

# CIVIL RIGHTS IN ALASKA CHILD NUTRITION PROGRAMS

The Emergency Food Assistance Program  
(TEFAP)

# CIVIL RIGHTS LEGAL 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 the Civil Rights Act of 1964**
- Section 504 of the Rehabilitation Act of 1973 & Americans w/Disabilities Act of 1990 and 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 PROGRAM AUTHORITIES

- TEFAP: The Emergency Food Assistance Act of 1983 (Public Law 98-8), as amended.
- 7 CFR Parts 15, 15a & 15b (Non-discrimination)
- 7 CFR Part 16 (Religious Org Participation)
- 7 CFR Parts 247 & 250 (CSFP)
- 7 CFR Parts 250 & 251 (TEFAP)
- 7 CFR Part 250 (USDA Foods)
- 28 CFR Part 42 (Nondiscrimination in Federally Assisted Programs)

## MORE CIVIL RIGHTS LEGAL AUTHORITIES

- Executive Order 13166 & USDA LEP Guidance (79 Fed. Reg. No, 229, Friday, November 28, 2014)
- USDA Departmental Regulation 4330-002
- FNS Instruction 113-1 and Appendix C for CSFP, TEFAP & USDA Foods

# 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...”

- Complaints are based on one or more of the six Federally protected bases:
  - 1)Race,
  - 2)Color,
  - 3)National Origin,
  - 4)Age,
  - 5)Sex (including gender identity and sexual orientation)
  - 6)Disability,
  - 7)Reprisal or retaliation for prior civil rights activity .

# ASSURANCES

- “To qualify for Federal financial assistance, the program application must be accompanied by a written assurance that the program or facility will be operated in compliance with the Civil Rights laws and implementing nondiscrimination regulations.”
- A Civil Rights assurance statement must be incorporated in all agreements between Federal & State agencies, State & subrecipient agencies, and subrecipient agencies & their local sites.
- (FNS Instruction 113-1, Appendix C or current FNS Form 74)

# PUBLIC NOTIFICATION

- TEFAP 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 and
  - the procedure for filing a complaint.

## ELEMENTS OF PUBLIC NOTIFICATION

- State agencies and their subrecipients must:
- Make program information available to the public upon request;
- Prominently display the “And Justice for All” poster;
- Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs;
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information;
- Provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for LEP persons.



# 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 (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, audiotope, 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:
  1. **mail:**  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or
  2. **fax:**  
(833) 256-1665 or (202) 690-7442; or
  3. **email:**  
[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)
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- This institution is an equal opportunity provider.

# NONDISCRIMINATION STATEMENT CONTINUED

- USDA Nondiscrimination Statement (NDS) Short versions
  - **This institution is an equal opportunity provider** (English)
  - **Esta institución es un proveedor que ofrece igualdad de oportunidades.** (Spanish)
    - \*Can be used in limited circumstances only
- Translations
  - ➤ Other languages are available on the FNS Civil Rights web page
  - ➤ <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>

# “AND JUSTICE FOR ALL” POSTER

- Display the poster in a prominent location for all to view

Required version for CSFP, TEFAP, and USDA Foods is currently being revised



# COMPLAINTS OF DISCRIMINATION

- Complaints shall be accepted and forwarded to USDA
- Complaints must be filed within 180 days from the alleged act of discrimination
- Complaints may be written, verbal, or anonymous
- Agencies may develop their own complaint form, but the use of such form cannot be a prerequisite for acceptance
- A **separate** Civil Rights complaint log shall be maintained by the State and sub-recipient agency
- Confidentiality is extremely important and must be maintained

# COMPLAINT PROCESS

- 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

# COMPLAINT PROCESS

- USDA Discrimination Complaint Form
- English
- <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>
- Spanish
- [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_Form_508_Compliant_6_8_12_0.pdf)

# CIVIL RIGHTS TRAINING

- Local agencies are responsible for training their subrecipients, including “frontline staff” who interact with applicants or participants on an **annual basis**.
- New employees before participating in Program activities
- Volunteers must receive training

## *All Staff must:*

- be able to identify a civil rights complaint
- understand the basic right of the individual to file a complaint
- understand and follow procedures

# LIMITED ENGLISH PROFICIENCY

**Definition:**

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

Recipients of Federal financial assistance have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency.

We have responsibility to take reasonable steps to ensure meaningful access to federal programs



# LIMITED ENGLISH PROFICIENCY CONTINUED

Factors to consider in determining what is reasonable:

- Number of LEP individuals
- Frequency of contact with the programs
- Nature and importance of the programs
- Resources available

# 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 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. \*functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions. (ADA Amendments Act of 2008)

# DISABILITY ACCESS

There is also an obligation to ensure that members of the public are provided accommodations in order to access program information, applications and assistance (i.e.Braille, large print, and audio tape)

Providing qualified sign language interpreters for persons with hearing disabilities may be necessary to effectively communicate with these applicants and participants.

As programs and offices modernize, it is imperative that websites, including State and local agency websites, and online application systems are 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.

# FAITH BASED AND RELIGIOUS ORGANIZATIONS

- Equal opportunities for faith based and religious organizations
  - Ensures a equal participation of faith-based organizations and other community organizations in the USDA programs
- This is accomplished by:
  - Prohibiting discrimination
  - Allowing to retain independence and display religious art, icons, scriptures, or other religious symbols; and
  - Ensuring no discrimination against a program beneficiaries on the basis of religion or religious belief.

# CIVIL RIGHTS REVIEWS

There are four different types of Compliance Reviews conducted by CNP...

- Pre-award for new programs
- Routine Compliance Reviews during CNP review
- National School Lunch Program only: Review of On-Site Review Summary Form submitted annually to CNP by February 15
- Special Compliance Reviews – due to complaints

# CONTACT INFORMATION

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