

Section 6000

Civil Rights

Table of Contents

6100	Title VI of the Civil Rights Act of 1964.....	3
6110	Public Notification	3
6111	...And Justice for All Posters	3
6112	Nondiscrimination Statement	4
6120	The Collection of Racial and Ethnic Data	6
6130	Limited English Proficiency.....	6
6140	Compliance Reviews	7
6200	Section 504 of the Rehabilitation Act of 1973	7
6210	Program Accessibility	7
6220	Public Notification	8
6230	Employment.....	9
6240	Nondiscrimination Statement (Assurances).....	9
6250	Designation of Section 504 Coordinator	9
6260	Complaint and Grievance Procedures	9
6270	Self-Evaluation of Services.....	9
6300	Americans with Disabilities Act	10
6310	Introduction	10
6320	Services	10
6330	Employment.....	11
6400	Sites Located at Religious Organizations.....	11
6500	Complaints	11
6561	Right to File.....	12
6562	Anonymous Complaints.....	12
6563	Verbal Complaints	12
6164	Complaint Form	12
6600	Training.....	12

6000 Civil Rights

All nutrition assistance programs and activities that receive Federal funding are protected and subject to civil rights oversight. CEs are responsible for ensuring that all qualifying persons have equal access to the TEFAP by complying with the civil rights and nondiscrimination requirements of USDA. (7 CFR §251.10(c))

In the USDA nutrition programs administered by TDA, there are six bases protected against discrimination. A protected basis refers to any person or group of people who have characteristics for which discrimination is prohibited based on law, regulation, or executive order. Protected bases in the USDA nutrition assistance programs administered by TDA are:

- Race
- Color
- National origin
- Sex
- Age
- Disability

Reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA is also prohibited.

A CE must strictly adhere to and enforce the provisions of the Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA).

Refer to USDA Food and Nutrition Service (FNS) Instruction 113-1, *Civil Rights Compliance and Enforcement – Nutrition Programs and Activities* for additional information.

6100 Title VI of the Civil Rights Act of 1964

6110 Public Notification

CEs must have a public notification system to inform applicants, participants, and potentially eligible person of the TEFAP availability, TEFAP rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint. CEs must make TEFAP information available to the public upon request. CEs also must be able to provide informational materials related to the TEFAP in languages other than English, if the need exists. Refer to Item 6120, *Limited English Proficiency* for additional information.

CEs must convey the message of equal opportunity in all photographic and other graphics that are used to provide information related to TEFAP. Specifically, when human likenesses are used in such materials, reasonable efforts must be made to depict an ethnic and racial balance.

6111 ...And Justice for All Posters

CEs and each contracted site must prominently display the USDA nondiscrimination poster ("...And Justice For All") in a place where it may be read by participants at all times. All "...And Justice for All" posters must be displayed in a specific size: 11 inches width x 17 inches height. More information about the "And Justice for All" poster may be found on USDA's web site at <https://www.fns.usda.gov/cr/and-justice-all-posters>.

6112 Nondiscrimination Statement

The CE and site must provide the following nondiscrimination statement and complaint-filing procedures in all applications; and on all TEFAP materials that are produced for public information, public education, or public distribution.

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, 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.

This institution is an equal opportunity provider.

In Spanish, the nondiscrimination and compliant filing procedure is:

De conformidad con la Ley Federal de Derechos Civiles y los reglamentos y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (USDA, por sus siglas en inglés), se prohíbe que el USDA, sus agencias, oficinas, empleados e instituciones que participan o administran programas del USDA discriminen sobre la base de raza, color, nacionalidad, sexo, discapacidad, edad, o en represalia o venganza por actividades previas de derechos civiles en algún programa o actividad realizados o financiados por el USDA.

Las personas con discapacidades que necesiten medios alternativos para la comunicación de la información del programa (por ejemplo, sistema Braille, letras grandes, cintas de audio, lenguaje de señas americano, etc.), deben ponerse en contacto con la agencia (estatal o local) en la que solicitaron los beneficios. Las personas sordas, con dificultades de audición o discapacidades del habla pueden comunicarse con el USDA por medio del Federal Relay Service [Servicio Federal de Retransmisión] al (800) 877-8339. Además, la información del programa se puede proporcionar en otros idiomas.

