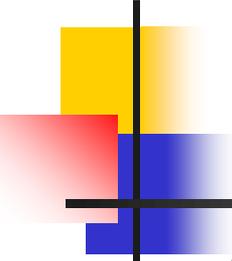


Civil Rights Compliance in The Emergency Food Assistance Program (TEFAP)



Food and Nutrition Service
Office of Civil Rights
October 2020



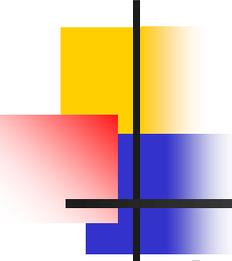
Civil Rights Training for The Emergency Food Assistance Program (TEFAP) Staff and Volunteers

- Civil Rights training must be provided annually to any staff or volunteer assisting in the distribution of TEFAP donated foods
- TEFAP participants are entitled to certain Civil Rights, as guaranteed by the U.S. Constitution, Federal laws and the Code of Federal Regulations (CFR)
- This presentation outlines these rights, and how they apply to TEFAP

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 actions or lack of actions based on the protected classes.



Protected Classes in TEFAP

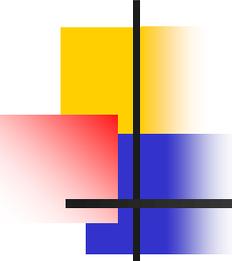
The following are protected classes:

- Race
- Color
- National Origin
- Sex
- Disability
- Age
- Reprisal or Retaliation for prior civil rights activity in any program or activity conducted or funded by USDA

What are Civil Rights?

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





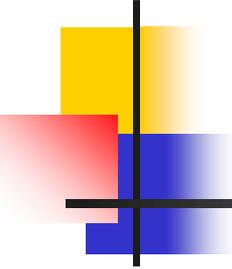
Civil Rights Laws

- Title VI of the Civil Rights Act of 1964 – Covers Race, Color & National Origin
- Title IX of the Education Amendments of 1972 - Sex
- Section 504 of Rehabilitation Act of 1973 – Disability
- Age Discrimination Act of 1975 – Age
- Executive Order 13166 – Limited English Proficiency

Seven Areas of Civil Rights Compliance

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





Public Notification System

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.

Public Notification System

Three Elements of Public Notification:

1. Program Availability

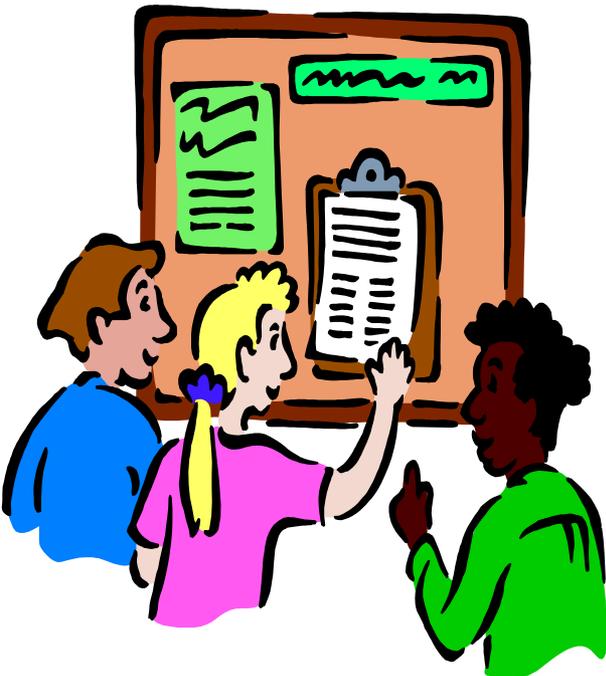
(Missouri Forms:
FD-6, FD-15A, FDP Fact Sheet)

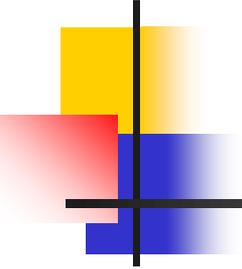
2. Complaint Information

("And Justice For All Poster")

3. Nondiscrimination Statement

("And Justice For All Poster")

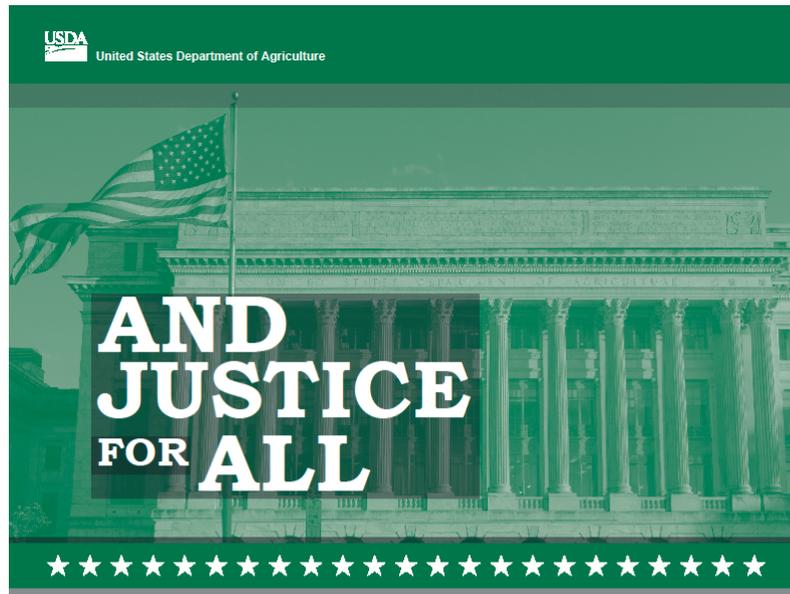




Public Notification System Requirements

- Publicize TEFAP 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; and
- Display the “And Justice For All” poster in a prominent location.

