



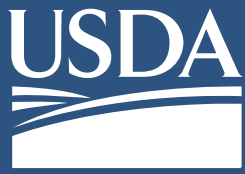
United States Department of Agriculture

Civil Rights Training for Commodity Supplemental Food Program (CSFP)

Civil Rights Division

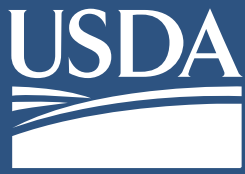
USDA, Food and Nutrition Service

**Presentation to State Agency Staff
October 27, 2020**



Agenda

- Civil Rights Program and Legal Authorities
- Areas of Compliance
 - ✓ Assurances
 - ✓ Public Notification
 - ✓ Data Collection and Reporting (Race and Ethnicity)
 - ✓ Complaints of Discrimination
 - ✓ Language Access for People with Limited English Proficiency
 - ✓ Disability Access
 - ✓ Civil Rights Training
 - ✓ Compliance Reviews
 - ✓ Resolution of Noncompliance
 - ✓ Voluntary Resolution Agreements



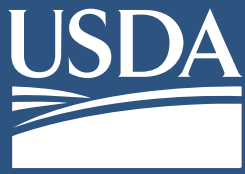
Civil Rights Authorities

Title VI of the Civil Rights Act of 1964

- Race, Color, and National Origin

Civil Rights Restoration Act of 1987

- Clarifies the scope of Title VI of the Civil Rights Act of 1964



Civil Rights Authorities

Section 504 of the Rehabilitation Act of 1973 & Americans with Disabilities Act of 1990 as amended by the Americans with Disabilities Act Amendments Act of 2008

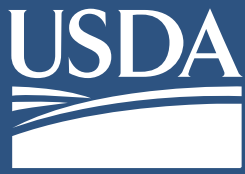
➤ Disability

Title IX of the Education Amendments of 1972

➤ Sex

Age Discrimination Act of 1975

➤ Age



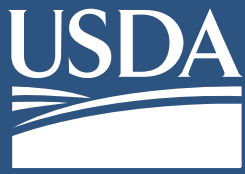
Civil Rights Authorities

7 CFR 15, 15a, 15b

USDA implementing regulation for federally assisted programs

7 CFR 16, "Equal Opportunity for Religious Organizations"

Gives equal footing to religiously affiliated organizations



Civil Rights Authorities

7 CFR Parts 247 and 250 (CSFP)

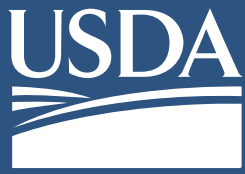
Sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86), as amended

28 CFR 35

Covers nondiscrimination on the basis of disability in State/local government services (public entities)

28 CFR 42

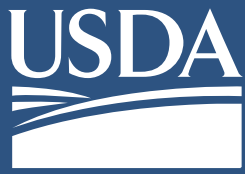
Covers nondiscrimination in Federally assisted programs



Civil Rights Authorities

Executive Order 13166 - "Improving Access to Services for Persons with Limited English Proficiency" (August 11, 2000)

USDA LEP Guidance (79 Fed. Reg. No. 229. Friday, November 28, 2014)



Civil Rights Authorities

USDA Departmental Regulation 4330-002

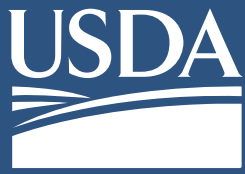
Prohibits discrimination in programs and activities receiving Federal financial assistance.

USDA Departmental Regulation 4300-003

Equal Opportunity Public Notification Policy

FNS Instruction 113-1 and Appendix C

Provides information on Civil Rights compliance and enforcement



What is discrimination?

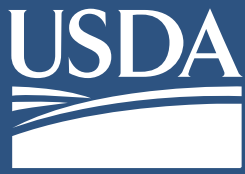
Different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on a protected class.



What is discrimination?

Protected classes for CSFP:

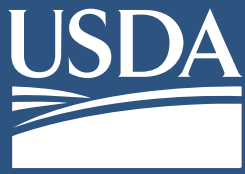
- ✓ Race
- ✓ Color
- ✓ National Origin
- ✓ Age
- ✓ Sex
- ✓ Disability



Assurances

To qualify for Federal financial assistance, an application must assure in writing that the applying entity will comply with all nondiscrimination laws, regulations, instructions, policies, and guidelines.

