



National Association of  
Food Distribution  
Programs on  
Indian Reservations  
17<sup>th</sup> Annual Conference  
**“Journey to Better Health”**  
Civil Rights Road Map  
June 17, 2004  
Green Bay, Wisconsin

# AGENDA



- 1. Introduction**
- 2. Civil Rights Laws**
- 3. Types of Discrimination**
- 4. Components of Civil Rights**
- 5. Situations**
- 6. Questions**
- 7. Closing Thought**



# CIVIL RIGHTS LAWS



- ❖ Title VI – Civil Rights Act of 1964 – Race, color, national origin
- ❖ Title IX of the Education Amendments of 1972 - Sex
- ❖ Section 504 of the Rehabilitation Act of 1973 - Disability
- ❖ Americans with Disabilities Act - Disability

# CIVIL RIGHTS LAWS

- ❖ Age Discrimination Act of 1975 – Age
- ❖ Civil Rights Restoration Act of 1987 – Race, color & national origin
- ❖ Program statutes and regulations – race, color, national origin, sex, age, religion, political beliefs, and disability



# TYPES OF DISCRIMINATION

- ❖ Disparate Treatment
- ❖ Disparate Impact
- ❖ Reprisal/Retaliation



# TYPES OF DISCRIMINATION



## Disparate Treatment

Person is discriminated against because he or she belongs to a protected class or is perceived to belong to a protected class. This type of discrimination is intentional. People can sue the agency that engages in such discrimination.

# TYPES OF DISCRIMINATION

## Disparate Impact

Person or group experiences discrimination because a rule or policy that appears neutral on its face impacts disproportionately on members of a certain group. This type of discrimination is often unintentional. After Sandoval case, remedy is for person to pursue relief through the Federal agency that supplied financial assistance to the program or activity.



# TYPES OF DISCRIMINATION

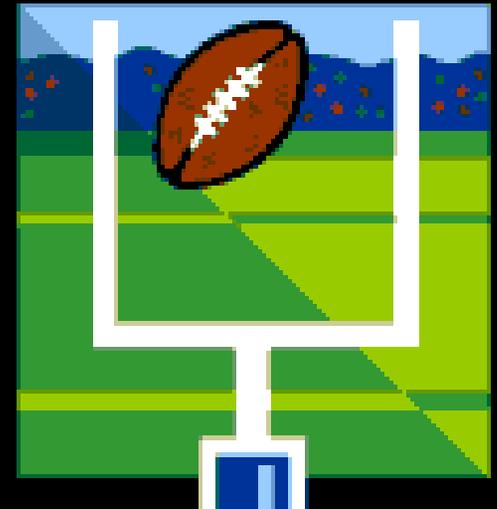
## REPRISAL/RETALIATION

Person treated badly or given a hard time because of previous civil rights or EEO activity such as filing a complaint. This can result in a finding even if the original complaint filed by the person is groundless.



# GOALS OF CIVIL RIGHTS

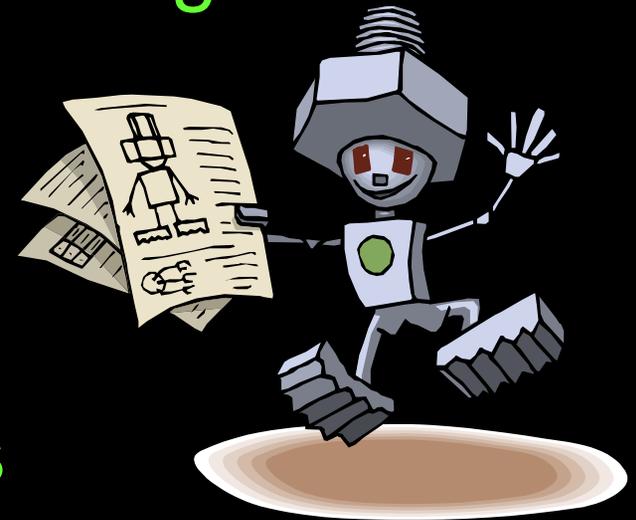
- ❖ Equal treatment for all applicants and beneficiaries
- ❖ Knowledge of rights and responsibilities
- ❖ Elimination of illegal barriers that prevent or deter people from receiving benefits
- ❖ Dignity and respect for all

