

Ohio

**Department of
Aging**

*Fostering sound public policy, research, and initiatives that
benefit older Ohioans.*

Civil Rights Training

Ohio Senior Farmers' Market Nutrition Program (SFMNP)

Objectives

- Protected Classes
- Discrimination
- Public Notification System
- Race and Ethnicity Data
- Complaints

Background

- Title VI of the Civil Rights Act of 1964
 - 7 CFR 15: Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture (USDA)
 - Administered by USDA Food and Nutrition Service (FNS)
 - FNS Instruction 113-1

Training Requirements

- Local agencies are responsible for training their subrecipients and staff.
 - Staff: volunteers and interns
- Document

Protected Classes

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

Limited English Proficiency (LEP)

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.”

- Reasonable steps to assure meaningful access to information and services:
 - Number or proportion
 - Frequency
 - Nature and importance of the program
 - Resources available and costs

Discrimination

- The act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on their protected bases (or class).

Examples

- *Delayed* service in receiving benefits
- *Denied* benefits
- Being treated *differently* than others to their disadvantage
- Disparate treatment of others that is not discriminatory in nature, but has the impact of that puts an individual or a group at a *disadvantage*.
- *Exclusion* of eligible persons based on race, color, national origin, age, sex, or disability
- *Inequitable* service or allocation of resources based on protected classes

Examples Cont.

- Issuance of SFMNP application in a place, time, or manner that results in denying or limiting benefits to a specific group
- Segregation of persons in waiting areas or by the way they are scheduled
- Failure to apply the same eligibility criteria to all potentially eligible persons
- Maintaining waiting lists based on race, color, national origin, age, sex or disability

Public Notification System

- **3 Basic Elements:**
 - Program Availability
 - Hours of operation
 - Location of sites
 - Complaint Information
 - Nondiscrimination Statement

Nondiscrimination Statement

- Not required on general informational material
- There are two forms of the nondiscrimination statement:
 - Shortened
 - Full

Shortened Nondiscrimination Statement

- Required text: “This institution is an equal opportunity provider”
- Must be included on material that describes or provides general information about the program

Full Nondiscrimination Statement: Required Text

USDA Nondiscrimination 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](http://www.ascr.usda.gov/complaint_filing_cust.html), (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

Full Nondiscrimination statement

- The full nondiscrimination statement must be included on material that informs the public, applicants or participants about :
 - the program
 - how to apply for benefits
 - if an adverse action could be taken

Full Nondiscrimination Statement

- The full nondiscrimination statement must be:
 - Kept in its specific formatting
 - In the same size font as the rest of the document it is contained in

Nondiscrimination Statements

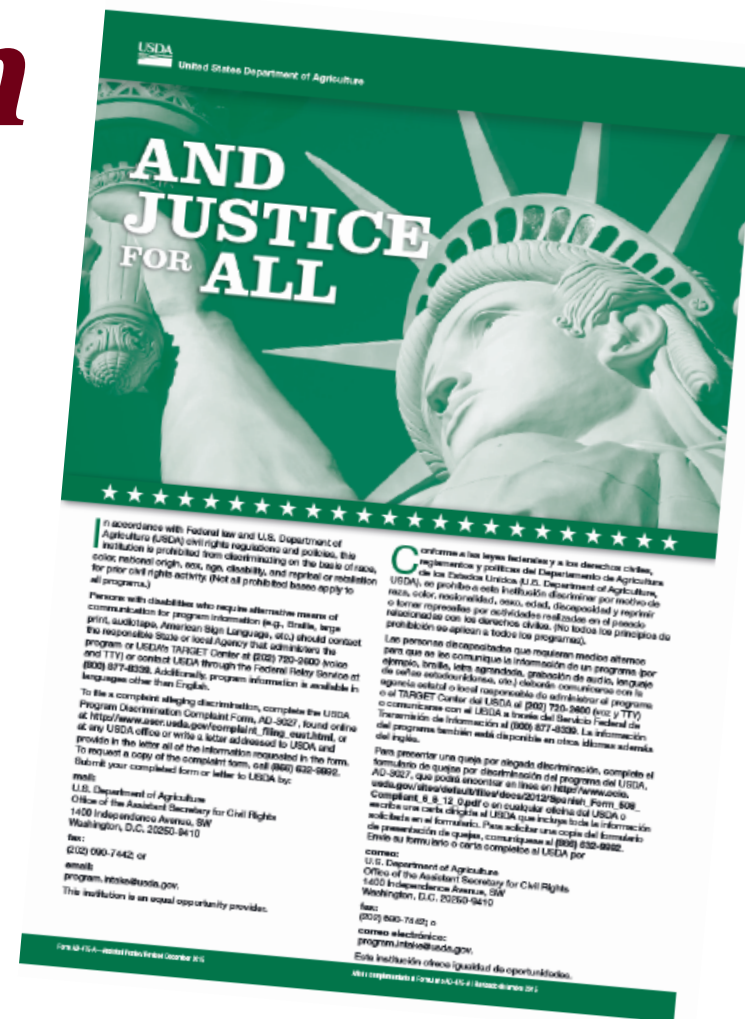
- Prohibited Actions
 - The language of the full and the shortened statements may not be altered in any way
 - Neither statement may be combined with other state or county statements.

Nondiscrimination Statements

- Additional nondiscrimination statements may be included, provided that:
 - The additional nondiscrimination statements must be separate and distinct; and
 - The USDA nondiscrimination statement must be clearly identified as such.

Methods of Notification

- Prominently display “And Justice for All” poster.
- Inform potentially eligible persons of programs or changes in programs.
- Provide information in alternative formats for persons with disabilities.
- Include nondiscrimination statement on publications and websites.