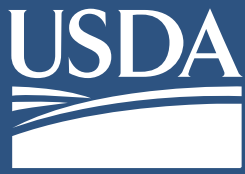
(FNS Instruction 113-1, Appendix C and form FNS-74)



Assurances

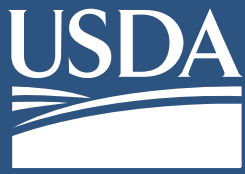
A Civil Rights assurance statement must be incorporated in all agreements between:

- Federal and CSFP State agencies (FNS Form 74)
- CSFP State agencies and subrecipient agencies
- Subrecipients and their local sites (if applicable)



Public Notification

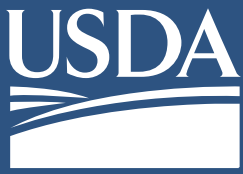
- All FNS assistance programs must include a public notification system to inform applicants, participants, and potentially-eligible persons of:
 - ✓ **program availability**
 - ✓ **program rights and responsibilities**
 - ✓ **the policy of nondiscrimination**
 - ✓ **the procedure for filing a complaint**



Public Notification

State agencies and their subrecipients must:

- Notify persons with disabilities about the availability of reasonable modifications and auxiliary aids and services.
- Notify persons with limited English proficiency (LEP) of their right to free language assistance services.



United States Department of Agriculture

Nondiscrimination Statement

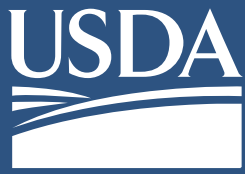
In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national 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, audiotope, 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.

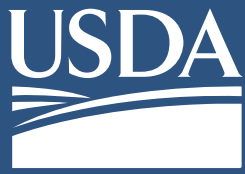
This institution is an equal opportunity provider.



Nondiscrimination Statement

At a minimum, the full Nondiscrimination Statement must be on:

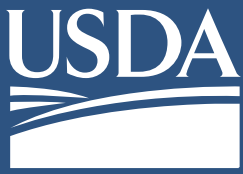
- Application form(s)
- Notification of eligibility or ineligibility
- Notification of adverse action
- Program (Home) webpage (or a link to it)
- Public information, including program literature



Nondiscrimination Statement

Short Versions

- This institution is an equal opportunity provider.
- Esta institución es un proveedor que ofrece igualdad de oportunidades. (Spanish)
- Only can be used in special circumstances
- Translations
- Other languages are available on the FNS CRD Website.



United States Department of Agriculture

“And Justice For All” Poster

Display the poster in a prominent location for all to view

AD-475A

Required version for CSFP



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, 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:**
(202) 690-7442 or (202) 690-7442;
- email:**
program.intake@usda.gov.

This institution is an equal opportunity provider.

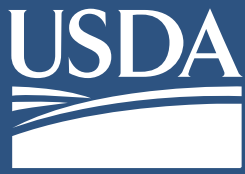
Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, edad, discapacidad, venganza o represalia por actividades realizadas 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 requieren 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 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:**
(202) 690-7442; o
- correo electrónico:**
program.intake@usda.gov.

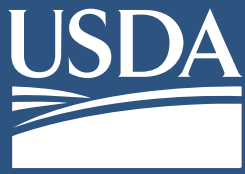
Esta institución ofrece igualdad de oportunidades.



Race/Ethnicity Data Collection

Purpose:

- ✓ To determine how effectively FNS programs are reaching potentially eligible persons and beneficiaries
- ✓ To monitor Civil Rights compliance, state agencies must establish a system for the collection of race and ethnicity data for each person applying for and participating in FNS programs.



Race and Ethnic Categories - Two Question Format

1. Ethnicity

Hispanic or Latino

Not Hispanic or Latino

2. Race (may select one or more of the following)

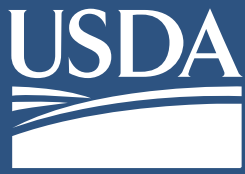
American Indian or Alaska Native

Asian

Black or African American

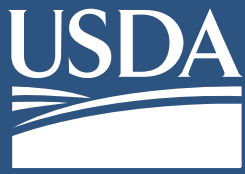
Native Hawaiian or Other Pacific Islander

White



Complaints of Discrimination

- Accept all complaints and forward to USDA.
- Complainants should file within 180 days from the alleged act of discrimination.
- Complaints may be written, verbal, or anonymous.
- Develop complaint forms (optional), but the use of such forms cannot be a pre-requisite for acceptance.
- Maintain a separate Civil Rights complaint log.
- Keep complaints confidential and accessible only to authorized personnel.



