates and examples. Just ask!
Equity and Access
Equity in Hunger Relief is…

The fair and just distribution of food in a community where everyone has the opportunity to live their best life

- For an organization, this could mean creating a time and safe space for staff/volunteers/board members to talk about the root causes of hunger
- Conduct focus groups/surveys out in the community where people are already gathered. This could be community centers, local shops, or faith based organizations
Cultural Competencies
Where do we start?

Creating Cultural Responsiveness as a Value:
- Conduct research to understand who you serve at your food shelf
- Recruit staff and/or volunteers who represent the community be available for translation
- Create an open & respectful atmosphere

Concrete Changes you can Implement:
- Source familiar & appropriate food to distribute
- Implement a choice shopping model
- Have available walk-in hours
- Have translated signs with images

What you can do in the community:
- Outreach and educate about your food shelf and resources you offer in the community
- Collaborate & partner with ethnic leaders and organizations to learn more about their culture and to spread the word about your agency

Meet with stakeholders/clients to learn about their culture and engage them about your agency

Bring back information and suggestions you learned from the community to implement at your agency
ICE RESOURCES

Immigrant Law Center of Minnesota
www.ilcm.org

Mid-Minnesota Legal Aid
www.mylegalaid.org

Your local food bank
Who are we missing?

disabled
seniors
children
homeless youth
mentally ill
working families
indigenous people
How are you promoting your program?

Creative outreach strategies:

- Conduct outreach to underserved groups
- Contact community groups & advocacy groups
- Use special formats to reach disabled
- Use other languages to reach people with limited English proficiency
- Be creative! TV, radio, posters, flyers, supermarket bulletin boards, local clubs, libraries, schools, special events, fairs, mailings, Internet, web site links…
How do we make people feel welcome and comfortable using our programs?

- Location & hours
  - Accessibility
- Language access
  - Culturally appropriate & relevant
- Special needs
  - Try new types of programming- Home Delivery, Mobile distribution
  - Relax the boundaries & withhold judgement
  - “Walk a mile in their shoes.”
- Be patient
- Be polite
- Avoid sarcasm
- Be empathetic. Understand that people may not know the rules or understand how programs work. They may feel uncomfortable coming to ask for help
- Smile when appropriate – make people feel welcome and valued
- Explain the policy and let them know the policy is to keep everyone safe and to ensure fair treatment for all
- Don’t be afraid to apologize
- Don’t feel you need to have the last word

“Treat others the way they want to be treated (or at least be aware of what that is).”
Conflict Resolution

- Have a written and posted policy for dealing with unacceptable behavior and conflicts
- Try to remain calm
- Try to explain situation
- Get help, especially if threats or if violence is possible
- Use alternative dispute resolution (ADR) techniques
  - Examples: Mediation or Arbitration
How do we encourage feedback about our programs in order to better serve our community?

- Open & clear process for making complaints (grievance procedure)
- Surveys, focus groups & listening sessions
- Building relationships
Thank you for completing the General Civil Rights Training. Please make sure to complete the quiz to receive your Certificate of Completion. https://form.jotform.com/73605014338148

If you are with a TEFAP program, please continue for more program specific training.
Overview of TEFAP
Guidelines and Requirements
Training Requirements (TEFAP)

- People involved in all levels of administration of programs that receive Federal financial assistance (federal, state, food bank, hunger relief agency, staff and volunteers) need to understand civil rights related laws, regulations, procedures and directives.
- Persons responsible for reviewing civil rights compliance need special training to perform review responsibilities.
- States and local agencies have flexibility in how to provide training – classroom, online, staff meeting, etc. are all possibilities.
- Civil rights training is required annually.
GOALS

- Equal, fair, and respectful treatment of all applicants and beneficiaries
- Elimination of illegal barriers that prevent or deter people from receiving benefits
- Knowledge of rights and responsibilities

Responsibility for Civil Rights

U.S. Department of Justice

Federal Departments – USDA

Federal Agencies – FNS

Recipients of Federal financial assistance (State & local providers)
Public Notification

