

Civil Rights Training

Civil Rights laws were enacted to remedy certain basic inequities in the legal, political and social system of our nation, to clarify the forms in which Civil Rights violations occur and to spell out penalties and sanctions for failure to provide all affected persons with "Equal justice under the law ..."

Equity, in the form of services to all qualified persons is so important that broad-ranged Federal and State laws have been enacted over the years to insure that ... No person in the United States shall, on the ground of race, color, sex, age, disability, religion, national origin or political belief, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. However, The Americans With Disabilities Act, which forbids discrimination against persons with disabilities, applies to all employees and services providers whether or not they receive any Federal financial assistance.

There are two critical terms to be defined:

prejudice - *an unjustified and unreasonable bias; a preconceived opinion about someone or something, usually unfavorable; and a feeling or attitude which almost all of us have about something.* If we are honest with ourselves, almost all of us have one or more prejudices. Some people have preconceived notions about all rich people, that they are heartless and selfish. Others have preconceived notions about poor people, that they are lazy and enjoy being without certain advantages.

discrimination - to make distinctions; good taste, discernment; and the use of good judgment. Have you ever heard of a "person of discriminating taste?" This person usually uses good judgment in the selection of clothes, furniture associates, etc. Then, using the definitions as shown, is discrimination in and of itself bad? No! Absolutely not! But, there is a second part to the definition - "a showing difference or favoritism in treatment ..." Now, is there a problem with this definition? Yes! Used in this context, discrimination means: to treat someone differently than others; to deny persons access to facilities based on race, color, national origin, age, sex, religion, disability or political belief. This is against the law.

If we choose to hold on to our personal prejudices, that is our right. But, it becomes DISCRIMINATION if we act on our prejudices - that is, when we take our thoughts and turn them into behaviors - which treat others differently, thereby denying other their equal rights.

Special nutrition programs and facilities they sponsor (including Head Start) must strictly adhere to and enforce the following :

1. **Title VI of the Civil Rights Act of 1964 (regarding discrimination in Federally-funded programs).**
 - a. protection of certain classes of persons called "protected classes": race, color, national origin
 - b. public notification of non-discriminatory services
 - c. written compliant procedures
 - d. and other regulations aimed at eliminating discrimination
2. **Section 504 of the Rehabilitation Act of 1973 (regarding persons with disabilities in Federally-funded programs, compliance and compliant procedures).**
 - a. protection of persons with disabilities
 - b. selection of someone to function as a 504 compliance coordinator
 - c. compliant and compliance stipulations similar to Title VI
3. **The Age Discrimination Act of 1975**
 - o has provisions to eliminate practices of discrimination on basis of age.
4. **Americans with Disabilities Act of 1980 (ADA) (regarding all qualified persons with disabilities).**
 - o the new "broad-ranging" law which provides for non-discrimination of persons with disabilities. Its provisions are not limited to persons involved in programs which receive federal funds. It applies to just about everyone who is an employee or operates a business.
5. **Title 40, Chapter 73 of the Texas Administrative Code (regarding discrimination to eligible participants).**
 - . Public Notification of non-discriminatory services
 - a. Civil Rights Compliance of TDHS
 - b. Compliant procedures
 - c. Investigation procedures for Civil Rights compliance
 - d. Administrative hearings
6. **All USDA and TDHS directives or regulations (regarding discrimination within the food service program).**
 - o specify to whom services will be delivered, how and under what circumstances.

7. Gender equality in education programs - Title IX of the Amendments of 1972 as amended.

- o prohibits discrimination on the basis of gender (sex) by any educational program or activity operated by such recipient which receives or benefits from Federal financial participation.

All of the following categories are considered "protected classes":

Race	Color	National Origin	Sex
Age	Disability	Political beliefs	Religion

Adherence to these laws require efforts in the following areas:

Public Notification -

- display the official USDA nondiscrimination poster, : " ...AND JUSTICE FOR ALL" in a prominent place,
- display the State poster on equal rights
- provide non-discriminatory assurance on all applications and informational materials available from your organization,
- be capable of providing information materials on the program in languages other than English if the need exists, or in other accessible formats, such as braille or American Sign Language,
- make program information available to the public upon request, in an acceptable format,
- assure that when human likenesses are used in program materials, reasonable efforts are made to depict an ethnic balance,
- have a written complaint procedure (even if that procedure states that a person(s) may use the procedures as set out by the Texas Department of Human Services) which includes the following statement:

"In the operation of the Special Nutrition Programs, participants are not discriminated against because of race, color, sex, national origin, age, political belief, religion or disability." If you believe you have been discriminated against, write immediately to:

*Director: Civil Rights Department
701 W. 51st Street (zip - 78751)
P.O. Box 149030 (zip - 78714-9030)
Mail Code W-106
Austin, Texas*

Voice - 512-438-3630

TDD - 512-438-4313

FAX - 512-438-4748

and.or you may contact

Secretary of Agriculture
Washington, D.C. 20250

Data Collection - Special Nutrition Programs Contractors must:

- Determine the estimated number of potentially eligible beneficiaries in your service (census tract) area by racial/ethnic category.
- Determine the number of actual beneficiaries currently enrolled in the program by racial/ethnic category.

