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USDA CIVIL RIGHTS TRAINING

- Prepared by : The State of Georgia
- Purpose: USDA Civil Rights Training
- Date: Federal Fiscal Year 2024

Civil Rights Training

- All levels of TEFAP administration must receive Civil Rights training, both staff and volunteers.
- The SDA will train the food bank. The food bank must train the recipient/partner agencies and other “front-line” staff who interact with program applicants or recipients annually.
- Maintain documents after training is performed (i.e. sign-in sheets of attendees, agenda, etc.)

Civil Rights Training Topics

Specific subject matter required, but not limited to:

- Effective public notification systems
- Requirements for language assistance
- Requirements for reasonable accommodations/communication assistance of persons with disabilities
- Compliance review techniques
- Resolution of noncompliance
- Complaint procedures
- Conflict resolution
- Customer service

Civil Rights Compliance Training

- FNS Instructions 113-1
- Civil Rights Compliance and Enforcement

Purpose

The purpose of this Civil Rights instruction is to establish and convey policy and provide guidance and direction to the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) and its recipients and customers and ensure compliance with and enforcement of the prohibition against discrimination in TEFAP and all FNS nutrition programs and activities, whether federally funded in whole or not.



Civil Rights Legal Authorities

Title VI of the Civil Rights Act of 1964

Prohibits discrimination based on Race, Color, and National Origin

Civil Rights Restoration Act of 1987

Clarifies the scope of the Civil Rights Act of 1964

Title IX of the Education Amendments of 1972

Prohibits discrimination based on Sex

Age Discrimination Act of 1975

Prohibits discrimination based on Age

Civil Rights Legal Authorities

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996

Enforces Title VI of the Civil Rights Act of 1964 and related statutes in block grant type programs

Food and Nutrition Act of 2008, as amended

Prohibits discrimination based on Race, Color, Sex, Age, National Origin, Religion, Political Beliefs or Disability

Section 504 of the Rehabilitation Act of 1973; Americans w/Disabilities Act of 1990; and the Americans with Disabilities Act Amendments Act of 2008

Prohibits discrimination based on Disability

Protected Classes

Program benefits and participation are made available without regard to:

- Race
- Color
- National Origin
- Age
- Sex
- Disability
- Gender Identity
- Religion
- Reprisal
- Political Beliefs
- Martial Status
- Familial or Parental Status
- Sexual Orientation
- Public Assistance Income
- Protected Genetic Information in employment, program or activity conducted or funded by the Department

Public Notification

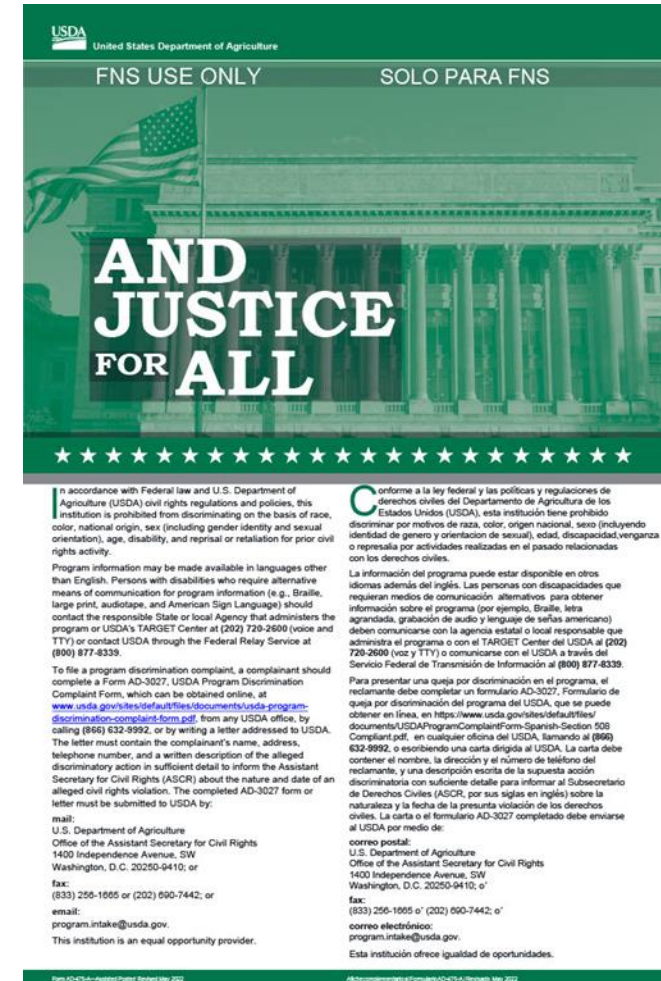
- TEFAP State or local agencies and their sub-recipients must have a public notification system
- The Purpose of this system is to inform applicants, participants and potentially eligible persons of:
 - Program availability (including dates, times and locations of TEFAP distributing agencies)
 - Program rights and responsibilities
 - Policy of non-discrimination
 - Policy for filing a complaint
- Provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for limited English proficient (LEP) persons

Nondiscrimination Statement

- For TEFAP programs, the “For all other FNS nutrition assistance programs” Nondiscrimination Statement must be used and posted in a prominent location.
- DFCS and its local agencies and subrecipients/contractors that administer USDA programs and activities must post the Nondiscrimination Statement and include it in full on all materials regarding such programs that are produced for public information, public education, or public distribution:
<https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>.
- The authorized Nondiscrimination Statement from USDA cannot be modified or altered without USDA approval.