Complaints of Discrimination

Complaints should include:

- ✓ Name, address, and telephone number of the complainant
- ✓ The location and name of the organization or office
- ✓ The nature of the incident or action
- ✓ The names, titles, and business addresses of persons who may have knowledge of the discriminatory action
- ✓ The date(s) during which the alleged discriminatory actions occurred
- ✓ The basis for the alleged discrimination

Complaints of Discrimination

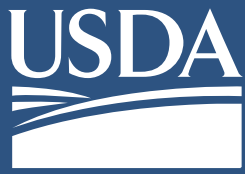
➤ **USDA complaint form**

- ❑ English version:

<https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>

- ❑ Spanish version:

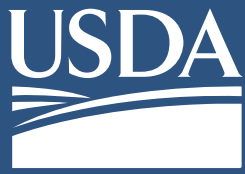
[https://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish Form 508 Compliant 6 8 12 0.pdf](https://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish%20Form%20508%20Compliant%206%208%2012%200.pdf)



Limited English Proficiency (LEP) and Program Access

➤ **Who are persons with LEP?**

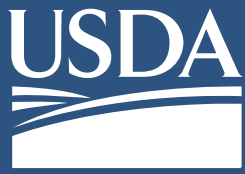
Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English because of their national origin.



LEP Requirements

Title VI and its implementing regulations require recipients of Federal financial assistance (State agencies, Program Operators or other subrecipients), **to take reasonable steps to ensure “meaningful” access to their programs and activities for individuals with limited English proficiency (LEP).**

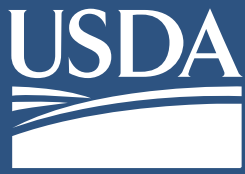
(USDA LEP Guidance)



LEP and Program Access

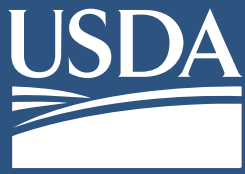
What is Meaningful Access?

- Providing reasonable, timely, appropriate and competent language services at no cost to individuals with LEP.
- Failure to provide “meaningful” access to persons with LEP could be discrimination on the basis of national origin.



LEP and Program Access

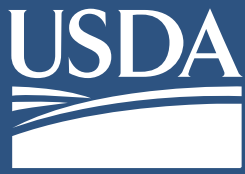
- States must conduct assessments to determine the language profile for their State, taking into account regional differences and updating as appropriate.
- Translation of vital documents is required.
- Notification of free interpretation services is required.
- Staff training regarding how to provide LEP populations with meaningful access is paramount (front line, staff).



LEP and Program Access

Factors to consider in addressing LEP:

- ✓ The number or proportion of LEP persons eligible to be served or likely to be encountered within the area serviced by the recipient.
- ✓ Frequency with which LEP individuals come in contact with the program.
- ✓ Nature and importance of the program, activity, or service provided by the program.
- ✓ Resources available to the recipient and costs.



LEP Population and Data Sources

Population data sources:

- Department of Justice site: LEP.GOV
<https://www.lep.gov/maps>
- US Census Data
<https://www.census.gov/data.html>
- American Community Survey
<https://www.census.gov/programs-surveys/acs/>
- Migration Policy Institute's National Center on Immigrant Integration Policy
<https://www.migrationpolicy.org/>

Disability Access

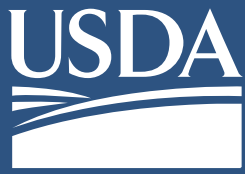
What is the definition of disability?

- **A person who has a physical or mental impairment** which substantially limits one or more major life activity, 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.
- **Functions** of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.

