

# Emergency Food Programs Section Civil Rights Training\*

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

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This presentation is visual only; there is no sound. Please review ALL slides. When FINISHED complete the **CIVIL RIGHTS ANNUAL TRAINING CHECKLIST FOR CSFP AND TEFAP (FDU 113)**

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CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

# Welcome

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Welcome to the annual Civil Rights Training!

This is a mandatory training designed for providers and their staff administering USDA food programs.

Today's training will cover civil rights requirements set by USDA for both programs TEFAP & CSFP.

The goal of this training is to guarantee services that are available to all beneficiaries in a non-discriminatory manner for any USDA food program.



# Required Training

Providers are required to complete the civil rights training annually.

All staff and volunteers assigned to determine program eligibility or handle confidential information of beneficiaries must review and sign the Civil Rights checklist.

In addition, all staff at the state agency, program management staff at any provider and lead program volunteers at any distribution sites must review and complete the Civil Rights presentation.



# Common Terms

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USDA – United States Department of Agriculture

TEFAP – The Emergency Food Assistance Program

CSFP – Commodity Supplemental Food Program

State Agency – The California Department of Social Services (CDSS), the agency designated to administer TEFAP & CSFP at the state level.

Providers – Any agency administering USDA food programs on behalf of the state agency.

Beneficiaries – Any individual who wishes to apply, participate or receive benefits for any of the USDA food programs. It can be a client, an applicant, current beneficiary or returning.



# Agenda Topics

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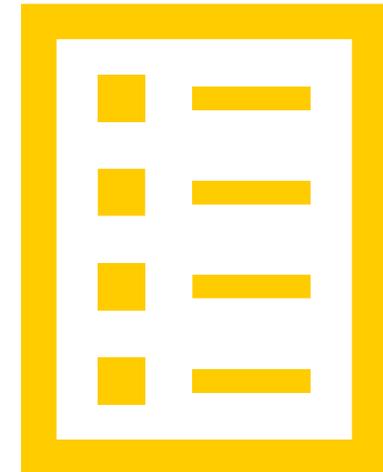
- Definitions of Civil Rights
- Legal Authorities
- Protected Classes
- Public Notification
- Nondiscrimination Statement
- Language Access for Individuals with Limited English Proficiency (LEP)
- Reasonable Accommodation Mandates
- Faith Based Organizations Requirements
- Procedures for Civil Rights Complaints
- Customer Service and Conflict Resolution
- Civil Rights Compliance Review
- Racial & Ethnic Data Collection (CSFP only)

# Training Objectives

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At the completion of this training, you will be able to:

- Define all the protected classes
- Prevent discrimination based on any of the protected classes at a distribution site
- Understand civil rights mandated requirements
- Identify the requirements for serving individuals with Limited English Proficiency (LEP)
- Understand accommodations required for serving individuals with disabilities
- Identify the requirements for data collection



# Civil Rights Information

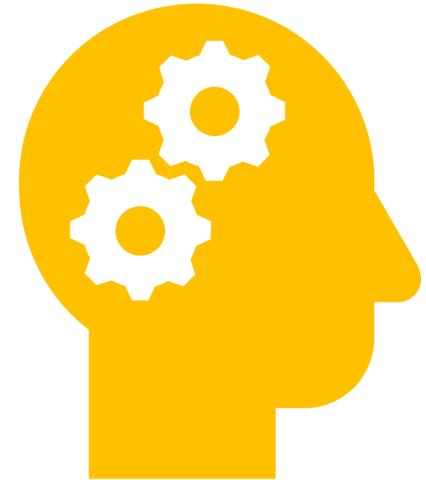
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## **Why is this training required?**

TEFAP and CSFP programs receive federal funding from USDA. Therefore, it is required to follow federal civil rights requirements.

## **What are providers responsible for regarding civil rights mandates?**

Providers must create a system for responding to client complaints on the basis of perceived or actual discrimination.



# What are Civil Rights?

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Civil Rights are the rights of individuals to receive equal treatment and to be free from unfair treatment or discrimination based on established legally protected classes.

Civil Rights are guaranteed by the 13<sup>th</sup> and 14<sup>th</sup> Amendments of the Constitution and Acts of Congress.