Note: *Participants of mixed racial background should be categorized according to their appearance or the group which which they mainly identify. **Example:** Brandon is very fair skinned with light brown naturally straight hair. His mother is Hispanic and his father's appearance is such that he could be one of several different ethnic groups. You could reasonably categorize Brandon as Hispanic since his mother is identifiable, but his father is not.*

- Keep the original data (by site and date of session)
 - with documentation of source and method by which data was obtained
- Establish safeguards to ensure confidentiality of the data

Civil Rights Training

The Department of Human Services will provide Civil Rights training for your administrative staff. But, the Special Nutrition Program Contractor must:

1. provide similar training for all you staff including day care home providers.
2. maintain documentation of the training you provided including:
 - who gave the training
 - date training was provided
 - topics covered, and
 - names of everyone in attendance

Services to Persons with Physical or Mental Disabilities

For public services, **The Americans with Disabilities Act (ADA)** became effective on January 26, 1992.

Two laws, Section 504 of the Rehabilitation Act of 1973, which deals with disabilities and ADA, together prohibit a wide range of discriminatory actions to protect persons with disabilities. ADA does not replace 504. But, ADA is not limited to persons who receive federal financial participation. ADA applies to almost everyone.

These laws prohibit discrimination against qualified persons in achieving access to:

- special meals are served at no extra charge to participants whose disability requires a special diet (ADA and Section 504)
- a coordinator is assigned to assure compliance with regulations governing services to the disabled (Section 504)
- non-discriminatory practices are adhered to, (Section 504 and ADA)
- a self-evaluation of the SNP facility is done to determine accessibility of facility and services to persons with disabilities (Section 504)
- a transition plan to ensure program accessibility while changes are being made to a structure where services are ordinarily provided (Section 504)

Examples of things you must ask yourself regarding services under ADA

- Can the disabled person get to the facility?
- If the person with a disability can get to your location, can he/she get into the facility?
- If the person can get into the facility, can he/she get to the location where the services are provided and are they useable?
- If the person can get to the location where the services are provided, is there an accessible bathroom available and is it usable?
- If the person get to where the services are provided, are necessary accommodations made for the particular disability?
- Is there someone who can use American Sign Language?
- Is there someone to read to a blind person or a tape recording detailing the services available?
- Is there someone who can complete paperwork for a person who has no use of his/her arms?
- Is there a procedure established for providing special diets to children with diagnosed food allergies or medical conditions?

The Age Discrimination Act of 1975

This act deals with participants and is concerned with eliminating practices that prevent people from participating in programs or receiving services because of their age.

This act states that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program activity receiving federal financial assistance.

Note: This act deals with discrimination in employment. "Preconceived notions" about older people is a form of prejudice and if this results in discriminatory hiring practices, this is illegal.

Test Questions:

1. True False *The Special Nutrition Programs receive both federal and state tax dollars, therefore, the funds are to be used for the benefit of all eligible persons.*
2. True False *The Americans with Disabilities Act affects only persons with recognizable disabilities.*
3. True False *SNP contractors are affected by the same civil rights laws as the Department of Human Services.*
4. True False *The USDA "And Justice For All" and State equal rights posters only need to be displayed in the administration office of your agency.*
5. True False *Each contractor must have a written complaint procedure.*
6. True False *When you receive a civil rights complaint, all you need to do is handle it and notate it on a piece of paper for you file.*
7. True False *If you have a child of mixed racial background, you may categorize that child according to appearance or the group with which he/she mainly identifies.*

8. True False *You may not discriminate against program participants, or those with disabilities who seek services on behalf of program participants.*
9. True False *In order to facilitate access to facilities and services, you may have to alter your policies and procedures and remove all physical barriers.*
10. True False *If meal services to a program participant cannot be provided at you facility, you must provide an alternate method of assuring meal service to that person.*
11. True False *You may not charge a fee for persons who require special meals.*
12. Prejudice Discrimination *To treat someone differently than others; to deny persons access to employment, facilities or services is _____.*
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