Data Collection and Reporting

- **Separate categories**
 - Ethnicity:
 - Hispanic or Latino
 - Non Hispanic or Latino
 - Race:
 - American Indian or Alaskan Native
 - Asian
 - Black or African American
 - Native Hawaiian or Other Pacific Islander
 - White
- **Self-identification**
- **Record Retention: 3 years**
- **Confidentiality**

Complaints

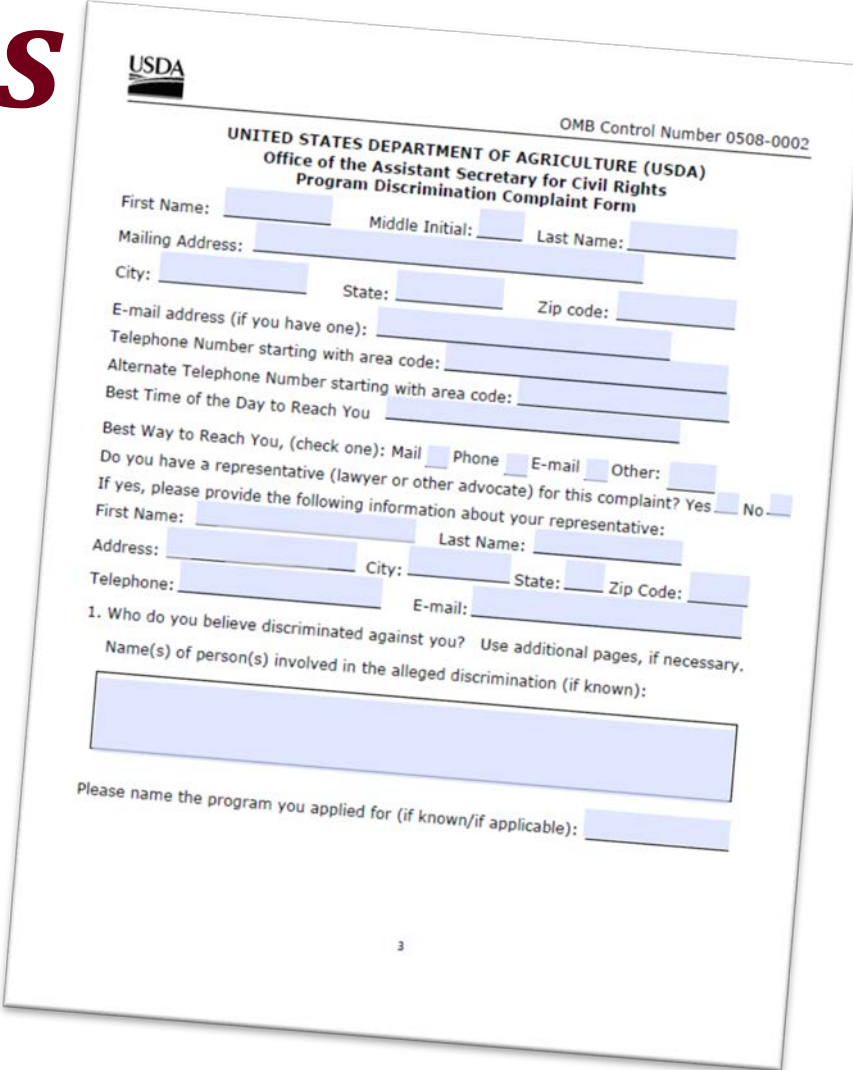
- **Right to File:**
 - 180 days within alleged discriminatory action.
- **Forms:**
 - Must not be a prerequisite. May be written, verbal, or anonymous.
 - Verbal: person to whom allegation is made must write-up elements of complaint.
- **Acceptance:**
 - Complaints based on all protected classes, except age: forward to FNS Civil Rights Division within 5 calendar days.
 - Complaints based on age (and other protected classes): forward to FNS Civil Rights Division within 5 business days.
- **Complaint Log and Confidentiality**

Elements of Complaint

- Complainant's contact information
- Location and name of agency/subrecipient delivering services
- Nature of incident
- Basis on which complainant believes discrimination exists (protected class)
- Contact information or persons with knowledge of incident
- Dates which alleged discrimination occurred

Processing Complaints

- Must be processed within 90 days of receipt.
 - Decision letter sent to complainant:
 - Appeal rights to Secretary of Agriculture



USDA

OMB Control Number 0508-0002

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
Office of the Assistant Secretary for Civil Rights
Program Discrimination Complaint Form

First Name: _____ Middle Initial: _____ Last Name: _____

Mailing Address: _____

City: _____ State: _____ Zip code: _____

E-mail address (if you have one): _____

Telephone Number starting with area code: _____

Alternate Telephone Number starting with area code: _____

Best Time of the Day to Reach You _____

Best Way to Reach You, (check one): Mail Phone E-mail Other: _____

Do you have a representative (lawyer or other advocate) for this complaint? Yes No

If yes, please provide the following information about your representative:

First Name: _____ Last Name: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail: _____

1. Who do you believe discriminated against you? Use additional pages, if necessary.
Name(s) of person(s) involved in the alleged discrimination (if known):

Please name the program you applied for (if known/if applicable): _____

3

Compliance Review

- **3 Types:**
 - Pre-Award Compliance Reviews
 - Routine (Post-Award) Compliance Reviews
 - Special Compliance Reviews

Resolution of Noncompliance

- **Factual Finding:**
 - Steps must be taken immediately to obtain voluntary compliance.
 - A finding's effective date is the date of notice to the reviewed entity.
- **Voluntary Resolution Agreement**

Complaint Submission:

Tamara Earley

Regional Civil Rights Officer

77 West Jackson Blvd., 20th Floor

Chicago, Illinois 60604

Phone: (312) 353-6657

Email: Tamara.Earley@usda.gov

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www.aging.ohio.gov