# Civil Rights through Legal Authorities

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The **Civil Rights Act of 1964** made it illegal to discriminate on the basis of race, color or national origin.

The **Civil Rights Restoration Act of 1967** clarified the broad scope of the Civil Rights Act of 1964.

The **Americans with Disability Act** prohibits discrimination against individuals with disabilities in all areas of public life.

The **Rehabilitation Act (Section 504 & 508)** offers protection to people with disabilities and requires federal agencies make electronic and information technology accessible.

**Title IX of the Education Amendments Act of 1972** prohibits discrimination based on sex under any education program.

The **Age Discrimination Act of 1975** prohibits discrimination based on age.

# What is Discrimination?

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Discrimination is the unjust treatment of different categories of people or objects:

- Intentionally
- By neglect
- By the actions or lack of actions based on the protected classes

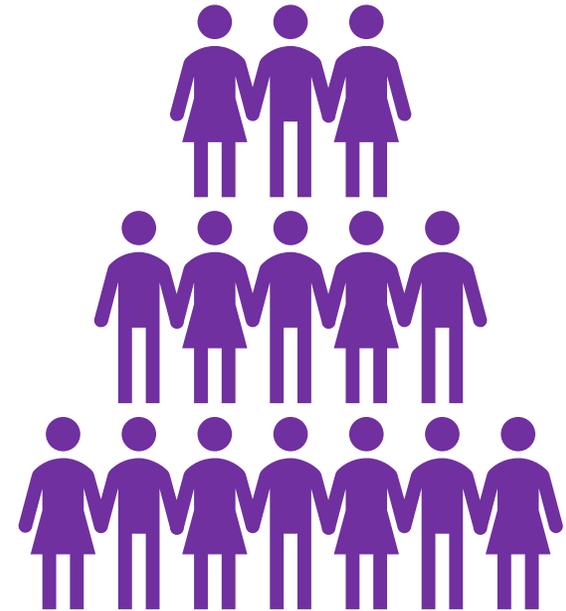
# Protected Classes

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There are Six protected classes for filing a discrimination complaint against a Food and Nutrition (FNS) federal program.

Discrimination is prohibited against any beneficiary based on:

Race, color, national origin, sex, disability, and age.



# Examples of Discrimination

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Few examples of discrimination within food programs could include refusing or neglecting to do any of the following:

- Announcing the program publicly so that all eligible people are aware of the program.
- Providing program information in languages other than English.
- Providing beneficiaries with information on how to file a complaint.
- Providing reasonable accommodations as necessary.

# Public Notification Requirements

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Any provider administering TEFAP or CSFP programs must include a public notification system.

The purpose of a public notification is to inform applicants, beneficiaries and eligible individuals of these programs. Including benefits, eligibility criteria, times and locations.

# Components of Public Notification

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Providers are responsible for ensuring the following public notification components are met:

- 1. Announcing program availability**  
Informing beneficiaries and potential eligible individuals of their program rights and responsibilities as well as steps necessary for participation.
- 2. Procedure to file a program complaint must be available**  
Advising the beneficiaries on how to file a complaint of discrimination, if needed.
- 3. Ensuring the nondiscrimination statement is included on program materials**  
Providers must include in all materials that are produced for public information, public education and public distribution.
- 4. Prominently display the USDA And Justice for All poster**  
The poster should not be placed in a locked office away from clients.

# Nondiscrimination Statement (NDS)

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The nondiscrimination statement guidelines are:

- Must be available in other languages.
- The entire statement cannot be changed.
- Must be printed and posted in all electronic materials, including websites.
- Hard copies should be available at each distribution site in case beneficiaries request information on how to file a complaint with USDA.

# Essential Program Materials

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Essential program materials are printed or electronic and include information pertaining to participation or obtaining benefits from the USDA food programs.

The nondiscrimination statement must be included on all essential materials including but not limited to:

- Program applications
- Notifications of eligibility or ineligibility
- Expiration of eligibility notices
- Consent forms
- Notices of rights and responsibilities
- Disciplinary action notices
- Letters requiring a response from the beneficiary
- Any program material that is critical for participating in the program

# Full Nondiscrimination Statement (NDS)

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:

**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.

# Short Nondiscrimination Statement

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If program materials are too small to permit the full statement, a short version of the nondiscrimination statement may be used. The full and short statements are available in different languages at:

<https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>.

