

# WEST VIRGINIA DEPARTMENT OF AGRICULTURE



To watch the Civil Rights Video visit:  
[www.agriculture.wv.gov](http://www.agriculture.wv.gov)  
Click on **AG Business**  
Click on **Sr. Farmers Market**  
Click on **SFMNP Civil Rights Video**

**CIVIL RIGHTS  
FARMER TRAINING  
FARMERS MARKET NUTRITION  
PROGRAM**

# CIVIL RIGHTS TRAINING

Training is required so that people involved in all levels of administration of programs that receive Federal financial assistance understand civil rights related laws, regulations, procedures, and directives. Persons responsible for reviewing CR compliance must receive training to assist them in performing their review responsibilities. This training may be carried out as part of ongoing technical assistance.

The FNS Regional OCR and State agencies will be responsible for training State agency staffs. State agencies are responsible for training local agencies. Local agencies are responsible for training their subrecipients, including “frontline staff.” “Frontline staff” who interact with program applicants or participants, and those persons who supervise “frontline staff,” must be provided civil rights training on an annual basis. Specific subject matter must include, but not be limited to:

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

# What are Civil Rights?

Civil Rights are the non-political rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 14<sup>th</sup> Amendment to the U.S. Constitution and Acts of Congress.

## Civil Rights Concepts

- **Stereotyping**
  - ✚ **Preconceived beliefs or over-simplified generalizations about a particular group**
- **Prejudice**
  - ✚ **A set of rigid and unfavorable attitudes toward a particular group that is formed without considering facts**
- **Discrimination**
  - ✚ **The practice of treating people differently because of how we have grouped them in our minds according to our prejudices**

# Goals of Civil Rights

- Equal and consistent treatment for all applicants and beneficiaries
- Knowledge of rights and responsibilities
- Elimination of illegal barriers that prevent or deter people from receiving food
- Customer service orientation for all applicants and beneficiaries
- Provide an atmosphere of dignity and respect for all
- Be careful of perceptions of favoritism, even if it is unintentional

# Civil Rights Program Authorities

- Title VI – Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act (disability)
- Americans with Disabilities Act Amendments Act of 2008
- Age Discrimination Act of 1975
- Civil Rights Restoration Act of 1987
- Executive Order 13166 (LEP)
- USDA Department Regulation 4330-2
- 7 CFR Parts 15, 15a, 15b: Nondiscrimination
- 7 CFR Part 249 (SFMNP)
- 28 CFR Part 35: Nondiscrimination on the Basis of Disability in State/Local Government Services
- 28 CFR Part 42: Nondiscrimination in Federally Assisted Programs
- FNS Instruction 113-1

# Six Protected Bases

For FMNP, different treatment is based on one or more of the six protected bases.

-  Race
-  Color
-  National Origin
-  Sex
-  Age
-  Disability

## What is Discrimination?

Different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on a protected class.

# Racial/Ethnic Data Collection

As a means of monitoring civil rights compliance, State agencies shall establish a system for the collection of racial/ethnic data of each person applying for and receiving benefits.

Applicants shall be assured that the information is required for and used for statistical purposes only and has no effect on eligibility criteria.

Data should be collected at the point of application and retained at the service delivery area.

## Compliance Reviews

Examine the activities of State agencies and subrecipients to determine Civil Rights compliance;

FNS Civil Rights and Program staff review State agencies.

- FNS staff and State agencies review local agencies. Local agencies review their subrecipients, if applicable.

Significant findings must be provided in writing to the reviewed entity and to FNS.

# Public Notification

- Be sure that the Justice for All Poster is posted where customers can see it.
- The poster has both English & Spanish.

The poster features a green-tinted background image of a classical building with columns and an American flag. The text "AND JUSTICE FOR ALL" is prominently displayed in white, bold, sans-serif font. Below the image is a horizontal line of white stars. The text is presented in both English and Spanish, with the English version on the left and the Spanish version on the right. Contact information for the USDA Office of the Assistant Secretary for Civil Rights is provided at the bottom of each column.

**USDA**  
United States Department of Agriculture

## AND JUSTICE FOR ALL

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**I**n accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online, at <https://www.ocio.usda.gov/document/ad-3027>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

**mail:**  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or

**fax:**  
(833) 256-1665 or (202) 690-7442;

**email:**  
program.intake@usda.gov.

This institution is an equal opportunity provider.

**C**onforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, edad, discapacidad, venganza o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles (no todos los principios de prohibición aplican a todos los programas).

La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (202) 720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en <https://www.ocio.usda.gov/document/ad-3027>, en cualquier oficina del USDA; llamando al (866) 632-9992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

**correo postal:**  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; o

**fax:**  
(833) 256-1665 o (202) 690-7442;

**correo electrónico:**  
program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.

Form AD-475-A—Assisted Poster/ Revised September 2019

Atiche complementario al Formulario AD-475-A / Revisado Septiembre 2019

# 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](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](mailto:program.intake@usda.gov).