And Justice For All...



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.)

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 www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf, 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.

Conforme 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

www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf, 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.

Nondiscrimination Statement (Revised October 2015)

Full Statement

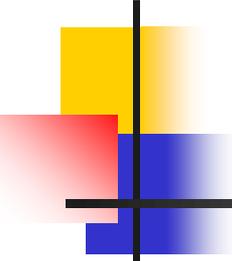
In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national 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: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> 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:

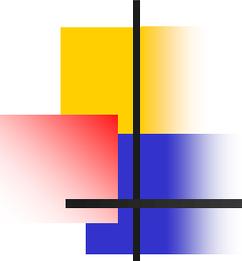
- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

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Nondiscrimination Statement

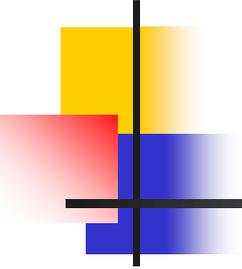
- Include the nondiscrimination statement on all materials that describe TEFAP benefits; including web-sites.
- For radio or television public service announcements, the nondiscrimination does not have to be read in its entirety. A short statement is sufficient.



Minimum (Short) Nondiscrimination Statement

- The long statement is to be used in most instances. The use of the shorter statement is an exception, not the rule and should only be used in special circumstances.
- If written material is too small to permit the full statement to be included, the material will at a minimum include the following statement in print no smaller than the text:

“This institution is an equal opportunity provider”



Nondiscrimination Statement Exception

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

Civil Rights Complaint Handling

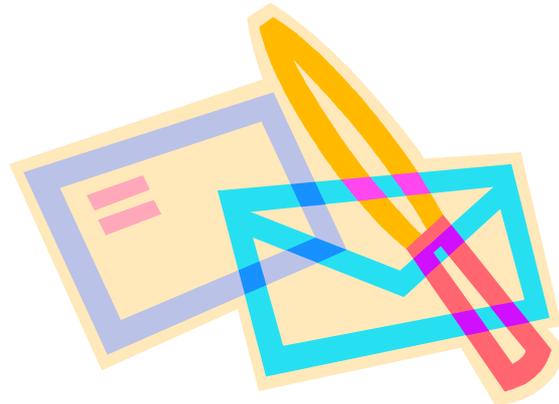
- Right to File a Complaint:

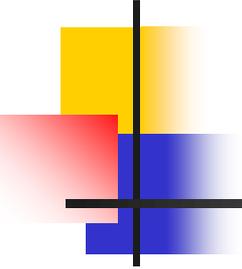
Any person alleging discrimination based on race, color, national origin, sex, disability, age or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA, has a right to file a complaint within 180 days of the alleged discriminatory action.



Civil Rights Complaint Handling

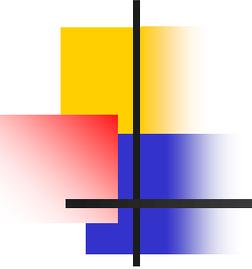
- Acceptance:
All civil rights complaints, written or verbal, shall be accepted and forwarded to the Family Support Division (FSD) Food Distribution Unit.
- The State agency will forward the complaint to the FNS Regional Office and the Department of Social Services (DSS) Office of Civil Rights.





Contents Of A Civil Rights Complaint

- Name, address and telephone number, or other means of contacting of the complainant;
- Specific location and name of the agency delivering the service or benefit;
- 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;

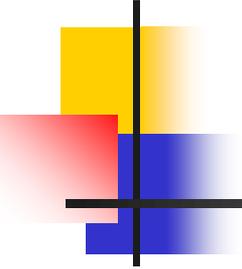


Contents Of A Civil Rights Complaint (continued)

- The basis on which the complainant believes discrimination exists;
- The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action; and
- The date(s) during which the alleged discriminatory actions occurred.

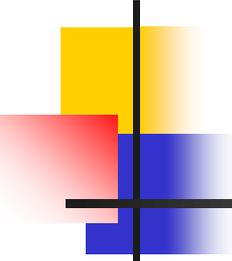
Note: The complaint form can be found online at:

<https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>



Assurances

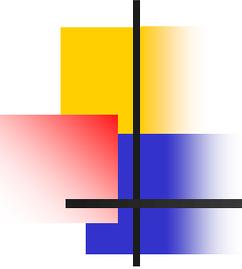
To qualify for Federal financial assistance, written assurance that the program will be operated in a nondiscriminatory manner must be included in all agreements between agencies.



Limited English Proficiency (LEP)

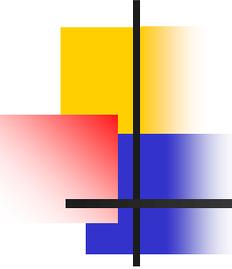
Definition of LEP Persons:

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



Limited English Proficiency (LEP)

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 TEFAP, the recipient agency shall take reasonable steps to provide information in appropriate languages to such persons.



Limited English Proficiency (continued)

Agencies that fail to provide services to LEP persons and applicants, or deny them access to TEFAP may be discriminating on the basis of national origin in violation of Title VI.

Food For Thought



Staff and volunteers involved in the distribution of TEFAP commodities 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 the person with the information he or she needs to make necessary decisions?