English Version: “This institution is an equal opportunity provider.”

The short nondiscrimination statement must meet the following guidelines:

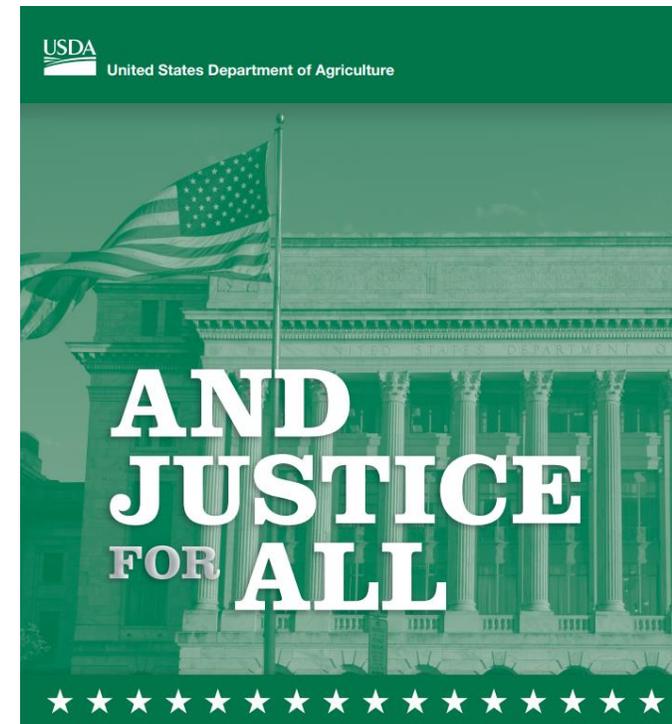
- Same font and size as the main text
- Cannot be modified
- Only included in non-essential program materials

# And Justice for All Poster

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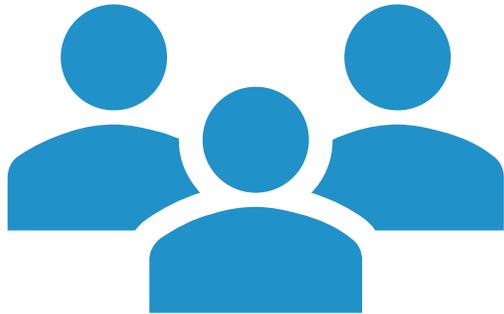
Each agency, distribution site or certification site administering any USDA food programs are required to prominently display the appropriate “And Justice for All” poster where it can be easily viewed by clients.

- Translations into several languages are available online, if needed
- Use the latest version AD-475A
- **Poster must be displayed in a specific size: 11” width x 17” height**
- Contact your assigned CDSS Program Consultant to request additional copies



# Limited English Proficiency (LEP)

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Providers administering any of the USDA food programs must provide meaningful access to program information and services for individuals with limited English proficiency (LEP).

As defined by the U.S. Department of Justice, LEP individuals are persons who do not speak English as their primary language or have limited ability to read, write, speak and understand English.

# Language Access at Distributions

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A few examples of improving access to services for individuals with Limited English Proficiency (LEP) may include:

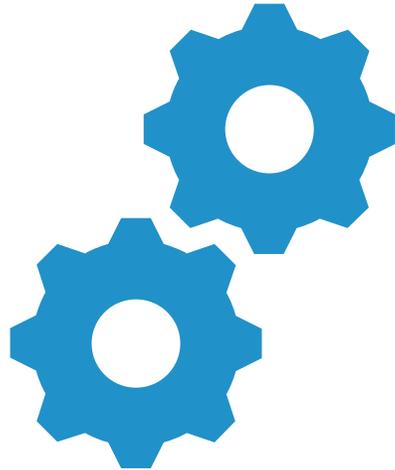
- Provide interpreters and bilingual staff on site
- Telephonic language interpretation
- Provide materials in different languages
- Print materials with commonly used phrases

The more frequent the contact with a particular language group, the more likely that enhanced language services are needed.

