

# Civil Rights Compliance in The Emergency Food Assistance Program (TEFAP) and the Commodity Supplemental Food Program (CSFP)

Oklahoma Department of Human Services  
(DHS) Food Distribution Programs



# What is TEFAP?

- ❖ The Emergency Food Assistance Program helps supplement the diets of low-income Americans, including elderly people, by providing them with emergency food and nutrition assistance at no cost through food pantries and soup kitchens.
- ❖ The USDA makes food commodities available to the States, which receive the food and supervise overall distribution of the food commodities to eligible recipient agencies.
- ❖ Eligible recipient agencies are public or private nonprofit organizations that provide food and nutrition assistance to the needy through the distribution of food for home use or the preparation of meals.

# What is CSFP?

- ❖ The Commodity Supplemental Food Program works to improve the health of elderly people at least 60 years of age by supplementing their diets with nutritious USDA commodity foods.
- ❖ Under CSFP, the USDA purchases food and makes it available to the States, along with funds for administrative costs.
- ❖ The States then store the foods and distribute it to public and non-profit private local agencies.

# What are Civil Rights?

Civil Rights are the non-political rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution and by acts of Congress.

# 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.

# What is a Protected Class?

- ❖ Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order.
- ❖ Protected classes in TEFAP & CSFP are:
  - Race
  - Color
  - National Origin
  - Age
  - Sex, and
  - Disability

# Civil Rights Legislation

- ❖ All programs receiving Federal funding must comply with Civil Rights
  - Title VI of the Civil Rights Act of 1964
  - The Age Discrimination Act of 1975
  - Title IX of the Education Amendments of 1972
  - USDA Regulation 7 CFR Part 16, Equal Opportunity for Religious Organizations
  - Section 504 of the Rehabilitation Act of 1973
  - Food Nutrition Service 113-1

# Civil Rights Legislation

## ❖ Title VI-Civil Rights Act of 1964 states:

*No person in the United States shall be discriminated against on the grounds of race, color; or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.*

- Example: Race/color: Treating or speaking to a child differently (using slang terms for example) or in a friendlier manner because of race or color.



# Civil Rights Legislation

❖ The Age Discrimination Act of 1975 states:

*No person in the United States, shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.*

# Civil Rights Legislation

- ❖ Title IX of the Education Amendments of 1972 states:  
*No person in the United States shall, on the basis of sex (gender), be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.*
- Example: You should not offer smaller portions to women compared to men. The same size portion should be offered to each, regardless of sex (gender).

# Civil Rights Legislation

## ❖ USDA Regulation 7 CFR Part 16, Equal Opportunity for Religious Organizations:

*The purpose of this part is to set forth USDA policy regarding equal opportunity for religious organizations to participate in USDA assistance programs for which other private organizations are eligible.*

# Civil Rights Legislation

- ❖ Section 504 of the Rehabilitation Act of 1973
- ❖ Title II and Title III of the Americans with Disabilities Act of 1990 extended the requirements to all services, programs and activities of State and local governments and prohibits discrimination based on disability in other public services.

# Civil Rights Legislation

## ❖ FNS Instruction 113-1:

*The purpose of this 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 all FNS nutrition programs and activities, whether Federally funded in whole or not.*

<http://www.fns.usda.gov/cr/Documents/113-1.pdf>

# Goals of Civil Rights Legislation

- ❖ Equal and consistent treatment for all eligible applicants and participants
- ❖ Knowledge of rights and responsibilities
- ❖ Elimination of illegal barriers that prevent or deter people from receiving food
- ❖ Dignity and respect for all

# The 9 required Civil Rights Training areas are:

- 1) Collection and Use of Racial/Ethnic Data
- 2) Effective Public Notification Systems
- 3) Complaint Procedures
- 4) Compliance Review Techniques
- 5) Resolution of Noncompliance
- 6) Requirements for Reasonable Accommodations of Persons with Disabilities
- 7) Requirements for Language Assistance
- 8) Conflict Resolution
- 9) Customer Service

