

---

STATE OF IOWA DEPARTMENT OF

Health <sup>AND</sup> Human

SERVICES

# Civil Rights Training

The Emergency Food Assistance Program (TEFAP)

&

Commodity Supplemental Food Program (CSFP)



# AGENDA

- Civil Rights Training
  
- Civil Rights Authorities
  
- Civil Rights Review Areas
  - Assurances
  - Public Notification Requirements
  - Race and Ethnicity Data Collection
  - Complaints of Discrimination
  - Compliance Reviews
  - Resolution of Noncompliance
  - Limited English Proficiency (LEP)
  - Individuals with Disabilities
  - Religious Organizations
  - Conflict Resolution
  - Customer Service

# The Importance of Civil Rights Training

- To provide equal treatment for all applicants and program recipients
- To provide clients with knowledge of their rights and responsibilities as a program recipient
- To eliminate barriers that prevent or deter people from receiving benefits
- To promote dignity and respect for everyone

**All front-line workers, including volunteers and supervisors, must receive annual civil rights training.**

# Civil Rights Training Continued

- Knowledge of civil rights applies to most areas of food distribution programs
- Training must be conducted annually
- Documentation of training completion must be kept for three years plus the current fiscal year
- New employees/volunteers must receive Civil Rights training before participating in Program activities

# Civil Rights Authorities

The following policies prohibit discrimination based on race, color, national origin, disability, age, and sex (including gender identity and sexual orientation).

| Civil Rights Laws   | Protected Classes                              |
|---|--|
| Title VI- Civil Rights Act of 1964<br>Civil Rights Restoration Act of 1987:<br><i>Clarifies the Scope of the Civil Rights Act of 1964</i> | ✓ Race<br>✓ Color<br>✓ National Origin         |
| Section 504 of the Rehabilitation Act of 1973<br>Americans with Disabilities Act (ADA) of 1990<br>ADA Amendments Act of 2008              | ✓ Disability                                   |
| Title IX of the Education Amendments of 1972  | ✓ Sex (gender identity and sexual orientation) |
| Age Discrimination Act of 1975  | ✓ Age  |

# Civil Rights Authorities Continued

| Civil Rights Authority                                  | Policy  |
|---|---|
| 7 CFR 15 (a)(b)(c)                                      | USDA implementing regulations for Federally assisted programs   |
| 7 CFR 16, Equal opportunity for Religious Organizations | Gives equal footing to religiously affiliated organizations   |
| 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.  |
| Executive Order 13166<br>(65 FR 50121, August 20, 2000) | Improving Access to Services for Persons with Limited English Proficiency   |
| Executive Order 13988<br>(86 FR 7023, January 20, 2021) | Preventing and Combating Discrimination on the Basis of Gender Identity and Sexual Orientation  |
| 79 FR 229, November 28, 2014                            | USDA Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency |
| USDA Department Regulation 4300-003                     | Equal Opportunity Public Notification Policy  |
| USDA Departmental Regulation 4330-002                   | Prohibits discrimination in program and activities funded in whole or in part by the USDA   |
| FNS Instruction 113-1 & Appendix C                      | Civil Rights compliance and enforcement   |

# Civil Rights Authorities Continued

| Program Authorities  | Food Distribution Program |
|--|---------------------------|
| The Emergency Food Assistance Act of 1983 (Public Law 98-8), as amended.                                   | TEFAP                     |
| 7 CFR Parts 250 & 251  | TEFAP                     |
| 7 CFR Parts 247 & 250  | CSFP                      |
| Sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86), as amended. | CSFP                      |

# 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 action or lack of actions based on a protected class”

## ■ Protected Classes

- Race
- Color
- National origin
- Age
- Sex
  - Including gender identity and sexual orientation
- Disability



# Types of Discrimination

- **Disparate Treatment** is when a person is intentionally discriminated against as a member of a protected class.
  - Example: Members of religious groups are denied service because their beliefs do not match the religious teachings of the organization that is distributing food.
- **Disparate Impact** is when actions that appear neutral have a negative impact on a protected class.
  - Example: A distribution site makes the Russian clients wait until the end of the day for food because interpreters are not available until late afternoon. This creates a situation where coveted food items may be unavailable to a specific group.
- **Retaliation** is the negative treatment of a member of a protected class in response to previous civil rights activity. This includes actions against their family and/or their associates.
  - Example: Family and friends of a client are denied food after the client filed a complaint against the agency.