# Reasonable Accommodations

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A few examples of making reasonable accommodations might include:



- Modifying existing facilities to make them accessible or usable for individuals with disabilities
- Acquiring or modifying equipment
- Providing qualified readers or interpreters
- Providing spaces for sitting
- Reminding beneficiaries that an alternate can pick up on their behalf

# American with Disabilities Act (ADA) Mandates

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The American with Disabilities Act (ADA) prohibits discrimination against individuals with disabilities in all areas of public life.

ADA mandates to provide reasonable modifications or adjustments to enable individuals with disabilities to have equal access to benefits or services.

The goal is to ensure equal access to food distribution programs for individuals with disabilities and making reasonable accommodations to provide the same level of service.

# Faith Based Organizations

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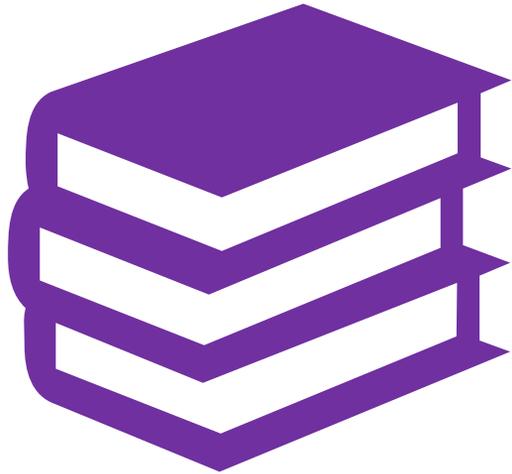


The goal for all providers is to ensure equal opportunity to all beneficiaries.

Any faith-based organization administering USDA food programs must follow specific requirements.

# General Information for Faith Based Organizations

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Faith based organizations administering USDA food programs:

- Cannot use federal funds to support religious activities.
- Cannot require beneficiaries to participate in any faith-related activity at distribution sites in order to receive program benefits.
- Do not have to remove any religious symbols at distribution sites.

# Provider Restrictions

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- Beneficiaries have the right to report violations of these protections.
- May not discriminate against beneficiaries on basis of religion or religious belief.
- May not encourage beneficiaries to attend or participate in any religious activities that are offered by the organization.
- Must separate in time or location any religious activities from activities supported by federal financial assistance.

# USDA Discrimination Complaints

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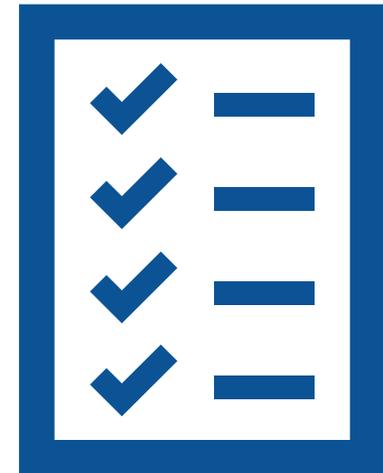
USDA prohibits discrimination against any beneficiary when obtaining services from USDA or participating in any USDA food programs.

Beneficiaries may file a complaint directly with USDA within 180 days of the alleged discriminatory action.

Beneficiaries may file a complaint by completing the complaint form or writing a letter via:

1. Mail
2. Fax
3. Email

**Providers shall not interfere or prevent beneficiaries from making civil rights complaints.** Beneficiaries can submit a civil rights complaint verbally or in writing.



Providers should handle a civil rights complaint as follows:

1. Providers must give beneficiaries a copy of nondiscrimination statement at the time of the complaint.
2. Providers should inform beneficiaries of their option to file the complaint with USDA directly.
3. USDA civil rights complaint forms should be available for beneficiaries at distribution sites. If necessary, providers should assist the beneficiaries in completing the complaint form.
4. Providers must document the complaint in a log with information relevant to investigate and resolve the complaint. This log must be separate from other program-related complaints and maintained for three fiscal years plus current year.
5. If beneficiaries submit the complaint form directly to the provider, the provider must mail it to USDA within 180 days if the alleged action
6. If a beneficiary submits a verbal complaint the provider must forward the complaint to USDA within 180 days from the alleged action
7. Provider must notify their CDSS Program Consultant of any civil rights complaint within two days of learning about the complaint