Para presentar una denuncia de discriminación, complete el [Formulario de Denuncia de Discriminación del Programa del USDA](#), (AD-3027) que está disponible en línea en: http://www.ascr.usda.gov/complaint_filing_cust.html y en cualquier oficina del USDA, o bien escriba una carta dirigida al USDA e incluya en la carta toda la información solicitada en el formulario. Para solicitar una copia del formulario de denuncia, llame al (866) 632-9992. Haga llegar su formulario lleno o carta al USDA por:

- (1) correo: 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; o
- (3) correo electrónico: program.intake@usda.gov.

Esta institución es un proveedor que ofrece igualdad de oportunidades.

The nondiscrimination statement **must be printed in its entirety** on all TEFAP documents that are intended for the public unless the document fits one of the exceptions below.

Exceptions to the requirements for the nondiscrimination statement follow:

- Sometimes, material is too small to permit the full nondiscrimination statement. In this case, the material must include, in font size no smaller than the other text, the following statement: “This institution is an equal opportunity provider.”
- The nondiscrimination statement is not required to be printed on items such as cups, buttons, magnets, and pens that identify the TEFAP when the size or configuration make it impractical.
- When advertising the TEFAP through radio or television announcements, the entire nondiscrimination statement does not have to be read. Rather, a statement such as “The TEFAP is an equal opportunity provider” is sufficient.
- The entire nondiscrimination statement does not have to be included on every page of a CE’s TEFAP information website; at minimum the nondiscrimination statement or a link to the statement must be included on the CE’s home page.

6120 The Collection of Racial and Ethnic Data

Federal guidance exempts CEs from collecting racial and ethnic data. The only required information for TEFAP eligibility is specified in Section 4000, *Managing the Program*, “Household Application for USDA Foods (Form H1555).”

CEs may collect additional information, such as racial and ethnic data. **However, the collection of additional data must not be a real or perceived barrier to participation.** In other words, a CE must allow an applicant to supply only the federally required information to receive TEFAP foods.

If a CE creates a customized intake form, the form must state clearly that an applicant can receive TEFAP foods by providing **only** the information specified in Section 4000, *Managing the Program*, “Household Application for USDA Foods (Form H1555).”

6130 Limited English Proficiency

CEs must take “reasonable steps” to ensure meaningful access to their programs by participating persons with disabilities and for persons with Limited English Proficiency (LEP). People with LEP are those who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

CEs have an obligation to reduce language barriers that can prevent meaningful access by LEP

persons to important benefits, programs, information, and services of the TEFAP. CEs that fail to take reasonable steps may be discriminating on the basis of national origin. Reasonable steps to ensure meaningful access is contingent on a number of factors, including:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the TEFAP;
- The frequency with which LEP individuals come in contact with the TEFAP;
- The nature and importance of the TEFAP to people's lives; and
- The resources available to the CE and costs.

Elements that may be helpful in designing an LEP policy or plan:

- Identifying LEP persons who need language assistance
- Identifying ways in which language assistance will be provided
- Training staff
- Providing notice to LEP persons
- Monitoring and updating LEP policy

6140 Compliance Reviews

Compliance reviews help to ensure that civil rights requirements are fulfilled at each level of TEFAP administration, including the application approval process and the federal and state monitoring efforts.

TDA will determine whether the CE and its subdistributing agencies and distribution sites comply with civil rights requirements before approving the initial application to participate. TDA determines compliance by examining the *Application for Participation/Plan of Operation*, and supporting documentation, as well as by conducting a visit prior to approval to verify the information. During reviews, TDA will also evaluate compliance with civil rights requirements.

6200 Section 504 of the Rehabilitation Act of 1973

6210 Program Accessibility

TEFAP, when viewed in its entirety, must be accessible to and usable by persons with one or more disabilities, including persons with impaired vision or hearing. CEs, subdistributing agencies, and distribution sites are not required to make every part of existing facilities physically accessible to differently abled persons, but must ensure that programs at those facilities are accessible. Each facility must offer the most integrated setting possible to enable persons with disabilities to fully benefit from the TEFAP.

CEs, subdistributing agencies, and distribution sites can make programs accessible to persons with disabilities by taking the following steps:

- Delivering food packages at the curb
- Moving to accessible buildings
- Assigning aides to assist participants
- Delivering services at alternate accessible facilities (for facilities with 15 or fewer employees)
- Redesigning equipment
- Rearranging furniture
- Changing the schedule of service hours
- Altering existing facilities
- Constructing new, accessible facilities

CEs, subdistributing agencies, and distribution sites should develop a transition plan to ensure TEFAP accessibility if structural changes to buildings are necessary.