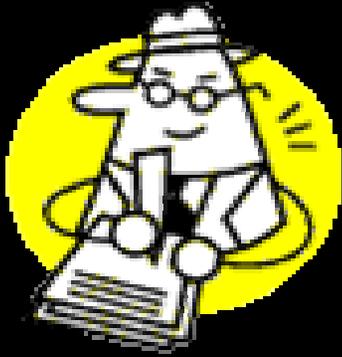


# COMPONENTS OF CIVIL RIGHTS COMPLIANCE

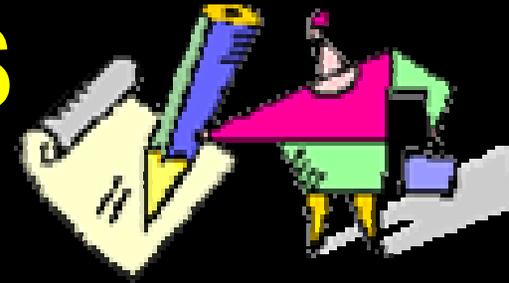


- ❖ Assurances
- ❖ Technical Assistance & Training
- ❖ Outreach & Education
- ❖ Compliance Reviews
- ❖ Complaints Investigation
- ❖ Data Collection & Analysis





# ASSURANCES



- ❖ Help to Clarify Expectations
- ❖ Intended to help eliminate discrimination against applicants, participants, and beneficiaries
- ❖ Intended to prevent future discrimination
- ❖ Help address effects of past discrimination

# TECHNICAL ASSISTANCE AND TRAINING

- ❖ Encourages voluntary compliance
- ❖ Recipients should train sub-recipients
- ❖ Initial training & regular follow-up important
- ❖ All employees should know basics



# OUTREACH AND EDUCATION



- ❖ Reach as many potential eligibles as possible
- ❖ Insure program access & awareness of rights
- ❖ Pay attention to under-represented groups
- ❖ Insure information is available in other languages (limited English proficiency)



# OUTREACH AND EDUCATION

- ❖ USDA non-discrimination poster is part of outreach requirement – AD 475B
- ❖ Insure that the non-discrimination statement is on all materials that mention USDA programs (including web sites)
- ❖ When using graphics, reflect diversity and inclusion.
- ❖ Show people of different races, colors, national origins, males, females, and persons with disabilities



# **NONDISCRIMINATION STATEMENT**

**“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. (Not all prohibited bases apply to all programs.)**

**To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.”**

**Don't forget web sites!!!**

# **NONDISCRIMINATION STATEMENT**

**If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, in print size no smaller than the text, that:**

**“This institution is an equal opportunity provider.”**

**INCLUDE A NONDISCRIMINATION  
STATEMENT WHENEVER FDPIR IS  
MENTIONED!**

# LIMITED ENGLISH PROFICIENCY

- ❖ Identify languages
- ❖ Identify where needed
- ❖ Identify extent of needs
- ❖ Identify how to best meet needs
- ❖ See [www.lep.gov](http://www.lep.gov) for more info

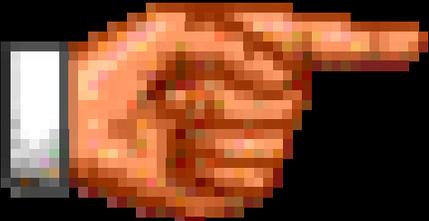


# COMPLIANCE REVIEWS

**Purpose: Determine if the applicant or recipient of Federal financial assistance is in compliance with civil rights requirements.**

- ❖ **Post-award reviews**
- ❖ **Pre-award reviews**
- ❖ **Special reviews**





# COMPLAINTS

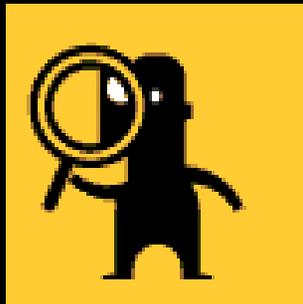


**Discrimination complaints indicate possible non-compliance with civil rights requirements. All persons dealing with USDA funded programs should have a general knowledge of the procedures for filing a complaint or should know where to get the information.**



# COMPLAINTS INVESTIGATION

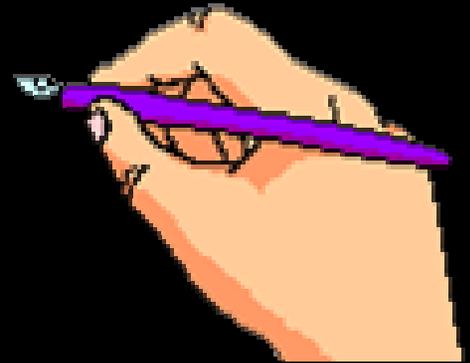
- ❖ Be aware of the basics for which CR complaints may be filed in FDPIR: race, color, national origin, age, sex, disability, religion, and political beliefs
- ❖ Never discourage groups or individuals from filing complaints or from voicing allegations of discrimination.
- ❖ Know where to file a complaint - USDA



# COMPLAINTS INVESTIGATION

Tell complainants to write to:

**USDA, Director of Civil Rights  
Room 326-W, Whitten Building  
14th and Independence Avenue, SW  
Washington, DC 20250-9410**



# COMPLAINTS INVESTIGATION

Or tell complainants to call USDA at:  
**(202) 720-5964 (voice and TDD)**



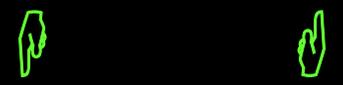
# COMPLAINTS INVESTIGATION

DO NOT DISCOURAGE ANY  
INDIVIDUALS OR GROUPS IN THEIR  
EFFORTS TO FILE A COMPLAINT OR  
TO VOICE ALLEGATIONS OF  
DISCRIMINATION

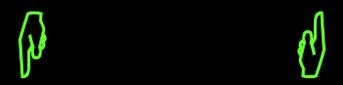


# COMPLAINT PROCESSING

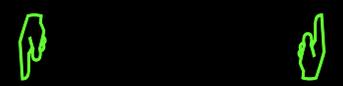
Department



FNS Headquarters



FNS Regional Office



FNS Field Office



# DATA COLLECTION & ANALYSIS

Helps determine if there are disparities between the potentially eligible population and the participating population or shows discrimination

Outreach efforts can be targeted

Follow rules on retention & privacy



# SITUATIONS

The FDPIR site is located in a building with a small step to get in the door. Could this cause any problems from a civil rights perspective, and if so what and what might be done?



# SITUATIONS



An attractive person comes to get commodities. While the person is there, some flirtation occurs, and the person asks if the employee would like to get together some time. What should be the response?





# SITUATIONS



**A person requests that only low carbohydrate foods be included in the food package since the diet he or she is on requires avoiding certain foods. Is it discrimination if you do not accommodate them? Would it make any difference if they have been diagnosed as obese with hypertension?**



# SITUATIONS



**Complaining Woman is not satisfied with how she has been treated at the FDPIR site and thinks it is because she has very pale skin coloring. She asks a representative of the ITO about filing a discrimination complaint. The ITO representative replies that Complaining Woman has no basis for a complaint since she is an Indian just like everyone else and that would make any complaint ridiculous. Is there a problem here? How should the ITO representative have handled this? Might there be a valid discrimination issue here, and if so, on what basis?**



# SITUATIONS

Complaining Man files a civil rights complaint. He alleges mistreatment by the ITO that administers the FDPIR. An FNS representative conducts a preliminary inquiry that includes interviewing people who work with the FDPIR, interviewing advocacy groups, and reviewing files. FNS does not find discrimination, but the ITO is upset because responding to the complaint took up a lot of time and it there is a feeling that it made the ITO look bad. The next time Complaining Man comes in for commodities, several people comment to him about how he should not go around making trouble. He is also required to wait while others who arrive after him are served immediately. Are there any problems in this scenario? If so, what and why? What should or should not occur?



# SITUATIONS



There are people living on the reservation who may be eligible for commodities but are not participating. What are some reasons why this might be happening? How could you find out for sure why they are not participating? What might be done to get at least some of these people to participate?