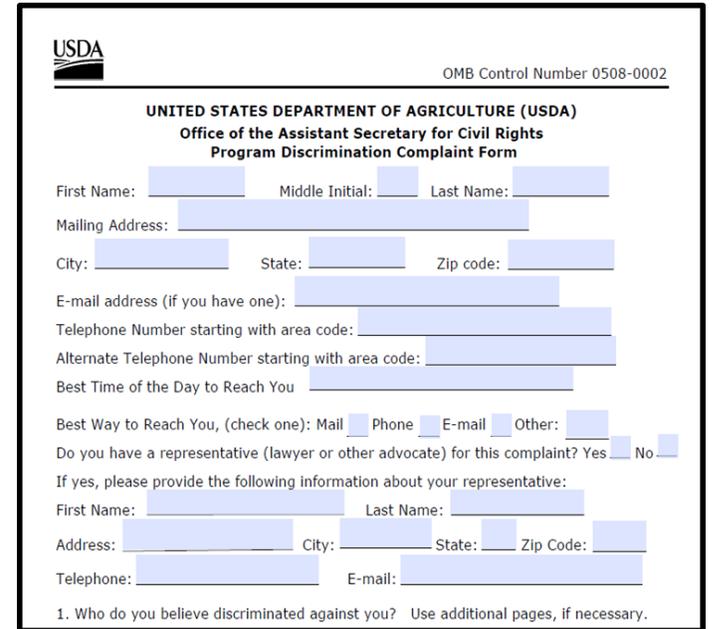
# Complaints Procedure

# USDA Complaint Form

USDA developed a complaint form to streamline the way civil rights complaints are received and processed.

**The use of the USDA complaint form is not mandatory.**

Providers may choose to develop and use their own complaint form or allow for beneficiaries to submit a letter as long as the same information is provided.



The image shows a scan of the USDA Program Discrimination Complaint Form. At the top left is the USDA logo, and at the top right is the OMB Control Number 0508-0002. The title of the form is "UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) Office of the Assistant Secretary for Civil Rights Program Discrimination Complaint Form". The form contains several fields for personal information: First Name, Middle Initial, Last Name, Mailing Address, City, State, Zip code, E-mail address (if you have one), Telephone Number starting with area code, Alternate Telephone Number starting with area code, and Best Time of the Day to Reach You. There is a section for "Best Way to Reach You, (check one): Mail  Phone  E-mail  Other: . Below this is a question: "Do you have a representative (lawyer or other advocate) for this complaint? Yes  No ". If "Yes", there are fields for the representative's First Name, Last Name, Address, City, State, Zip Code, Telephone, and E-mail. At the bottom, there is a numbered instruction: "1. Who do you believe discriminated against you? Use additional pages, if necessary."

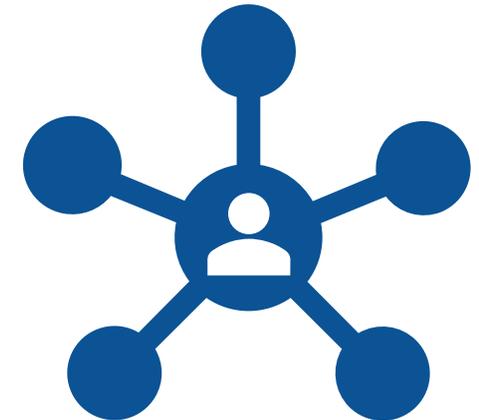
# Customer Service

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Customer service is an important part of handling complaints.

To provide quality customer service, staff should:

- Ensure program is available to all
- Treat everyone equally with respect and politeness
- Evaluate if there are barriers preventing individuals from receiving benefits and try to eliminate them
- Be understanding and a good listener
- Offer assistance
- Serve beneficiaries in a timely manner
- Apologize for any inconveniences



# Conflict Resolution

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Providers should follow conflict resolution techniques when handling complaints to ensure optimal resolutions.

Conflict resolution techniques include:

- Remain calm, non-defensive, and respectful in all interactions
- Recognize and respond to things that matter
- Ensure fairness and confidentiality at all times
- Seek compromise within program regulations
- If resolution is not achieved, seek a neutral individual to assist with resolving the conflict
- Review the situation with supervisors to review strategies for addressing future conflicts



# Provider Compliance Review

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During the provider's compliance review, a CDSS Program Consultant will verify all regulations are being followed regarding civil rights.

