



Civil Rights

for TEFAP

What are Civil Rights?

The nonpolitical right of a citizen; the right of personal liberty guaranteed to U.S. citizens by the 13th and 14th amendments to the U.S. Constitution and by acts of Congress.



HARVESTERS
COMMUNITY FOOD NETWORK

Civil Rights Legislation

- Title VI of the Civil Rights Act of 1964 – Prohibits discrimination based on race, color, and national origin
- Title IX of the Education Amendments of 1972 – Prohibits discrimination based on sex under any education program activity that is receiving federal financial assistance
- Americans with Disabilities Act (ADA) and Section 504 of Rehabilitation Act of 1973 – Prohibits discrimination based on disability
- Age Discrimination Act of 1975 – Prohibits discrimination based on age
- Executive Order 13166 – Prohibits discrimination based on limited English proficiency
- USDA Regulation & CFR Part 16, Equal Opportunity for Religious Organizations
- FNS Instructions 113-1

<http://www.fns.usda.gov/cr/crregulation/htm>



HARVESTERS
COMMUNITY FOOD NETWORK

Protected Classes in USDA Programs

- Federal law prohibits discrimination based on:
 - Race
 - Color
 - National Origin
 - Sex
 - Disability
 - Age
- Federal law also prohibits
 - Reprisal or Retaliation for prior civil rights activity in any program or activity conducted or funded by the USDA

Note: Religious creed is not a protected class



HARVESTERS
COMMUNITY FOOD NETWORK

What is Discrimination?

Discrimination is defined as the act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of action or lack of actions base on the protected classes.



HARVESTERS
COMMUNITY FOOD NETWORK

Seven Areas of Civil Rights Compliance

- Public Notification System
- Data Collections
- Training
- Compliance Reviews
- Civil Rights Complaints
- Assurances
- Limited English Proficiency



Public Notification

- The purpose of a public notification system is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, the nondiscrimination policy, and the procedures for filing a complaint.



HARVESTERS
COMMUNITY FOOD NETWORK

Public Notification System

- There are three elements of the Public Notification System:
 - Program Availability
 - FD-6, FD-15A, FDP Fact Sheet
 - Nondiscrimination Statement
 - And Justice For All poster
 - Complaint Information
 - And Justice For All poster



Public Notification System Requirements

- Publicize CSFP to all, including underserved populations and the entities that service them
- Provide information in alternative formats, including web-based information for persons with disabilities
- Use the nondiscrimination statement on all applicable publications
- Convey the message of equal opportunity in all graphics on all materials
- Display the “And Justice For All” poster in a prominent location



And Justice For All...

All recipient agencies must display the “And Justice For All” nondiscrimination poster in a prominent location.



In 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.)

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 State or local Agency that administers the program or USDA's TARGET Center at (800) 725-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information is available in languages other than English.

To file a complaint alleging discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or 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 (800) 632-9992. Submit your completed form or letter 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

fax:
(202) 690-7442; or

email:
program.intake@usda.gov.

This institution is an equal opportunity provider.

Conforme a las leyes federales y a los derechos civiles, reglamentos y políticas del Departamento de Agricultura de los Estados Unidos (U.S. Department of Agriculture, USDA), se prohíbe a esta institución discriminar por motivo de raza, color, nacionalidad, sexo, edad, discapacidad y represión o tomar represalias por actividades realizadas en el pasado relacionadas con los derechos civiles. (No todos los principios de prohibición se aplican a todos los programas).

Las personas discapacitadas que requieran medios alternos para que se les comunique la información de un programa (por ejemplo, braille, letra agrandada, grabación de audio, lenguaje de señas estadounidense, etc.) deberán comunicarse con la agencia estatal o local responsable de administrar el programa o al TARGET Center del USDA al (800) 725-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339. La información del programa también está disponible en otros idiomas además del inglés.

Para presentar una queja por alegada discriminación, complete el formulario de quejas por discriminación del programa del USDA, AD-3027, que podrá encontrar en línea en http://www.ascr.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Complaint_8_8_12_0.pdf o en cualquier oficina del USDA o escriba una carta dirigida al USDA que incluya toda la información solicitada en el formulario. Para solicitar una copia del formulario de presentación de quejas, comuníquese al (800) 632-9992. Envíe su formulario o carta completos al USDA por:

correo:
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; o

correo electrónico:
program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.



HARVESTERS
COMMUNITY FOOD NETWORK

Nondiscrimination Statement

(Revised October 2015)

Full 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 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.



HARVESTERS
COMMUNITY FOOD NETWORK

Nondiscrimination Statement

- Include the nondiscrimination statement on all materials that mention USDA programs (including websites).
- When using graphics, reflect diversity and inclusion.



Nondiscrimination Statement Exception

- A nondiscrimination statement is not required to be imprinted on items such as cups, buttons, magnets, and pens that identify the program, when the size or configuration makes it impractical.



