

The background of the slide is a close-up, slightly blurred image of the American flag, showing the stars and stripes. A semi-transparent white banner is overlaid across the middle of the image.

Civil Rights

Annual Civil Rights Training for TEFAP Agencies



Agenda

- What is Discrimination?
- Collection and Use of Client Data
- Effective Public Notification Systems
- Requirements for Language Assistance
- Reasonable Accommodation of Persons with Disabilities

Agenda

- Complaint Procedures
- Compliance Reviews
- Resolution of Non-Compliance
- Customer Service
- Conflict Resolution



What is discrimination?

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 their protected classes.

Protected Classes

For civil rights in TEFAP, the protected classes are:

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

People are also protected from **retaliation.**



Unintentional Discrimination

Unintentional - refers to policies, practices, rules or other systems that appear to be neutral, but result in a disproportionate impact on protected groups.

Intentional Discrimination

Intentional - to treat people differently based on their race or other protected characteristics.

Reprisal/Retaliation – Negative treatment due to prior civil rights activity by an individual or his/her family or known associates or for cooperating with an investigation.



Non-Discrimination 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, 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 Compliant Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.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:

- (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:** (833) 256-1665 or (202) 690-7442; or
- (3) **email:** program.intake@usda.gov.

This institution is an equal opportunity provider.”

Non-Discrimination Statement

- All public information related to TEFAP and CSFP must contain the Non-Discrimination Statement
- Long version vs short version
 - *“This institution is an equal opportunity provider.”*

And Justice for All Poster

- Must be posted where eligibility forms are completed and/or where food or meals are being distributed
- Should be visible for all to see



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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:
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Washington, D.C. 20250-9410; o

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(833) 256-1665 o (202) 690-7442;

correo electrónico:
program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.



Question time!

Name the missing protected class.

Age, Color, Race, Sex, Disability and ?

Data Collection

- Not required in TEFAP
- Race and ethnicity required for CSFP (*we do not participate in CSFP*)
 - Self-declared on forms
 - If not declared, they must be advised that the information will be collected based on observation
 - Secure and confidential
 - Maintain records
 - Applicants shall be assured that the information has no effect on eligibility criteria

Public Notification

- Public notification, or “outreach,” is required
- Informs potential clients of program availability, rights and complaint procedures
- Try to reach underserved groups who may qualify using a variety of formats and languages

Reaching Prospective Clients

Public Notification/Outreach Methods

- Press releases – newspaper, TV station, online
- Advertisements – newspaper, social media, TV
- Signs – outside your facility, post serving times
- Flyers – clinics, public assistance offices, schools, libraries, etc.

What would you do?

There is small Haitian community in your service area that may benefit from TEFAP. Your organization wants to create a flyer in Creole to distribute.

You have paid a translator, created and printed the flyer, but realized that you forgot the non-discrimination statement.
Is it still okay to distribute the flyer?

Limited English Proficiency

- Persons with LEP are those who have the limited ability to read, speak, write or understand English
- Agencies must take reasonable steps to ensure meaningful access to services
- Consider the possible LEP clients in your area for both outreach and food distribution
- Interpreters

Limited English Proficiency

Factors to consider:

- Number or proportion of LEP persons served or encountered in the eligible population
- 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
- Costs

Persons with Disabilities

Disabled person

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.



Persons with Disabilities



- Reasonable accommodations that do not cause undue hardship must be provided.
- A handicap accessible facility considers:
 - Parking lot
 - Entrances
 - Exits
 - Hallways
 - Elevators
 - Restrooms
 - Braille signage

Persons with Disabilities



- Always have assistance available for people with disabilities
- Provide alternative arrangements for service
- Sign language interpreters
- Service animals

Civil Rights Complaints

- Verbal, written or anonymous
- Can be made to any person at any level
- Civil rights complaint is based on the 6 protected classes
- Other complaints are program complaints
- Have specific process and procedures for your agency

Program Complaints

- Program complaints are still very important
- Have a different complaint process for handling these
- Examples of program complaints
 - Not one of the six protected classes
 - Food safety/quality issues
 - Customer service, such as standing in a long line to receive food

Processing a Civil Rights Complaint

Step 1. Supply client with USDA complaint form or take down all information

Step 2. Complaint is filed direct by client or sent to FDACS by agency

Step 3. FDACS notifies USDA

Step 4. Investigation

Handling a Complaint


Handling a Civil Rights Complaint requires careful attention to detail.

- Listen to the person making the complaint
- Practice good customer service
- Write it down using an established form
- Immediately move complaint up to person in charge



Question time!

Can you identify which would be civil rights complaints and which would be program complaints?



1. An elderly client comes to pick up TEFAP foods. A volunteer tells him that he should go to a CSFP distribution site instead because he is over the age of 60.