# Eligibility Requirements vs Discrimination

- It is not considered discrimination to exclude those who do not meet eligibility requirements for certain programs.
- For example, Congress can set age limits, and this is not age discrimination for those who do not meet those age limits.
  - CSFP

# Assurances

To qualify for Federal financial assistance (Commodities), an application must be accompanied by a written assurance that the entity to receive financial assistance (Commodities) will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines.

- A Civil Rights assurance statement must be incorporated in all agreements between:
  - Federal and State agencies (FNS Form 74)
  - State agencies and local agencies or subrecipients
  - Local agencies and subrecipients (if applicable)

[FNS Instruction 113-1, Appendix C](#)

# Public Notification Requirements

- All FNS assistance programs must include a public notification system.
  
- The purpose of this system is 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

- There are civil rights requirements for notifying the public about TEFAP and CSFP
  - All materials, including websites and social media sites, must contain the USDA nondiscrimination statement
  - Convey a message of equal opportunity through photos and graphics in USDA program-related information
  - Information should be provided in different formats and languages to meet all levels of ability
  - Special efforts should be made to reach under-served groups who may qualify for services using appropriate media

# Nondiscrimination Statement

- The “USDA Nondiscrimination Statement” must be included on all materials that mention USDA programs (i.e., TEFAP, CSFP, commodities)
- The statement provides contact information for anyone to file a complaint of discrimination directly with the USDA
- There is a full version and a short version of the nondiscrimination statement
- Font size for the full version may be smaller than the rest of the publication, but it must be readable
- The full version is available on the FNS website: <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>

# Full Version of the USDA Nondiscrimination Statement

In accordance with federal civil rights 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 (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, 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: <https://www.usda.gov/sites/default/files/documents/ad-3027.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; or

**email:**

[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

This institution is an equal opportunity provider.

# Short Version of the USDA Nondiscrimination Statement

“This institution is an equal opportunity provider”

- The short version may be used where the longer statement does not fit.
- The short version **MUST** be in a font size no smaller than the font size used in the publication.
- The short version may not be used in place of the long statement on client rights documents (such as an application).



# “...And Justice for All” Poster

- The poster must be prominently displayed for all to view
- This poster serves as a trademark indicating the site provides a USDA program without discrimination
- The poster has contact information so that anyone has information to file a discrimination complaint directly with the USDA
- Agencies can obtain free copies of this poster by contacting your partner food bank

# The current “And Justice For All” Poster

**USDA**  
United States Department of Agriculture

**FNS USE ONLY** **SOLO PARA FNS**

## 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 (including gender identity and sexual orientation), age, disability, and reprisal or retaliation for prior civil rights activity.

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) 720-2800 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8338.

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](http://www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf), from any USDA office, by calling (866) 832-8892, 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; or

email:  
[program.intake@usda.gov](mailto: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 (incluyendo identidad de género y orientación de sexual), edad, discapacidad, venganza o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles.

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) 720-2800 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8338.

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 [https://www.usda.gov/sites/default/files/documents/USDAProgramComplaintForm-Spanish-Section 508 Compliant.pdf](https://www.usda.gov/sites/default/files/documents/USDAProgramComplaintForm-Spanish-Section%20508%20Compliant.pdf), en cualquier oficina del USDA, llamando al (866) 832-8892, 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; o

correo electrónico:  
[program.intake@usda.gov](mailto:program.intake@usda.gov).

Esta institución ofrece igualdad de oportunidades.