# Training Expectations

- ❖ Recipient agencies are responsible for training annually
- ❖ First line workers (including volunteers) and all levels of supervisors must receive full civil rights training
- ❖ Recipient agencies are required to document the training and maintain documentation for three years, including the current year
- ❖ Volunteers who do not handle personal information or infrequently interact with program participants must receive, at a minimum, limited civil rights training
- ❖ Volunteers who do not interact in any way with program applicants and participants, and who do not handle personal information, do not need civil rights training



# Training Expectations

At the end of the Civil Rights training, staff and volunteers should:

- Be able to identify a civil rights complaint, if received
- Know what steps to take if they receive a complaint
- Understand that it is a basic right of that individual to file a complaint

# Required Documentation of Civil Rights Training

- ❖ Name of the participant and date of the training on a Certificate of Training
- ❖ Keep your Certificates of Training for 3 years, plus the current year
- ❖ If the training is provided by a designated trainer, please include name of training instructor
- ❖ Names of all the participants attending the training
  - Use a simple sign-in sheet for all participants to sign at the END of training

# Civil Rights Training Tips

- ❖ Be sensitive, civil rights can be very personal and people approach it from different angles
- ❖ Cover the basics
- ❖ Expect issues and questions and be prepared to address them
- ❖ Answer questions directly and clearly
- ❖ Recognize and value differences
- ❖ If you don't know the answer DO NOT make something up. Agree to get the answer and then follow-up.
- ❖ Contact DHS Commodity Distribution Unit for additional assistance

# Non-Discrimination 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, audiotape, 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: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](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. 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](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

# Non-Discrimination Statement

- ❖ Include the non-discrimination statement on ALL materials that mention USDA programs; including websites, photos & other graphics that are used in publications
- ❖ If the material is too small to permit the full non-discrimination statement, the material will at a minimum include, “USDA is an equal opportunity provider and employer.” This language must be verbatim. Please note that the usage of the short statement is an “exception,” not the rule.
- ❖ Also, regardless of the size, at a minimum, the full statement must be used on vital documents such as: (1) Application form; (2) Notification of Eligibility or Ineligibility; (3) Expiration of Certification Notification; and (4) Discontinuance Notification.
- ❖ Print size for the non-discrimination statement shall be no smaller than the text in the material.

# Public Notification

- ❖ All recipient agencies are required to send out public notifications of their program to potentially eligible persons once every two years.
- ❖ Include the required non-discrimination statement on ALL materials that mention USDA programs; including websites, agency publications, posters and informational materials provided to the public.
- ❖ Let applications and participants at your site know the following:
  - Program availability,
  - Program rights and responsibilities,
  - The agency's policy of non-discrimination , and
  - The procedure for filing a complaint.

# Public Notification

## ❖ Methods of Public Notification

- Prominently display the USDA non-discrimination “And Justice For All” poster
- Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs; including information pertaining to eligibility, benefits, and services, the location of local facilities or services delivery points and hours of service
- Provide appropriate information, including web-based information, in alternative formats for persons with disabilities

# “And Justice For All” poster

- ❖ Notifies participants of Civil Rights
- ❖ Prominently display the poster where it is visible to all program participants
- ❖ Post in service area

The poster features a teal background with a white and gold border. At the top left is the USDA logo and the text 'United States Department of Agriculture'. The central image is a stylized, teal-tinted depiction of the Statue of Liberty's head and crown. Overlaid on this image is the text 'AND JUSTICE FOR ALL' in large, bold, white, sans-serif capital letters. Below the image is a horizontal line of small white stars. The bottom section of the poster contains text in English and Spanish, providing information on how to file a complaint and contact details for the USDA's civil rights office.

**United States Department of Agriculture**

## 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, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

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 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. Additionally, program information is available in languages other than English.