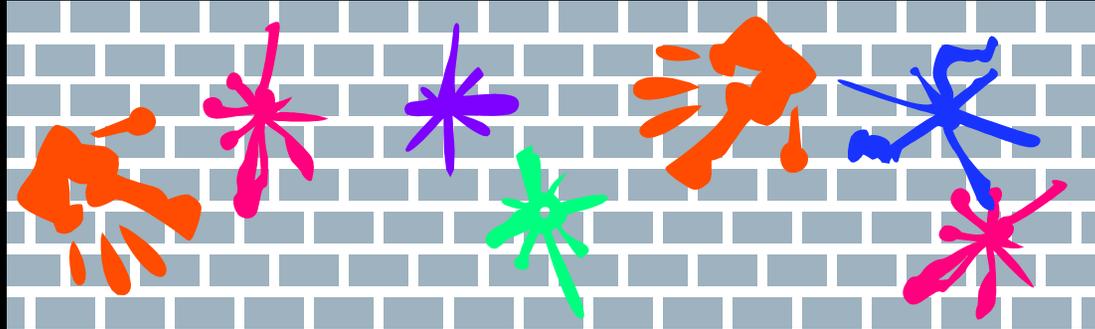


# SITUATIONS

The ITO has a contest to design a non-discrimination poster. A talented high school student submits a winning design, and the ITO prints 50 copies for use in places like FDPIR sites. The poster contains the required USDA, FNS non-discrimination statement. It is attractive and much more appealing than the USDA “And Justice for All...” poster. Is it acceptable for the ITO to replace the “And Justice for All...” posters with this new poster?



# SITUATIONS



Someone has written inappropriate graffiti on the USDA “And Justice for All...” non-discrimination poster that is displayed at the distribution site. The ITO calls FNS and is told that there are no posters available and that some are on order. What should be done?



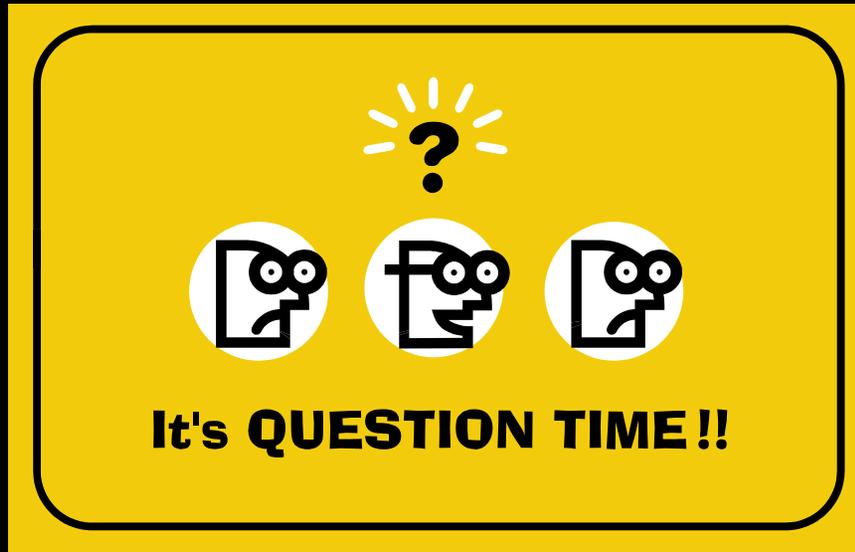
# SITUATIONS

The ITO decides to schedule different commodity pick up days for people who live on the eastern and western halves of the reservation. The western residents would get their commodities two days later. Most of the people who live on the west side of the reservation are non-members of the tribe. Is this discrimination? If so, what type of discrimination would it be? Is there a possible business reason for doing this?

# SITUATIONS



An elderly person living on the reservation suffered a stroke. The person recovered but has resorted to speaking Navajo. All indications are that this person can no longer communicate in English. Must the Indian Tribal Organization (ITO) running the Food Distribution Program on Indian Reservations (FDPIR) provide any special services to this person in order to be in compliance with civil rights laws? What civil rights laws, if any would apply here? What might need to be done, if anything and why?



**It's QUESTION TIME!!**

A yellow rectangular box with rounded corners and a black border. At the top center is a black question mark with radiating lines above it. Below this are three circular icons, each containing a stylized stick figure with large eyes. The first figure is on the left, the second is in the middle, and the third is on the right. Below the icons, the text "It's QUESTION TIME!!" is written in a bold, black, sans-serif font.



# CLOSING THOUGHT

**“If the white man wants to live in peace with the Indian, he can live in peace....Treat all men alike. Give them all the same law. Give them all an even chance to live and grow. All men were made by the same Great Spirit Chief. They are all brothers. The Earth is the mother of all people, and all people should have equal rights upon it....Let me be a free man, free to travel, free to stop, free to work, free to trade....free to choose my own teachers, free to follow the religion of my fathers, free to think and talk and act for myself, and I will obey every law, or submit to the penalty.”**

**Heinmot Tooyalaket "Chief Joseph", Nez Perce**

# CLOSING THOUGHT II



**It does not require many words to speak  
the truth.**

**Chief Joseph, Nez Perce (1840-1904)**

# CONTACT INFORMATION

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