Areas that will be reviewed include:

- Providers procedures to handle a civil rights complaint
- Availability of a civil rights complaint log
- Proper display of the And Justice for All posters
- Nondiscrimination statement available on all program materials
- Documentation of completion of annual civil rights training for staff and volunteers



# Racial & Ethnic Data Collection

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Providers administering the CSFP program must establish a system to collect racial and ethnic information from beneficiaries. The reason for collecting this information is to ensure the program is administered in a nondiscriminatory manner.

Self-identification or self-reporting of this information is the preferred method. The beneficiary's response will not affect the enrollment or participation in the program. In addition, this information will be protected under the Privacy Act.

If beneficiaries decline to self-identify, providers should inform beneficiaries that a visual identification of their race and ethnicity will be made and recorded.

Providers shall collect this information for any beneficiary receiving a food package during the month of April each year.

Data collected should be added on the FNS-191 Racial and Ethnic Group Participation Form and submitted to CDSS in May each year.

# Knowledge Scenarios

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Now that civil rights regulations and complaints have been reviewed. It is time to check your knowledge acquired through this training.

The next set of questions will address possible scenarios providers and staff may encounter while administering USDA food programs.



# Check for Learning 1

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Scenario: An individual in a wheelchair complained that the site where he was told to pick up his food package is not accessible to local public transportation.

Questions: What steps could be taken in this scenario?  
How can this person be accommodated?

Possible Solutions: Provide information on how to file a complaint if the person wishes to do so, offer home delivery services if available, provide information of a distribution site closer to public transportation or ask the beneficiary to identify/appoint a proxy.



# Check for Learning 2

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Scenario: A beneficiary tries to speak with a volunteer at a food distribution site in a language other than English but the volunteer does not understand the beneficiary. The beneficiary leaves without being served.

Question: How should that situation have been handled by the volunteer?

Possible Solutions: The volunteer should know the site's protocol in serving persons with LEP (which vary by site). If the site has telephonic interpretation available, the volunteer would follow the protocol to access it. If the site has bilingual staff, the staff would work with the manager to get the person with LEP to that bilingual staffer.



# Check for Learning 3

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Scenario: A reviewer from the State visits a CSFP or TEFAP distribution site and sees the “*And Justice For All*” poster displayed in the manager’s office, which is located in an area that is off limits to program applicants and beneficiaries.

Questions: Is this a Civil Rights violation?  
Why or why not?

Answer: Yes, this is a Civil Rights violation. Per regulations, the “*And Justice For All*” poster must be prominently located where program applicants and beneficiaries can view it. The poster must be displayed at the point of service.



# Certification of Completion

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Review the entire FDU 113- Civil Rights Annual Training Checklist for CSFP and TEFAP

Initial where indicated

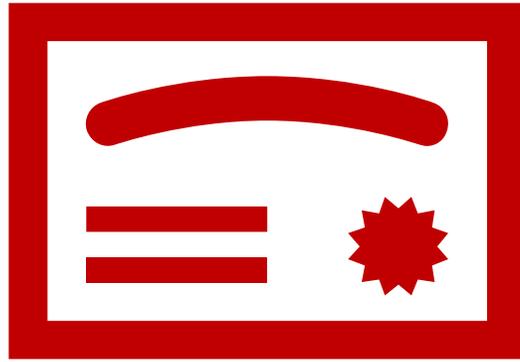
On the last page sign and date the Level 1 AND the Level 2 Training Certification

Maintain a copy of the FDU 113. All records must be retained for a period of three (3) years from the end of the fiscal year to which they pertain, or if they are related to unresolved claims actions, audits, or investigations until those activities have been resolved.



# Congratulations!

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YOU HAVE COMPLETED THE ANNUAL  
CIVIL RIGHTS TRAINING!

# Resources

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[USDA Civil Rights Division website](https://www.fns.usda.gov/civil-rights)

<https://www.fns.usda.gov/civil-rights>

[USDA Program Discrimination Complaint Form](https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations)

<https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations>

[Nondiscrimination Statement webpage](https://www.fns.usda.gov/cr/fns-nondiscrimination-statement)

<https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>

[And Justice for All Posters Guidance and Translations webpage](https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations)

<https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations>