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USDA CIVIL RIGHTS TRAINING

- Prepared by : The State of Georgia
- Purpose: USDA Civil Rights Training
- Date: Federal Fiscal Year 2019

Civil Rights Compliance Training

- FNS Instructions 113-1
- Civil Rights Compliance and Enforcement
- Nutrition Program Activities

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.



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 CSFP distributing agencies)
 - Program rights and responsibilities
 - Policy of non-discrimination
 - Policy for filing a complaint

Language Assistance

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



Reasonable Accommodation 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 that do not cause undue hardships.



Written Notice of Beneficiary Rights

- This letter must be prominently displayed at all religious based (or appear to be religious based) organizations so that participants can see it at the point where services are rendered

<p align="center">The Emergency Food Assistance Program (TEFAP) – Written Notice of Beneficiary Rights</p> <p>Name of Organization: _____</p> <p>Contact Information for Program Staff: Name: _____ Phone Number: _____ Email Address: _____</p> <p>Because TEFAP is supported in whole or in part by financial assistance from the Federal Government, we are required to let you know that:</p> <ul style="list-style-type: none">• We may not discriminate against 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 in time or 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 to 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). <p>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.</p> <p>State Agency Contact Information:</p> <p>Name of Organization and Contact Person: Georgia TEFAP Coordinator Phone Number: (404) 463-0168 Email Address: Georgia.TEFAP@dhs.ga.gov</p> <p align="center">This Institution is an Equal Opportunity Provider</p>

Beneficiary Referral Request

- If a potential participant feels uncomfortable receiving services at a religious agency (or agency appearing to be religious), complete this form for referral to a secular food pantry for services

GEORGIA DEPARTMENT OF HUMAN SERVICES
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):
Program Contact Person: _____
Program Contact Phone Number: _____
Other Program Contact (specify): _____

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): _____

This Institution is an Equal Opportunity Provider

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, 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, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. ”

Collection and Use of Data

- 1) State and local agencies are required to obtain data by race and ethnicity
- 2) Verification of information is the preferred method of obtaining data
- 3) Applicants/Participants cannot be required to provide information regarding their race or ethnicity
- 4) When and applicant/participant does not provide this information, the collector shall, through visual observation, obtain and record the data

Compliant 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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Compliant 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.

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



Civil Rights Training

- All levels of TEFAP and CSFP administration must receive Civil Rights training
- 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
- 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 of persons with disabilities
- Compliance review techniques
- Resolution of noncompliance
- Complaint procedures
- Conflict resolution
- Customer service

For Additional Civil Rights Compliance Information

Contact:

TEFAP Coordinator

Business Operations Specialist

(404) 463-8042

Georgia Department of Human Services

DFCS/OFI/FANU/TEFAP

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