Form AD-415—Revised (Postal Delivery) 2022 | #048compdescribi #FormularioAD-415-ARevisado Mayo 2022

# Collection and Use of Data CSFP

- TEFAP is exempt from data collection
- CSFP regulations require annual reporting of client racial and ethnic data (FNS-191 Report)
  - Applicants self-declare racial/ethnic data (CSFP)
  - If an applicant refuses to provide racial/ethnic data, they are to be advised that the information will be collected based on your observation (CSFP).
- Outreach efforts can be targeted to groups not adequately represented in program participation
- Maintain all records for three years plus the current fiscal year
- All data collected must be kept secure and confidential

# Complaints of Discrimination

- Everyone has the right to file a complaint of discrimination
- Every employee and volunteer must know what to do if someone wants to file a complaint
  - What is your agency's process?
- If a complaint is elevated to the State or Federal office, the maximum time to process the complaint is **180 days**
- Be aware of the basis for which complaints may be filed:
  - race, color, national origin, age, sex (including gender identity and sexual orientation), disability, or reprisal or retaliation
- Always attempt to resolve the complaint at the lowest level
- **Never** discourage someone from filing a complaint or voicing concerns of discrimination

# Complaints

Complaints should include:

- Contact Information
  - Name,
  - Address, **and**
  - Telephone number, **or**
  - Other means of contacting the person alleging the discrimination.
- The location and name of the organization or office that is accused of discriminatory practices.
- The nature of the incident or action
- The Name(s), Title(s), and business address 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 continued

- Complaints can be provided in written, verbal or anonymous
- Try to resolve the issue if possible. If you are unable to resolve the issue:
  - Forward complaints based on race, color, national origin, sex (including gender identity and sexual orientation), and disability to Civil Rights Division within five (5) calendar days of receipt.
  - Forward complaints based on age (or a combination of age and other bases) to Civil Rights Division within five (5) business days of receipt.
- Notify the food bank of any civil rights complaints you receive
- Do not discuss the civil rights complaint with others.
  - This can lead to the complainant being invertedly discriminated against because they filed a complaint.

# Compliance Reviews

- State and federal governments are required to conduct reviews to determine compliance with civil rights laws, regulations, and requirements
  
- Cooperation with state and federal reviewers is required as a condition of receiving federal financial assistance. Remember, USDA food is considered financial assistance.
  
- There are three types of reviews:
  - Pre-award: a review conducted before an agency starts distributing TEFAP and/or CSFP
  - Post-award: in Iowa, this is part of your TEFAP/CSFP audit conducted by the state and your TEFAP partner food bank
  - Special compliance review: a review conducted by USDA for significant civil rights concerns.

# Resolution of Noncompliance

- Corrective actions may be assigned as a result of the review process
- Agencies are required to cease inappropriate actions and institute proper procedures
- Failure to comply with civil rights requirements can result in the loss of federal assistance (commodities) from all federal sources.



# Limited English Proficiency (LEP)

- Limited English Proficiency (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
- Recipients of federal financial assistance (commodities) must take reasonable steps to ensure meaningful access to their programs and activities by persons with LEP.
- Failure to provide “meaningful” access to persons with LEP could be discrimination on the basis of national origin.
- Service must be provided, but there is some flexibility on methods used
- Volunteers may be used as interpreters and must maintain participant confidentiality
- There is a potential for discrimination based on national origin when accommodations are not made for LEP individuals
- Visit [www.lep.gov](http://www.lep.gov) for more information
- I Speak...Language Identification Guide
  - <https://www.dhs.gov/xlibrary/assets/crcl/crcl-i-speak-poster.pdf>

# What is Meaningful Access?

- Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual.
- For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

# LEP and Program Access

## Factors included in assuring “meaningful” access

- The number or proportion of LEP people eligible to be served or likely to be encounter by the program
- The frequency with which LEP individuals come in contact with the program
- The resources available to the recipient

# LEP and Program Access Continued

- Post multilingual notices of free interpretation services
- Utilize qualified and competent interpreters and translators
- Train frontline staff regarding how to provide LEP populations with meaningful access
- Language services
  - Applicants and participants cannot be asked to bring their own interpreters
  - Children should NOT be used as interpreters
- Examples of language services
  - Bilingual staff
  - Qualified and competent telephonic interpreters
  - Qualified and competent interpreters
  - Qualified and competent translators
  - Community organizations with qualified and competent volunteer interpreters