“AND JUSTICE FOR ALL” POSTER FNS NUTRITION ASSISTANCE PROGRAMS

- Display the AJFA poster in a prominent location for all to view
- This poster, version AD-475A, is for TEFAP
- Contact the DFCS Food and Nutrition Unit to obtain a to Unit obtain a copy of the poster



Language Assistance

- State agencies, local agencies or other sub-recipients are required to provide access to TEFAP services to limited English proficient (LEP) persons and participants
- Take reasonable steps to assure language access is provided



Language Assistance

- Who are persons with LEP?
Limited English proficient or LEP persons are individuals who do not speak English as their primary language and who have limited ability to read, speak, write, or understand English.
- Recipients of Federal financial assistance must take reasonable steps to ensure “meaningful” access to their programs and activities by persons with LEP
- Failure to provide “meaningful” access to individuals with LEP could result in discrimination on the basis of national origin.

Language Assistance

Language services

- Applicants and participants cannot be asked to bring their own interpreters
- Children should not be used as interpreters
- If staff determine that the constituent is LEP, and if qualified bilingual staff are not available, ask the constituent to choose their preferred language assistance service and communicate with the constituent using this language service.

Examples of language services:

- Bilingual staff
- Over-the-phone interpretation services
- In-person interpretation services
- Written translation services
- Community organizations

Reasonable Accommodation/Communication Assistance for Persons with Disabilities

- Americans with Disabilities Act
- Section 504 of the Rehabilitation Act of 1973
- 7CFR part 15b
 - Prohibits discrimination on the basis of disability in all services, programs, activities provided to the public by state and local governments. Reasonable accommodations must be provided that do not cause undue hardships.



Reasonable Accommodation/Communication Assistance for Persons with Disabilities

- Staff and volunteers have the responsibility to provide Reasonable Modifications and Communication Assistance to customers with disabilities to ensure equal opportunity to participate in TEFAP programs and activities
- If staff question the reasonability of a request, they must consult with their supervisor
- In all cases, if a request for a specific reasonable modification or auxiliary aid or service is denied, staff still must take steps to ensure the customer has an equal opportunity to participate in TEFAP programs and activities

Responding To Customer Inquiries Regarding Reasonable Modification/Communication Assistance Requests

- When a Reasonable Modification (RM) or Communication Assistance (CA) is requested, staff should consult with the customer to identify the type of modification or assistance that will ensure equal access for the customer
- This consultation is an interactive, collaborative and fact-specific process that involves an individualized analysis of the person's circumstances and request
- For example, if the customer indicates he/she has difficulty remembering information orally, staff can ask if having the oral information provided in a written format would assist the customer's memory

Assurances

- To qualify for federal financial assistance, an application must be accompanied by a written assurance that the entity to receive financial assistance will be operated in compliance with all non-discrimination laws, regulations, instructions, policies, and guidelines
- FNS will obtain a written assurance from each state agency and will ensure that state agencies obtain assurances from recipient/partner agencies
- A civil rights assurance must be incorporated in all agreements between state agencies and local agencies

Compliance Reviews

- State agency review local agencies
- Local agencies review their sub-recipients
- State agency must report significant findings to the reviewed entity and FNS



Resolution of Noncompliance

- Definition of “Noncompliance”



- A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by a state agency, local agency or sub-recipient.

To Achieve Voluntary Compliance

- Provide immediate written notice to the local agency or sub-recipient indicating:
 - The areas of noncompliance, and
 - The action required to correct the situation
- Negotiate with the local agency or sub-recipient to achieve compliance



Complaints of Discrimination

- “ 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, 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. ”

Complaint Process Rights

- Right-To-File: anyone who feels discriminated against has the right to file a complaint within 180 day of the alleged discriminatory act
- Acceptance: any complaint – written or verbal – must be forwarded to the State Agency according to the steps below



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Complaint Process

1. Make sure you understand the person's concern
2. Record details of the incident leading to the complaint, documenting the date, time, parties involved, and the issue in detail
3. Try to reconcile the issue
4. If unable to reconcile, give the individual a document with the non-discrimination statement on it, refer them to the "And Justice for All" poster and explain their right to file a complaint
5. Notify the state TEFAP coordinator immediately. Follow-up with an email with the details. Send to TEFAP Coordinator and Georgia.TEFAP@dhs.ga.gov

Complaints of Discrimination

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](http://www.ascr.usda.gov/complaint_filing_cust.html), (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.

Complaints of Discrimination must be reported 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.

Conflict Resolution

What Steps do you need to take?

- Remain calm
- What is the problem? Using information provided, determine the issue
- Determine a solution. Know your organization's policy on handling situations and information needed to offer a solution
- Gain approval from the client. Check with the client for their approval on a solution
- Make an agreement. You and the client should determine what is to be done, when it is to be done, and by whom and alternatives if needed.
- Follow up. Personally make sure that the client has been satisfied and provide feedback.

The code of Quality Customer Service

- **Always:**
- Smile and Be Pleasant
- Treat Everyone with Respect and Courtesy
- Be Caring and Understanding
- Be a Good Listener
- Offer Assistance
- Serve Clients in A Timely Manner
- Apologize for Any Inconvenience
- Make Clients Feel Appreciated