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# Limited English Proficiency Plans

- Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
- Organizations that receive federal assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important benefits, rights, programs and services
- An LEP Plan is a strategy for organizations to identify LEP persons who need language assistance, ways the assistance will be provided, train staff, provide notice and monitor and update their plans

*If you do not understand the training materials in English or English is not your primary language, you can contact the WV Department of Agriculture and the information will be provided to you in your primary language.*

# Disability Discrimination

- A person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such as impairment, or is regarded as having such impairment.
- Major life activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- Sections 504 and 508 of the Rehabilitation Act of 1973
  - Prohibit discrimination based on disability in programs or activities receiving Federal financial assistance.
- Americans with Disabilities Act (ADA), 28 CFR Part 35, Title II, Subtitle A
  - Prohibits discrimination on the basis of disability in all services, programs and activities provided to the public by State and local governments.
- These Civil Rights laws protect persons with disabilities who apply for or participate in all FNS – funded programs.

# Complaints

- Customer Service Complaint – There has been a break down in service, and can result from a lack of customer focus, being insensitive, demonstrating a lack of understanding
- Civil Rights Complaint/Discrimination – Are characterized by the complainant verbalizing or submitting in writing that they feel they have been treated unfairly or discriminated against due to a protected class barrier.

# Types of Discrimination

- Charging a person using a voucher more for produce than someone paying with cash.
- Refusing service to someone who is in the “protected” class.
- Refusing service to someone who is using a voucher.

## Retaliation

- Retaliation means negative treatment of someone because they filed a complaint or complained about discrimination or testified as a witness in a complaint investigation.
- Retaliation could involve denial of service, harassment, intimidation, etc.
- Retaliatory behavior can result in a finding of discriminatory retaliation even if the original complaint filed by the individual is baseless.

# Conflict Resolution

- Be patient, be polite, and breathe
- Avoid sarcasm
- Be empathetic. Understand that people may not know the rules or understand how programs work. Even though they receive a list of acceptable produce, they may not actually read what is on it. They may try to buy something not on the list, just explain that you cannot take vouchers for that item but they can pay cash if they want to purchase it.
- Smile when appropriate – help people to feel welcome and valued
- Explain policy and let them know that you will get in trouble if you do anything that violates the rules.
- Don't be afraid to apologize
- Don't feel you need to have the last word

## **When a Customer wishes to file a complaint**

If you have a customer wishing to file a complaint, let them know they will need to contact U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; Fax: (202) 690-7442; or Email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

## **When a Farmer wishes to file a complaint**

You have the same rights under the law. If you wish to file a complaint you need to submit to the U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; Fax: (202) 690-7442; or Email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

- Name, address and phone number – or other means of contacting the person alleging discrimination
- Location and name of organization accused of discrimination
- Basis of alleged discrimination
- Nature of incident that led person to allege discrimination
- You can make your complaint verbally by calling the WV Department of Agriculture at 304.558.2210

# Points to Ponder

In order to reduce the risk of a civil rights discrimination complaint, ask yourself the following questions each time an applicant visits your business:

- Am I treating this person in the same manner that I treat all others?
- Have I told this person exactly why I cannot sell them something not on the list of accepted produce?
- Have I told this person that I cannot give them back change and explain they can get more produce?

## Educate your Staff and Volunteers

- Hold an Annual Civil Rights Training to make sure all staff and volunteers you have working for you are aware of the Civil Rights of the customer and themselves
- Make staff and volunteers aware of how to respond to a customer who wishes to file a complaint

# Assurance of Civil Rights Compliance

The FARMER hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (20 U.S.C. 794), Age Discrimination Act of 1975 (42 U.S.C. 610 et seq.): all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcements Guidelines; and FNS directives and guidelines to the effect that no person shall on the ground of race, color, national origin, age, sex, or handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the FARMER receives Federal financial assistance from WV S/FMNP; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.

By providing this assurance, the FARMER agrees to compile data, maintain records and submit reports as required to permit effective enforcement of the nondiscrimination laws, and to permit WV Department of Agriculture personnel during normal working hours to review such records, books and accounts as needed to ascertain compliance with the non-discrimination laws. If there are any violations of this assurance, the WV Department of Agriculture shall have the right to seek judicial enforcement of this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grant and loans of Federal funds, reimbursable expenditures, grant or donation of Federal property and interest in property, the detail of Federal personnel, reimbursable expenditures, grant or donation of Federal property and interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the FARMER by the WV Department of Agriculture. This includes any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance such as food, cash assistance extended in reliance on the representations and agreements made in this assurance.

This assurance is binding on the FARMER, its successors, transferees, and assignees as long as it receives assistance or retains possession of any assistance from the WV Department of Agriculture. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the FARMER.

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*Signature*

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*Date*

# Customer Service

Service is

Effectively communicating with customers;

Responding to their needs,

Valuing their worth, and

Instilling excellence through

Courtesy, confidence, and

Enthusiasm.



**WEST VIRGINIA DEPARTMENT OF AGRICULTURE  
FARMERS MARKET NUTRITION PROGRAM**

**1900 Kanawha Boulevard East  
Charleston, West Virginia 25305**

**Phone: 304.558.2210**

**[www.wvagriculture.org](http://www.wvagriculture.org)**