In addition to the points made earlier about outreach …

- People need to know about TEFAP and know their rights
- Underserved populations need special attention and special efforts
- Market your program and the fact that it does not discriminate
- Display the “And Justice for All…” poster
- All *additional* forms besides the required TEFAP Eligibility Form are labeled “Voluntary or Optional”
  - USDA Federal Regulations do not allow TEFAP distribution sites to place extra requirements for participants, in addition to requirements stated in this manual. Added forms, meetings with intake workers and other processes must remain *optional*. TEFAP Food Shelves are required to explain to participants that filling out additional forms and/or providing additional information is their choice and in no way prevents them from getting food.
- Include the required nondiscrimination statement on all appropriate FNS and agency publications, Web sites, posters and informational materials
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information
What responsibility do we have as employees & volunteers to ensure compliance with Civil Rights requirements?

- Compliance with all civil rights laws, regulations and requirements
- Attend required trainings
- Provide other language services
- Accommodate persons with disabilities
- Equal treatment for religious organizations
- Public notifications are updated in a timely manner
- Data collection and reporting is kept private and confidential
- Participate in compliance reviews
- Have a complaint process posted for clients and resolve conflicts in a timely and respectful manner
- Provide fair and equal Customer Service
During the TEFAP grant period, MN DHS-OEO will conduct a review of 10% or 20 food shelves throughout the state, determined by a risk based assessment. At least half must be those that are most at risk. The other half will be selected at random.

The following will be included in the site visit:

- Program eligibility requirements and intake process
- Food storage including: cleanliness, appropriate temperatures, locked area if needed, and pest control measures

Site visits are conducted annually or bi-annually with your local food bank as well.

Compliance with the State Human Rights Act, the Age Discrimination Act of 1975, the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, as amended; copies or explanation of these in the appendix including LEP
- Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color, or national origin in programs or activities that receive Federal financial assistance.
- Must display the “AND JUSTICE FOR ALL” poster
  - The poster is available from DHS-OEO or your TEFAP distributing food bank.
- A grievance policy must be posted in a public space where the client has access to read it. The policy must also provide instructions with how to file a complaint
- Voter registration information is made available
- SNAP (Food Stamp/Food Support) information is available for clients
- Records regarding receipt and distribution of TEFAP for 7 years following the end of the TEFAP grant period to which they pertain. This includes client data records.
- Food Shelves/Meal Programs must not sell USDA commodities or require participation in non-TEFAP program activities.
- A current signed TEFAP Site Distribution Agreement
  - Renewed every 2 years
Correction of Non-compliance

- CORRECTIVE ACTIONS:
  - Cease inappropriate actions
  - Institute appropriate procedures within the approved time frame
  - Your food bank is there to help provide assistance to meet compliance standards
  - TEFAP and MFSP are linked and if an agency does not comply with the requirements of one, participation will be revoked for both
For the next portion of the training, we will be going over a series of situations that will allow you to critically think about certain Civil Rights and if the issue is in violation or not. These situations are not meant to trick you, but to allow thoughtful dialog and how your agency can best serve the community.
Federal Financial Assistance

- Anything of value received from the Federal government
- Includes cash grants, commodities, training, excess computers, loans, property donations, and other goods and services provided with Federal funds
- TEFAP commodities constitute Federal financial assistance
- Acceptance of Federal financial assistance requires the recipient of the assistance, no matter how minimal, to assure compliance with Federal civil rights laws and requirements
A synagogue operates a neighborhood food shelf which receives TEFAP commodities and grants from Hunger Solutions. They also do a meal program once a week for those in need using only food donations from the area restaurant. Everyone that works at the food shelf and meal program are volunteers. Does the synagogue have to adhere to civil rights rules? Do all volunteers need to be trained, and if so, why do they need to know about compliance review techniques and data collection?
**Situation 1 Answer**

**ANSWER:**

Yes. Acceptance of Federal financial assistance obligates the recipient to adhere to Federal civil rights requirements in all aspects of its operations. Also, if discrimination is found and the recipient of the Federal financial assistance refuses or fails to correct the problem, Federal assistance from ALL sources (i.e. all federal agencies that provide assistance) needs to cease.
Situation 1 Answer Continued