HARVESTERS
COMMUNITY FOOD NETWORK

Minimum (Short) Nondiscrimination Statement

“This institution is an equal opportunity provider”

- The use of the short statement is an exception, not the rule.
- It must only be used in limited circumstances and only on pamphlets where it is impracticable to print the entire statement.
- The nondiscrimination statement must not be paraphrased in any form other than this acceptable short statement.
- The text must be easily readable in Times New Roman or other standard font (black or dark color) and 11 point minimum size.



Civil Rights Training

Any staff/volunteer member that has personal contact or if they are handling personal information of the participant are required to have Civil Rights training. Local Agencies are responsible for training staff on an annual basis. At the end of the training, staff:

- should be able to identify a civil rights complaint if received.
- should know what to do if they receive a complaint.
- should understand that it is the basic right of the individual to file a complaint.



Compliance Reviews

- The purpose is to determine if the applicant or recipient of Federal assistance is in compliance with civil rights requirements.



Compliance Reviews

- Recipient Agency compliance is reviewed by both Harvesters and the State of Kansas or Missouri
- Displaying nondiscrimination poster in conspicuous location
- Nondiscrimination statement on all printed materials and web sites
- Recipient Agency provides outreach materials to organization within the community to reach all eligible populations
- Annual civil rights training conducted for staff/volunteers
- Procedure in place to handle civil rights complaints in accordance with regulations



Civil Rights Complaints

Right to File a Complaint:

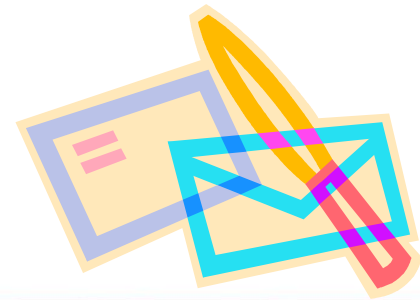
Any person who believes he or she has been discriminated against based on race, color, national origin, sex, disability, age or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA, has a right to file a complaint within 180 days of the alleged discriminatory action.



HARVESTERS
COMMUNITY FOOD NETWORK

Forms of Civil Rights Complaints and Handling

- All civil rights complaints, written, verbal or anonymous, shall be accepted.
- Recipient Agencies shall document all required information and forward to their local foodbank who will in turn forward to the FSD Food Distribution Unit.
- The State agency will forward the complaint to the FNS Regional Office and DSS Office of Civil Rights for handling.



HARVESTERS
COMMUNITY FOOD NETWORK

Contents of a Civil Rights Complaint

1. Name, address and telephone number, or other means of contacting of the complainant.
2. Specific location and name of the agency delivering the service or benefit.
3. Nature of the incident or action that led the complainant to feel discrimination was a factor, and an example of the method of administration which is having a disparate effect on the public, potential eligible persons, applicants, or participants.
4. The basis on which the complainant believes discrimination exists.
5. The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action.
6. The date(s) during which the alleged discriminatory actions occurred.

Note: The complaint form can be found online at http://www.ascr.usda.gov/complaint_filing_cust.html



HARVESTERS
COMMUNITY FOOD NETWORK

Assurances

To qualify for Federal assistance, written assurance that the program will be operated in a nondiscriminatory manner must be included in all agreements between agencies.

Note: This assurance is included in the Food Bank/Eligible Recipient Agency Agreement (FD-6).



HARVESTERS
COMMUNITY FOOD NETWORK

Limited English Proficiency (LEP)

Definition of LEP Persons:

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.



HARVESTERS
COMMUNITY FOOD NETWORK

Limited English Proficiency

- Where a significant number or proportion of the population eligible to be served needs service or information in a language other than English in order to be informed of, or to participate in CSFP, the recipient agency shall take reasonable steps to provide information in appropriate languages to such persons.
- Agencies that fail to provide services to LEP persons and applicants, or deny them access to CSFP may be discriminating on the basis of national origin in violation of Title VI.



Limited English Proficiency

- Where a significant number or proportion of the population eligible to be served needs service or information in a language other than English in order to be informed of, or to participate in CSFP, the recipient agency shall take reasonable steps to provide information in appropriate languages to such persons.
- Agencies that fail to provide services to LEP persons and applicants, or deny them access to CSFP may be discriminating on the basis of national origin in violation of Title VI.



Food for Thought

Customer Service is important. Treat all participants with dignity and respect.

Staff and volunteers involved in the distribution of USDA foods should ask themselves the following:

- Am I treating this person in the same manner I treat others?
- Have I given this person the opportunity to clarify all relevant factors or inconsistencies?
- Have I told this person exactly what information I need to make a determination on the application?
- Have I provided this person with the information he or she needs to make necessary decisions?



“How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving, and tolerant of the weak and strong. Because someday in life you will have been all of these.”

– George Washington Carver



HARVESTERS
COMMUNITY FOOD NETWORK