

Civil Rights Training



Agenda

- What Is Discrimination
- Assurances and Public Notification
- Nondiscrimination Statement
- Limited English Proficiency (LEP)
- Disability Discrimination
- What Is a Disability
- How to Assist those with a Disability
- Equal Opportunity for Religious Organizations
- Complaints of Discrimination

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...”

- 1)Race
- 2)Color
- 3)National Origin
- 4)Age
- 5)Sex
- 6)Disability

Assurances and Public Notification

- To qualify for USDA programs, including TEFAP, enrollment must be accompanied by a written assurance that the entity to receive assistance will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines.
- Display the “Justice For All” poster in a prominent location for all to view.

Nondiscrimination 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.

USDA Nondiscrimination Statement (NDS) Short versions

- **This institution is an equal opportunity provider.**
- **Esta institución es un proveedor que ofrece igualdad de oportunidades. (Spanish)**

Translations

22 Non-English Languages at:

<https://www.fns.usda.gov/fns-nondiscrimination-statement>

Limited English Proficiency

Title VI and its implementing regulations, Executive Order 13166, and USDA LEP guidance require Federal agencies and recipients (State agencies, local agencies, or other subrecipients), to take reasonable steps to ensure “meaningful” access to their programs and activities by Limited English Proficient (LEP) persons.

(FNS Instruction 113-1, Section VII)

LEP and Program Access

Language services:

- Applicants and participants cannot be asked to bring their own interpreters
- Children should **not** be used as interpreters
- Use qualified, competent language resources

Examples of language services:

- Qualified, competent bilingual staff
- Telephone interpreter lines
- Oral interpretation services
- Written language services
- Qualified, competent community organizations and volunteers

Disability Discrimination

- Section 504 states that “no otherwise qualified individual with a disability in the United States... shall solely by reason of his or her disability, be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service.”
- There is an obligation to ensure that members of the public are provided reasonable modifications in order to access program information, applications and assistance (i.e. Braille, large print, and audio tape).
- Providing qualified sign language interpreters or other auxiliary aids and services for persons with hearing disabilities may be necessary to effectively communicate with these applicants and participants.

What Is a Disability?

- A person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.
- Major life activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

How to Assist those with a Disability?

- Programs must ensure physical accessibility for buildings and facilities, particularly to persons in wheelchairs and with mobility disabilities.
- Programs must permit service animals to accompany people with disabilities in all areas where the public is allowed to go.

Equal Opportunity for Religious Organizations

7 CFR Part 16

- Ensures a level playing field for the participation of faith-based organizations and other community organizations in USDA programs—including TEFAP.

Complaints of Discrimination 1/3

- Complaints must be filed within 180 days from the alleged act of discrimination, with exceptions.
- Complaints may be written, verbal, or anonymous.
- State agencies or subrecipient agencies may develop their own complaint forms, but the use of such forms cannot be a pre-requisite for acceptance.
- A separate Civil Rights complaint log shall be maintained by the State & subrecipient agency.
- Confidentiality is extremely important and must be maintained.

Complaints of Discrimination 2/3

Complaints based on all protected bases, except age:

- Must be forwarded to FNS Civil Rights Division within 5 calendar days.

Complaints based on age (or age complaints that include other bases):

- Must all be forwarded to FNS Civil Rights Division within 5 business days of receipt regardless of complaint procedure utilized above

Complaints of Discrimination 3/3

USDA Discrimination Complaint Form

- English:

http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf

- Spanish:

http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf

Questions