Any frontline workers, including volunteers, need to be trained when they first come on the job and then annually. They may not need in-depth information on compliance review techniques and data collection, but they need to know that these are requirements.
- Be aware of the bases for which complaints may be filed: race, color, national origin, age, sex, and disability

- Never discourage groups or individuals from filing complaints or from voicing allegations of discrimination

- Know where to file a complaint – USDA
  - FNS Instruction 113-1 outlines complaint investigation procedures

- To file a complaint, complainants may write to: USDA, Director, Office of Adjudication and Compliance, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (800) 795-3272 or (202) 720-6382 (TDD).

- Agency should have an active plan for how to handle complaints
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, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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 responsible Agency or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or 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 discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint 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.

USDA is an equal opportunity provider, employer, and lender.
Situation 2

An East African woman filed a complaint with the State that the commodity boxes looked shabby. She tells you that ever since then, the delivery people have been coming later in the day and are no longer friendly. Is this a discrimination complaint and if so, what kind and how should it be handled?
Situation 2 Answer

**ANSWER:**

Unless she is alleging that everyone in the East African community receives commodities of inferior quality or that she is being treated differently because she is a member of a protected class, this would not be a valid civil rights complaint and should be handled as a program complaint. In order to qualify as retaliation, the person must have engaged in prior Civil Rights Activity. If her complaint about shabby boxes alleged that she received them because she was being singled out for bad treatment because of her race, color, national origin, age, sex, or disability or that members of her community received “shabby boxes” while others received something better, that would not qualify as prior civil rights activity. While part of civil rights includes providing good customer service, failure to do so unless it is related to a protected class does not qualify as a civil rights complaint.
People with limited English proficiency (LEP) need to be served in other languages that are appropriate.

Generally, service must be provided – flexibility in how it is provided if necessary.

Overcoming a language barrier should not be placed on the client.

- A child should not be used as the translator.

Language Assistance Services could include the following:

- Oral interpretation services
- Bilingual staff/volunteers
- Telephone interpreter lines
- Written language services
- Community volunteers
- Google translate
Situation 3

In order to ensure that there are interpreters available, a food pantry wants to mandate that all Ukrainian speaking participants be served on the second Friday of each month. Is this allowable since the intent is to provide good service and not to discriminate?
This would *not* be allowable because it is a form of segregation based on national origin. The pantry needs to accommodate people whenever they need assistance. The pantry could advertise days on which it has interpreters on site, but people who speak a particular language cannot be required to come only on certain days.
Accommodations

- Ensure access for people with disabilities
- Check ADA guidelines for specifics
- Parking lot, entrances & exits, halls, elevators, rest rooms, sign language interpreters, Braille signage, service animals
- Alternative arrangements for service (e.g., proxy policy or home delivery)
- Ability to accommodate walk-in participants if you typically have appointments
Situation 4

- Joe is a client who has been to your program before, sometimes a little tipsy, but he’s always quiet and respectful. Today he’s speaking in a loud voice using language laced with profanities. Several of your volunteers and other clients are disturbed by this language. After calmly trying to talk to Joe he continues the loud swearing and starts taking items from other clients’ carts. As lead volunteer you are concerned about the other clients and volunteers so you firmly tell Joe he needs to leave right now and cannot come back until he’s able to be respectful and calm. He leaves, but you are worried about kicking him out without giving him food.

Was this a case of discrimination? What can the volunteer lead do to address her concerns about ensuring a pathway to food?
**Situation 4 Answer**

**ANSWER:**

Safety must come first! Ideally your program has a code of conduct or rights and responsibilities policy that helps set expectations for acceptable behavior from clients, volunteers and staff. We always want to be sensitive to the high-stress lives of many of the people we serve and address behavior rather than the person. We also need to ensure the safety of everyone at our program.

Having a policy in place is also helpful in cases where you need to find alternative ways to provide a pathway to food such as using a proxy, delivery to someone’s car or home, emergency to-go box, etc.