To file a complaint alleging discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or 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:

**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](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

Conforme a las leyes federales y a los derechos civiles, reglamentos y políticas del Departamento de Agricultura de los Estados Unidos (U.S. Department of Agriculture, USDA), se prohíbe a esta institución discriminar por motivo de raza, color, nacionalidad, sexo, edad, discapacidad y reprimir o tomar represalias por actividades realizadas en el pasado relacionadas con los derechos civiles. (No todos los principios de prohibición se aplican a todos los programas).

Las personas discapacitadas que requieran medios alternos para que se les comunique la información de un programa (por ejemplo, braille, letra agrandada, grabación de audio, lenguaje de señas estadounidense, etc.) deberán comunicarse con la agencia estatal o local responsable de administrar el programa o 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. La información del programa también está disponible en otros idiomas además del inglés.

Para presentar una queja por alegada discriminación, complete el formulario de quejas por discriminación del programa del USDA, AD-3027, que podrá encontrar en línea en [http://wwwocio.usda.gov/sites/default/files/docs/2012/Spanish\\_Form\\_508\\_Compliant\\_6\\_8\\_12\\_0.pdf](http://wwwocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf) o en cualquier oficina del USDA o escriba una carta dirigida al USDA que incluya toda la información solicitada en el formulario. Para solicitar una copia del formulario de presentación de quejas, comuníquese al (866) 632-9992. Envíe su formulario o carta completos al USDA por:

**correo:**  
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; o

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

Esta institución ofrece igualdad de oportunidades.

Form AD-475-A—Assisted Poster/ Revised December 2015

Alcma complementario al Formulario AD-475-A / Revisado diciembre 2015



# “And Justice For all Poster” Source

❖ <http://www.fns.usda.gov/cr/justice/htm>

or contact

Commodity Distribution Unit, DHS

TEFAP & CSFP Programs at (405)521-3581

# Collecting & Reporting Participant Data for CSFP

- ❖ Recipient agencies are required to obtain data by race and ethnic category on applicants and participants in the CSFP programs.
- ❖ Self-identification or self-reporting is the preferred method of obtaining data
  - Program applicants may not be required to furnish ethnicity and race
- ❖ Visual observation shall be used when the applicant does not self-identify
  - The applicant should be informed that a visual identification of his/her race and ethnicity will be made and recorded
  - Data collector may not second guess or change or challenge a self-declaration unless such declarations are patently false

# Collecting & Reporting Participant Data for CSFP

A two question format must be used for racial and ethnic categories for CSFP programs:

- ❖ Ethnicity: Is to be asked first
  - Hispanic or Latino
  - Not Hispanic or Latino
- ❖ Race (instructions should specify “mark one or more”)
  - American Indian or Alaskan Native
  - Asian
  - Black or African American
  - Native Hawaiian or other Pacific Islander
  - White or Caucasian

# Complaints

- ❖ Complaints may be based on the following:
  - Race
  - Color
  - Age
  - Sex
  - National origin
  - Disability
- ❖ Complaints may be written or verbal
  - Complaints may be made by phone, letter, email, fax or any other form of communication
  - If receiving a verbal complaint, that staff should write down the information for the complaint. *Listen politely!*

# Complaints

- ❖ May be anonymous
  - Anonymous complaints should be handled as any other complaint
- ❖ May be related to any area of Food Distribution operations
  - Program administration, food service, employment, etc.
- ❖ Complaint must be filed within 180 days (timeframes must be adhered to)

# How to File a Complaint

❖ Send the complaint letter to:

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

❖ And the DHS Commodity Distribution Unit:  
Commodity Distribution Unit  
Attn: Civil Rights Complaint  
PO Box 25352  
Oklahoma City, OK 73125-0352

# Complaint Tips

- ❖ Never discourage groups or individuals from filing a complaint or from telling about a potentially discriminatory situation
- ❖ Provide forms for written complaints
- ❖ Take detailed notes of verbal complaints

# Assurances

To qualify for Federal financial assistance, written assurance that the program will be operated in a nondiscriminatory manner must be included in all agreements between agencies.