If a CE, subdistributing agency, or distribution site cannot provide services to a person with disabilities because a part of a facility where services are provided is not accessible, they must:

- Inform the person with disabilities of alternate facilities where they can receive services
- Pay all or part of any additional cost the person with disabilities incurs as a result of being transported to the alternate facility. (There are some circumstances when CEs, subdistributing agencies, and distribution sites are not required to pay these costs. Contact your USDA Foods Specialist for additional information.)

6220 Public Notification

CEs must have a public notification system to inform applicants, participants and potential participants of the TEFAP availability, TEFAP rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint. The public notification system must include the following three basic elements:

1. **TEFAP Availability.** CEs must take specific action to inform participants of their rights and responsibilities.
2. **Complaint Information.** CEs must advise participants of the right to file a complaint, how to file a complaint, and the complaint procedures.
3. **Nondiscrimination Statement.** CEs must ensure all information materials and sources, including websites, used to inform the public about the TEFAP contain the nondiscrimination statement located in Item 6112, *Nondiscrimination Statement*.

6230 Employment

CEs, subdistributing agencies, and distribution sites are prohibited from discriminating against any qualified person based on a disability. CEs, subdistributing agencies, and distribution sites must make reasonable accommodations for the known physical or mental limitations of an otherwise qualified applicant or employee with disabilities. CEs, subdistributing agencies, and distribution sites are not expected to make accommodations that impose an undue hardship on the operation of the TEFAP.

6240 Nondiscrimination Statement (Assurances)

The statement of nondiscrimination is contained in the *USDA Foods Agreement Between Contracting Entity and Texas Department of Agriculture*.

6250 Designation of Section 504 Coordinator

If a CE, subdistributing agency, or distribution site employs 15 or more people, it must designate one or more persons to coordinate compliance with Section 504 regulations. A CE, subdistributing agency, or distribution site may designate an existing employee to perform this function. (7 CFR §15b.6)

6260 Complaint and Grievance Procedures

If a CE, subdistributing agency, or distribution site employs 15 or more people, it must maintain procedures to process grievances and complaints. Procedures that are required by a program other than the TEFAP may satisfy this requirement if they comply with due process standards and provide for prompt and equitable resolution of complaints. (7 CFR §15b.6(b))

For a complaint form, see www.squaremeals.org. Choose I Need To . . . then File a Complaint.

6270 Self-Evaluation of Services

CEs, subdistributing agencies, and distribution sites must evaluate the quality and availability of services to people with disabilities, and begin to correct any inequitable policies or practices. The evaluation should be made with the assistance of people with disabilities or organizations that advocate for people with disabilities. CEs must maintain a list of interested persons with whom they consult, a description of areas that they examine, the problems that they identify, and descriptions of modifications that they make.

CEs must retain this information in accordance with TEFAP recordkeeping requirements. Refer to *TEFAP Handbook*, Section 4000, *Managing the Program*, “Program Documentation,” for additional guidance.

6300 Americans with Disabilities Act

6310 Introduction

The Americans With Disabilities Act (ADA) became effective January 26, 1992. This Act and Section 504 of The Rehabilitation Act of 1973 combine to prevent a wide range of discriminatory actions against disabled persons. However, the ADA does not replace Section 504. The ADA applies to all persons and is not limited solely to persons who receive federal financial participation.

The ADA comprises the following subjects:

- Non-discriminatory practices
- Reasonable accommodation

The ADA applies to the following areas:

- Services
- Employment

6320 Services

When evaluating the services that a CE, subdistributing agency, or distribution site offer, a CE should consider the following questions:

- Can a person with disabilities get to the facility with reasonable ease?
- If the person can reach the location, can they enter the facility and access the specific location where services are provided?
- If they can access the location where services are provided, is there an accessible bathroom?
- If they can access the location where services are provided, are necessary accommodations made for their particular disability?