Sample policies and support available from your food bank!
EQUAL OPPORTUNITY FOR RELIGIOUS ORGANIZATIONS

- USDA Regulations at 7 CFR 16 require equal opportunity for Faith Based Organizations (FBO’s) and Community Based Organizations (CBO’s).
  - Conduct outreach to FBOs and CBOs to become providers
- Discrimination is prohibited against an organization on the basis of religion, religious belief or character in the distribution of funds
- FBOs can use space in their facilities without removing religious art or symbols
- No organization that receives direct assistance from the USDA can discriminate against a beneficiary or prospective beneficiary on the basis of religion or religious belief
- FBOs retain their independence and carry out their mission, as long as USDA funds or activities do not support worship, religious instruction or proselytization
Situation 5

As part of its meal service, a soup kitchen wants to require a prayer before the meal. Is this allowable, and are there any exceptions or special requirements?
Situation 5 Answer

ANSWER:

As a rule, proselytization is prohibited under the faith based rules. HOWEVER, a prayer may be said before a meal but the person conducting the activity must make it clear that:

1) the activity is not part of TEFAP and not endorsed by USDA;
2) cooperation and participation in the activity is not a condition of receipt of TEFAP benefits; and
3) the activity is not conducted in a manner that disrupts TEFAP commodity distribution or meal service.
4) The activity must be seen as an opt in VS. opt out
Situation 6

Mary is a staff person at Townville Food Shelf. Someone came in and told several volunteers that they saw Jody, a client of Townville Food shelf, visiting a nearby shelf in Bigger City. The volunteers are asking her what they should do. Mary isn’t sure so she calls the director at Bigger City Food Shelf. They talk about Jody and look through their records to discuss Jody’s address, household info, and when she visited their food shelves.

Both foodshelves receive TEFAP commodities and grants. All clients, including Jody sign a data privacy form once a year at intake. Has either foodshelf violated Jody’s civil rights or data privacy?
ANSWER:

Since neither food shelf has refused to serve Jody or set up any rules that prevent her from being served because of her status with regard to assistance or as part of any other protected class, her civil rights have not been violated. However, neither Mary nor the director at the other food shelf are not allowed to discussed any personal, private information about Jody, such as her address, details about her household, or the fact that she received service from either organization without each location obtaining her written permission to do so via a release of information form.
The data privacy warning that Jody signed only informs her that statistics about her may be shared with named entities (e.g., MN DHS/OEO, Hunger Solutions, your food bank etc.) that require regular reporting on the total service that the food shelf is providing to the community. It does not provide her consent to release personal information to other parties, such as other food shelves in the area.
Data Collection, Reporting and Privacy of Information

- Data are a starting point. There is a need to know communities to properly interpret and apply data!
Situation 7

The leader of a charitable organization that makes large donations to the operations of a food pantry requests a list of all Hispanic participants so that they can be given special holiday baskets. Does this pose any civil rights problems and how should you respond to this request?
ANSWER:

This poses a number of problems. First, it would violate the confidentiality provisions of data collection. Data on ethnicity and race must be kept confidential and should not be made available on an individual basis. Second, what this person proposes to do violates Title VI because the distribution would be limited to people based on national origin and would not be available to everyone. By complying with the request, the food pantry would be helping to discriminate, and this is not allowed.
Situation 8

It’s been a busy day at the food shelf! Almost everyone has left and you are getting ready to close things up. A police officer enters and begins asking for information about a family that he thought had been served that day at the food shelf. The officer describes the family and asks if he can have the names of everyone in the household and the address. Should you give this information to the police?
Situation 8 Answer

Answer:

No, not without a signed warrant from the police or immigration enforcement. You should not turn over any client data without the signed warrant. It is also recommended to contact an attorney about your program’s rights and responsibilities if a warrant is provided.

Reach out to your local food bank for further assistance.
Thank you for completing Civil Rights Training.
Please make sure to complete the quiz to receive your Certificate of Completion

https://form.jotform.com/73605014338148
Thank you for participating!