

Section 6000

Civil Rights

Table of Contents

Protected Classes	2
Title VI of the Civil Rights Act of 1964	2
Public Notification	2
Compliance Reviews	5
Training	5
Complaints.....	6
The Collection of Racial and Ethnic Data	6
Section 504 of the Rehabilitation Act of 1973	7
<i>Program Accessibility</i>	7
<i>Public Notification</i>	8
<i>Employment</i>	8
<i>Designation of Section 504 Coordinator</i>	8
<i>Complaint/Grievance Procedures</i>	8
<i>Self-Evaluation of Services</i>	8
Americans with Disabilities Act	9
<i>Services</i>	9
<i>Employment</i>	9

Protected Classes

Each contracting entity (CE) is responsible for ensuring that all persons have equal access to the program. The CE, subdistributing agency, and distribution site cannot discriminate in employment or program participation based on the following classes:

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

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

The additional protected classes included in the nondiscrimination statement and complaint-filing procedures below apply to **other** USDA programs and employment activities.

Title VI of the Civil Rights Act of 1964

Public Notification

As part of the CE's public notification responsibilities, each CE, subdistributing agency, and distribution site must do the following:

- Display the U.S. Department of Agriculture nondiscrimination poster ("...And Justice For All") in a prominent place that is visible to participants at all times
- Make program information available to the public upon request
- Be able to provide information materials related The Emergency Food Assistance Program (TEFAP) in languages other than English, if the need exists
- Provide the following nondiscrimination statement and complaint-filing procedures in all applications and program-related information intended for current and potential participants:

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, audiotope, 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 complaint-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 program documents that are intended for the public.

Program-related written materials must be provided to all current and potential program participants with the nondiscrimination statement and complaint-filing procedures included.

Note: When human likenesses are used in program materials, reasonable efforts must be made to depict racial balance.

Compliance Reviews

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

The Texas Department of Agriculture (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 CE compliance by examining the *Application for Participation/Plan of Operation*, and supporting documentation, as well as by conducting a pre-approval visit to verify the information. During compliance reviews, TDA will also evaluate compliance with civil rights requirements.

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 program 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 FNS Instruction 113-1, *Civil Rights Compliance and Enforcement — Nutrition Programs and Activities* 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 program 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 volunteers who regularly interact with or handle personal information of program applicants and participants.

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.

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 program applicants and participants or handle personal information.

Refer to *TEFAP Handbook*, Section 11000, *Resources*, "Civil Rights Guides for Food and Nutrition," for information on civil rights training materials.

Complaints

Each CE, subdistributing agency, and distribution site must have procedures for processing complaints. The site personnel of each CE, subdistributing agency, and distribution site must be able to provide documentation of the procedures and an explanation of the complaint process. If a complaint is filed with a CE, subdistributing agency, or distribution site, the organization must forward it to USDA immediately.

The organization should send a courtesy copy to TDA Commodity Operations at commodityoperations@texasagriculture.gov. Alternatively, the organization may call 1-877-TEX-MEAL (1-877-839-6325) for submittal information.

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 *TEFAP Handbook* Section 4000, *Managing the Program*, "Household Application."

CEs may collect additional information, such as racial and ethnic data. **The collection of additional data, however, 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 *TEFAP Handbook*, Section 4000, *Managing the Program*, "Household Application."

Section 504 of the Rehabilitation Act of 1973

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 program.

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 program 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, the CE, subdistributing agency, or distribution site must take the following steps:

- 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 the TDA Food and Nutrition program specialist at commodityoperations@texasagriculture.gov for additional information.)

Public Notification

CEs, subdistributing agencies, and distribution sites must continually inform potential and current participants, beneficiaries, applicants and employees that they do not discriminate on the basis of disability. This includes notifying unions or professional organizations that maintain collective bargaining or professional agreements with recipients.

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 program.

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.

Complaint/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.

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 consulted, a description of areas examined and the problems identified, and descriptions of modifications made.

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.

Americans with Disabilities Act

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 differently abled persons. The ADA, however, 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 subjects of 1) nondiscriminatory practices and 2) reasonable accommodation.

The ADA applies to areas of services and employment.

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?

Employment

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

- Cannot discriminate against a person with a disability when hiring or promoting staff if the person is otherwise qualified for the job
- Can 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.