Disability Access

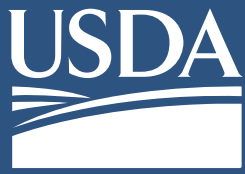
Reasonable Modifications

- A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability...
- Unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. [28 CFR 35.130(b)(7)(i)]



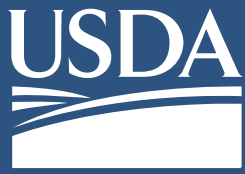
Disability Access

- As programs and offices modernize, State and local agency websites and online application systems should be readily accessible to and useable by persons with visual impairments and other disabilities.
- In addition, programs must ensure physical accessibility for buildings and facilities, particularly to persons in wheelchairs and with mobility disabilities.
- At times, different or special treatment may be necessary in order to ensure effective aids, benefits, and services are reasonable.



Equally Effective Communication

- Communication with persons with disabilities must be equally effective as communication with people without disabilities, including companions as defined by the ADAAA.
- Provide appropriate auxiliary aids and services, including qualified interpreters.



Why Civil Rights Training?

- Training is required so that individuals involved in all levels of administration of programs that receive Federal financial assistance understand Federal laws, regulations, instructions, policies and other guidance.
- Staff and volunteers must receive training appropriate to their roles and responsibilities.
- At a minimum, staff should receive training on all aspects of Civil Rights compliance as described in FNS Instruction 113-1.

Compliance Reviews

Examine the activities of State agencies, local agencies and subrecipients to determine Civil Rights compliance.

- ✓ **FNS Civil Rights and Program staff review State agencies.**
- ✓ **State agencies review their local agencies.**
- ✓ **Local agencies review their subrecipients.**

Significant findings must be provided in writing to the reviewed entity and to FNS.

Compliance Reviews

There are three types of reviews:

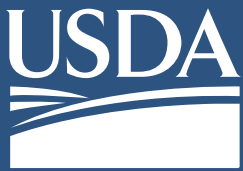
- Pre-Award Reviews
- Routine (Post-Award) Reviews
- Special Reviews

Resolution of Noncompliance

- A factual finding that any civil rights requirement is not being adhered to by a State agency, subrecipient agency, or a local site.
- Immediate steps must be taken to obtain *voluntary* compliance.
- A finding's effective date is the date of written notice to the reviewed entity.
- Negotiate with the reviewed entity to ensure compliance.

Voluntary Resolution Agreement

- A written agreement that the reviewed entity voluntarily enters with FNS to ensure compliance with Federal Civil Rights laws
- Between two or more parties (e.g., FNS CRD, State agency, subrecipient, complainant, etc.)
- To close out a Civil Rights review in lieu of issuing a written Compliance Review report with findings



Contact Information

Regional Office	Regional Civil Rights Officer
<p>Mid-Atlantic Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Puerto Rico, Virginia, West Virginia</p>	<p>Michele Sazo 300 Corporate Blvd., Robbinsville, NJ 08691 Tel: (609) 259-5061 Email: Michele.Sazo@usda.gov</p>
<p>Midwest Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Wisconsin</p>	<p>Tamara Earley 77 West Jackson Blvd., 20th Floor, Chicago, IL 60604 Tel: (312) 353-6657 Email: Tamara.Earley@usda.gov</p>
<p>Mountain Plains Colorado, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wyoming</p>	<p>Sharon Dafondanouto 1244 Speer Blvd., Suite 903, Denver, CO 80204 Tel: (303) 844-0371 Email: Sharon.Dafondanouto@usda.gov</p>
<p>Northeast Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, Virgin Islands</p>	<p>Stephen Miliano 10 Causeway St., Room 501, Boston, MA 02222 Telephone: (617) 565-6424 Email: Stephen.Miliano@usda.gov</p>
<p>Southeast Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee</p>	<p>Gail Hoffman 61 Forsyth St., SW, Room 8T36, Atlanta, GA 30303 Telephone: (404) 562-7033 Email: Gail.Hoffman@usda.gov</p>
<p>Southwest Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Utah</p>	<p>Justice Parazo 1100 Commerce St., Room 555, Dallas, TX 75242 Telephone: (214) 290-9837 Email: Justice.Parazo@usda.gov</p>
<p>Western Alaska, American Samoa, California, Guam, Hawaii, Idaho, Northern Mariana Islands, Nevada, Oregon, Washington</p>	<p>Mary Lee 90 Seventh St., Suite 10-100, San Francisco, CA 94103 Telephone: (415) 437-8613 Email: Mary.Lee@usda.gov</p>

Questions