6330 Employment

In accordance with the ADA, CEs, subdistributing agencies, and distribution sites must comply with the following requirements:

- Must not discriminate against a person with a disability when hiring or promoting staff if the person is otherwise qualified for the job
- May inquire about a person's ability to perform a job, but cannot ask whether a person has a disability nor subject a person to tests that screen out people with disabilities
- Must provide "reasonable accommodations" to persons with disabilities, e.g., job restructuring and modification of equipment

Note: CEs, subdistributing agencies, and distribution sites are not required to provide accommodations that impose an undue hardship on its business. CEs faced with such a request are encouraged to contact TDA for further assistance.

6400 Sites Located at Religious Organizations

Federal civil rights laws address explicitly religious activities as part of TEFAP. See Section 4000, *Managing the Program*, "Sites Located at Religious Organizations."

6500 Complaints

CEs, subdistributing agencies, and distribution sites must have written grievance procedures for addressing and processing complaints. Administrative and site personnel must be able to provide documentation of the procedures and an explanation of the complaint process. If a civil rights complaint is filed with a CE, subdistributing agency, or distribution site, the CE must forward it to TDA immediately.¹ CEs, subdistributing agencies, and distribution sites are also required to provide the complainants with contact information for USDA for filing a civil rights complaint (see Item 6112, *Nondiscrimination Statement*) and explain that a complaint of violation of their civil rights may be made directly to USDA.

The CE, subdistributing agency, or distribution site may incorporate the TEFAP grievance procedures into existing organization-wide compliant procedures rather than develop standalone grievance procedures for the TEFAP.

¹ Email CommodityOperations@TexasAgriculture.gov or call 877-TEX-MEAL (877-839-6325). Alternatively, the CE or site may call 1-877-TEX-MEAL (877-839-6325) for submittal information.

6561 Right to File

Any person may file a complaint within 180 days of the alleged discriminatory action. The complainant and the CE (or subdistributing agency or site, if the complaint is filed against the subdistributing agency or site) are encouraged to resolve the issue 1) at the lowest possible level and 2) as expeditiously as possible.

6562 Anonymous Complaints

An anonymous complaint will be handled as any other complaints, to the extent feasible, based on available information.

6563 Verbal Complaints

Complaints may be made verbally, and the person that receives the complaint must write the elements of the complaint. Every effort should be made to collect the following information:

- 1) Name, address, and phone number, or other ways to contact the complainant
- 2) The specific name and location of the CE or site
- 3) The nature of the incident or action that led to the discrimination complaint
- 4) The basis on which the complainant believes discrimination exists (race, color, national origin, age, disability, or sex)
- 5) The name, title, phone number, business address, and personal address of anyone that might have knowledge about the alleged discrimination
- 6) The date(s) that the alleged discrimination occurred; or if the discrimination is ongoing, its duration

6164 Complaint Form

The [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), (AD-3027), can be found online at: http://www.ascr.usda.gov/complaint_filing_cust.html.

6600 Training

The CE, subdistributing agency, and distribution site personnel must be trained in all aspects of civil rights before assuming any TEFAP duty and every program year thereafter.

Volunteers who regularly interact (i.e., have contact at recurring normal intervals) with TEFAP applicants and participants or determine eligibility must receive full civil rights training on an annual basis. Volunteers who handle personal information of applicants and participants must

also receive full training. Full training, according to USDA includes, but is not limited to, the following:

- Collection and use of data
- Effective public notification systems
- Complaint procedures
- Compliance review techniques
- Resolution of noncompliance
- Requirements for reasonable accommodations of persons with disabilities
- Requirements for language assistance
- Conflict resolution
- Customer service

Volunteers who do not handle personal information and only infrequently interact (i.e., seldom or rarely) with TEFAP applicants and participants must receive, at a minimum, limited civil rights training (i.e., customer service and any other subject matter applicable to each volunteer's role and responsibilities). As not all the subjects for full civil rights training are required, this training may be less time intensive than the full training provided to the frontline staff and volunteers who regularly interact with or handle personal information of TEFAP applicants and participants.

Volunteers who do not interact in any way with TEFAP applicants and participants and who do not handle personal information do not need civil rights training.

If there is a concern that any volunteer cannot understand and/or abide by the training and civil rights requirements, then that volunteer should not interact in any way with TEFAP applicants and participants or handle personal information.

To meet the civil rights training requirements, CEs may use the training developed by TDA located on the TDA website at <http://www.squaremeals.org>, select:

- F&N Resources,
- Training,
- Online Education and Self Study,
- Civil Rights Courses.