# Compliance Reviews

- ❖ The Oklahoma CSFP and TEFAP Programs are evaluated by USDA Food and Nutrition Services (FNS) every 3 years through the Management Evaluation Process.
- ❖ As a part of this evaluation, the State Office and selected local offices/sites are evaluated by USDA on areas under review which may include compliance with civil rights policies, laws and regulations.
- ❖ A written report is provided by USDA and the State Office is required to submit a corrective action plan outlining actions taken to resolve any issues identified as a finding. The State Office must follow up with the local office/site to ensure the issue has been corrected.

# Compliance Review

- ❖ The purpose of a compliance review is to determine if the applicant or recipient agency of Federal financial assistance is in compliance with Civil Rights requirements
- ❖ Reviews can be completed:
  - Pre-award
  - Post-award
  - Special

# Routine Compliance Reviews

- ❖ This is a desk or on-site civil rights review conducted after an organization has been authorized to receive Federal financial assistance to ensure:
  - Prominent display “And Justice for All” poster
  - Providing annual Civil Rights training for staff/volunteers
  - Procedure in place to handle Civil Rights complaints
  - Non-discrimination statement on all printed materials and websites
  - Providing outreach materials to reach all eligible populations, once every two years
  - Meeting the requirement for persons with disabilities, reasonable accommodations, and limited English proficiency (LEP).

# Routine Compliance Review

## Questions

- ❖ Is USDA's "And Justice For All" poster prominently displayed where it can be seen by applicants, participants and visitors?
- ❖ Have Civil Rights training and complaint procedures been provided to persons dispensing commodities?
- ❖ Do potentially eligible persons have an equal opportunity to participate?
- ❖ Does the agency publicize that it provides services to all persons without regard to race, color, national origin, age, sex or disability?

# Routine Compliance Review

## Questions

- ❖ Is the non-discrimination statement included on all materials that describe TEFAP & CSFP?
- ❖ Has the agency established a public notification system to inform the underprivileged, minorities, and grassroots organizations of TEFAP, their food distribution location and times, and civil rights complaint procedures?
- ❖ Is the facility accessible to the disabled?
- ❖ Is assistance available for person that have limited English proficiency?
- ❖ Has the organization received any civil rights complaints? If yes, were they handled properly? Are the organization's procedures adequate?

# 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 other subrecipient.

# Resolution of Noncompliance

- ❖ Steps must be taken immediately to obtain *voluntary* compliance
- ❖ Effective date of the finding of noncompliance is the date of notice to the State agency, local agency, or other subrecipient

# What is Limited English Proficiency (LEP)?

## Definition of LEP Persons:

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

- ❖ All organizations receiving Federal financial assistance have a responsibility to take reasonable steps to ensure “meaningful” access to their programs and activities by persons with LEP.



# Limited English Proficiency (LEP)

“Reasonable Steps” are contingent upon:

- ❖ The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient
- ❖ The frequency with which LEP individuals come in contact with the program
- ❖ The nature and importance of the program, activity, or service provided by the program to people’s lives
- ❖ The resources available to the recipient and costs. A shortage of resources does not eliminate the requirement for an agency to take reasonable steps

# Limited English Proficiency (LEP)

- ❖ Potential Cost Reduction Solutions:
  - Using technological advances (i.e., translation devices on your computer or smart phone)
  - Sharing of language assistance materials and services among and between recipients, advocacy groups and social service agencies (i.e. Department of Human Services)
  - Where appropriate, training bi-lingual staff to act as interpreters and translators, telephonic and video conferencing interpretation services, or the formalized use of qualified community volunteers
  - Standardizing documents to reduce translation needs
- ❖ Paid interpreters, bilingual staff, and/or the use of a language line is the preferred method for meeting LEP requirements.

# Limited English Proficiency (LEP)

- ❖ Children who are minors should not be used as interpreters
- ❖ Volunteers may be used, but make sure they understand confidentiality
- ❖ Prototype applications in other languages:  
<http://www.fns.usda.gov/cnd/FRP/frp.process.htm>
- ❖ See [www.lep.gov](http://www.lep.gov) for more information

# Limited English Proficiency (LEP)

Agencies that fail to provide services to LEP persons and applicants, or deny them access to TEFAP & CSFP may be discriminating on the basis of National Origin in violation of Title VI.