2. A TEFAP distribution site is at a church, and clients must sit through a religious service before receiving food.

Compliance Reviews

- Compliance reviews examine activities to determine Civil Rights compliance
- Three types
 - Pre-award compliance review
 - Routine compliance review
 - Special compliance review

Pre-Award Compliance Review

- Occurs before you receive any food (or financial assistance, if applicable)
- Happens at all levels

Routine Compliance Review

- Scheduled
- Part of regular program review
- Looks for non-discrimination statement on printed materials, And Justice for All poster, reasonable accommodations for people with disabilities, etc.



Special Compliance Reviews

- Follow up on previous findings
- Investigate reports of noncompliance
- Pattern for complaints of discrimination
- May be scheduled or unscheduled

Resolution 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.

You will receive written notice indicating:

- Areas of noncompliance
- Action required to correct the situation

Customer Service



- Equal treatment and service for all clients
- Make people feel welcomed
- Communicate
- No special favors

Conflict Resolution

- Post your agency's policy for unacceptable behavior and conflicts
- When conflict arises:
 - Stay calm
 - Don't interrupt
 - Listen, be understanding and do not be judgmental
 - Identify the problem and possible solutions
 - Follow up with the client
 - Get help if you feel threatened or uncomfortable

Beneficiary Protections: Written Notice

- Per 7 CFR Part 16.4(f) Faith-based or religious organizations that receive USDA foods or administrative funds for TEFAP must give written notice as prescribed by policy FD-138 to prospective participants/applicants of the right to be referred to an alternate provider when available.

FAITH-BASED AGENCY TEFAP DISCLAIMER

We may not discriminate you on the basis of religion or religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

We may not require you to attend or participate in any explicitly religious activities that are offered by us, and any participation by you in these activities must be purely voluntary.

We must separate time and location any privately funded explicitly religious activities from activities supported with USDA direct assistance

If you object to the religious character of our organization, we must make reasonable efforts to identify and refer you to an alternate provider which you have no objection. We cannot guarantee, however, that in every instance, an alternate provider will be available, and

You may report violations of these protections (including denials of services or benefits) by an organization to the State agency (<http://www.fns.usda.gov/fdd/food-distribution-contacts>). The State agency will respond to the complaint and report the alleged violations to their respective USDA FNS Regional Office (<http://www.fns.usda.gov/fns-regional-offices>).

We must provide you with this written notice before you enroll in TEFAP or receive services from TEFAP, as required by 7 CFR Part 16.

Alternate Service Location(s):

Agency Name 1 (USDA site) – Address of Agency

Agency Name 2 (non-USDA site) – Address of Agency

State Agency Contact Information:

(850) 617-7435, Lisbeth.Rytlewski@FreshFromFlorida.com

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Beneficiary Protections: Referrals

- Religious organizations providing TEFAP services can comply with the federal regulations and meet the requirements of this guidance by posting a written notice, which includes a complete list of beneficiary protections as described, at the distribution locations in a prominent place visible to all participants and prospective participants
- This exception applies only to TEFAP
- For religious organizations operating CSFP, individual written notice of beneficiary protections provided under 7 CFR Part 16, including the right to be referred to another organization, must be given to all applicants at the time that they apply for CSFP benefits

Beneficiary Protections: Referrals

If a participant or prospective participant objects to the religious character of an organization that provides TEFAP, that organization must promptly make reasonable efforts to identify and refer the participant to an alternate provider, if available, to which the prospective participant has no objection

Beneficiary Protections: Referrals

The referral must be to an alternate provider, if available, that:

- Is in reasonable geographic proximity
- Offers services that are similar in substance and quality
- Has the capacity to accept additional clients

**THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)
BENEFICIARY REFERRAL REQUEST**

Name of Organization: _____

Contact information for program staff (name, phone number, and email address, if appropriate):

If you object to receiving services from us based on the religious character of our organization, please complete this form and return it to the program contact identified above. Your use of this form is voluntary.

If you object to the religious character of our organization, we must make reasonable efforts to identify and refer you to an alternate provider to which you have no objection. We cannot guarantee, however, that in every instance, an alternate provider will be available.

Please check if you want to be referred to another service provider.

Please provide the following information:
Your name: _____
Best way to reach you (phone/address/email):

FOR STAFF USE ONLY

1. Date of objection: ___/___/___

2. Referral (check one):
 Individual was referred to (name of alternate provider and contact information):

Individual was given State agency-provided referral information (i.e. a website, hotline, or list of other service providers funded by the State agency)

Individual left without a referral

No alternate service provider is available—summarize below what efforts you made to identify an alternate provider (including reaching out to State agency or local or eligible recipient agency):

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Beneficiary Protections: Referrals

Recipient Agencies may assist their local distributing agencies by providing them with information regarding alternate providers.

- Examples: Websites, hotlines or a list of other agencies in the proximity providing TEFAP, and non-TEFAP foods or CSFP.