# Individuals with Disabilities

- A reasonable accommodation is a change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to apply for and receive TEFAP and/or CSFP food
  - The agency should do everything they can to assist a person with disabilities
  - The agency is not required to make changes that would fundamentally alter the program or create an undue financial and administrative burden
    - Proxy distribution must be allowed
  - Reasonable accommodations may be necessary at all stages of the process, including application, receipt of benefits, and client notification

# Accommodations

- Is your distribution site accessible? Consider the parking lot, entrances, exits, hallways, elevators, and restrooms
- Do you have access to sign language interpreters or interpreters for non-English languages?
- Do you have signage and paperwork in Braille or in non-English languages?
- Do you allow service animals in your facility?
  - Therapy animals are not services animals.
  - It is up to your agency is you allow therapy animals into your facility.
- Do you provide home delivery?

# What is Reasonable

**When do I have to translate TEFAP/CSFP applications into another language or place a ramp to gain entry to the building?**

- Consider the following factors to help make that decision. Keep in mind that shortage of resources does not eliminate meeting this requirement except in cases of extreme hardship.
  - What is the percentage of disabled/LEP persons being served?
  - What is the percentage of disabled/LEP persons in the eligible local population?
  - What is the frequency of disabled/LEP persons contact with program?
  - How vital is the service to the clients?
  - What are the agency's available resources and cost of services?

# Equal Opportunity for Religious Organizations

- USDA Regulations (7 CFR 16) require equal opportunity for Faith Based Organizations (FBO's) and Community Based Organizations (CBO's)
- Discrimination is prohibited on the basis of religion or religious belief or character
- FBOs can use facilities for USDA food distribution without removing religious art or symbols
- Religious organizations may not use USDA funds or supplies to support worship, religious instruction, or proselytization (attempt to convert)
- Religious schools can consider religion in admission practices and required curriculum



# Religious or Faith-Based Organizations

TEFAP providers must:

- Post written notice in a prominent place
- Refer a participant to an alternate provider if available
- Ensure the participant has no objection to the alternate provider

Obtain the written notice and referral letter from your food bank

# Conflict Resolution

- Treat others the way they want to be treated or at least be aware of what that is
- Have a written and posted policy for dealing with unacceptable behavior and conflicts
- Remain calm
- Listen and really hear the other person
- Ask questions to gather information
- Be empathetic
- Explain situation (rules, expectations)
- Get help, especially if threats or if violence is possible

# Customer Service

- Treat everyone with dignity and respect and make people feel welcomed
  
- Be patient and polite
  
- Make sure all clients receive equal treatment and service
  - Equal does not mean identical
  - For example, one participant receives corn, another receives green beans
  - Staff or volunteers who need services should follow the same rules as clients
  
- Do not do special favors for a client if you are not prepared to do the same favor for all clients
  - Disabilities and language needs are not considered special favors since they are required

# Customer Service continued

- Smile
- Know and be able to explain policy and rules that must be followed
- Don't be afraid to apologize
- Do not treat people differently based on race, color, national origin, age, sex (including gender identity and sexual orientation), or disability
- Do not impose policies that unfairly impact certain groups
- Do not retaliate against anyone who files a complaint (or their family, friends or employees who cooperate with a civil right investigation)

# Customer Service Final Thoughts

In order to minimize the risk of a civil rights discrimination complaint, ask yourself the following questions each time an applicant and/or participant comes to your program:

- Am I treating this person in the same manner as I treat others?
- Have I clearly explained to this person what information I need to make a determination on the application?
- Have I given this person the opportunity to clarify all relevant factors or inconsistencies?
- Have I provided the person the information they need to make necessary decisions?
- Am I treating this person as I would wish to be treated?

# Civil Rights Final Steps

- Be sure to sign the Civil Rights Training Log after you have participated in this training
- Talk to your food bank if you have questions about the information included in this training
- Thank you for completing your annual Civil Rights training