# Reasonable Accommodations

- ❖ Ensure that people with disabilities can get into your agency from the parking lot, entrances, hall, elevators, restrooms, as well as allowing service animals
- ❖ Arrange ways for people to get services. For example if your program is in the basement and you do not have an elevator, staff/volunteers should be available on the main floor
- ❖ FedRelay Telecommunications Services to allow individuals who are deaf, hard of hearing, and/or have speech disabilities. [www.gsa.gov/fedrelay](http://www.gsa.gov/fedrelay)



# Customer Service: Making a Difference

- ❖ Treat all people with dignity and respect
- ❖ Answer questions in a voice that is non-threatening
- ❖ Clearly explain to everyone the rules as well as their rights and responsibilities
- ❖ Find and use tools and techniques to improve customer service.
- ❖ Recognize that participants have varied needs and (sometimes) few resources

# Customer Service: Making A Difference

- ❖ Notice when a person feels they have been treated in a rude manner
- ❖ Develop good listening skills
- ❖ Learn to put yourself in their place when necessary
- ❖ Learn to deal with a dissatisfied customer
- ❖ Improve customer satisfaction
- ❖ Ask yourself, “Am I treating this person in the same manner I treat others?”

# Conflict Resolution

## Key Points

- Typically customers who are behaving in a difficult manner usually have not had their expectations met or do not fully understand the role of the worker.
- Often, the customer is focused on getting immediate assistance with solving a problem and does not feel the worker is helping.
- Generally, people do not want to be difficult or argumentative with a caring individual. The customer may not be aware of how their negative behavior is affecting others.



# Conflict Resolution

- ❖ Communication components to defusing a difficult situation
  - Words
  - Tone of Voice
  - Body Language
- ❖ A combination of all three of these components when having face-to-face interactions with our customers. Each component “says” something to our customer.

# Conflict Resolution

- ❖ Tips for working with people during difficult situations:
  - Remain calm
  - State that you want to help and ask how you can be of assistance.
  - Using information provided, determine what the issue is.
  - Take time to try to understand the person's point of view. Listen for details about the concern, situation, or request. Repeat the concern or request to make sure you understand the person's expectations.
  - When appropriate, apologize for the situation.
  - Offer solutions. Take responsibility for finding a solution, or for putting a solution into action.
  - Don't take the situation personally.
  - Follow up. Personally make sure that the customer has been satisfied; and provide feedback.

# Conflict Resolution

- ❖ If you have tried to assist the person by providing the best customer service you can, and the person remains argumentative or outright abusive then do not allow yourself to be abused, and do not argue back. Keep your own sense of self-confidence, but still remain helpful.
- ❖ Anytime you feel that someone is truly physically threatening, get away from the person and call the Police.

# Additional Resources

## ❖ Resources:

[www.fns.usda.gov/cr/](http://www.fns.usda.gov/cr/)

[www.ascr.usda.gov/](http://www.ascr.usda.gov/)

[www.ascr.usda.gov/complaint\\_filing\\_cust.html#processing](http://www.ascr.usda.gov/complaint_filing_cust.html#processing)

[www.fns.usda.gov/cr/Documents/113-1.pdf](http://www.fns.usda.gov/cr/Documents/113-1.pdf)

[www.lep.gov](http://www.lep.gov)

[www.fns.usda.gov/cnd/FRP/frp.process.htm](http://www.fns.usda.gov/cnd/FRP/frp.process.htm)

# The End

❖ Questions or concerns contact:

- Gina Kazerooni, Programs Administrator, Commodity Distribution Unit, (405) 521-3581
- Taryn Wade, State Reviewer, Commodity Distribution Unit, (405) 522-3144
- USDA Food and Nutrition Service, Southwest Region, Regional Civil Rights Director, (214) 290-9837