



Training Requirements – Civil Rights

Annual Civil Rights Training is required per the FNS Instruction 113-1. An agenda, training material, who facilitated the training, a sign in sheet and date of training must be available for review.

Specific subject matters must include:

- Collection and use of racial & ethnic data
- Effective public notification systems
- Complaint procedures
- Complaint review techniques
- Resolution of non-compliance
- Requirements for reasonable accommodation of persons with disabilities
- Requirements for language assistance
- Conflict resolution
- Customer Service

FNS Instruction 113-1 provides detailed information about the required training topics (electronic copy available at www.dec.al.ga.gov → Nutrition → CACFP Participant Information → Handbooks/Instructions → FNS Instruction 113-1 Civil Rights Compliance and Enforcement)

Food & Nutrition Service	FNS INSTRUCTION	NUMBER 113-1
	U.S. DEPARTMENT OF AGRICULTURE 3101 PARK CENTER DRIVE ALEXANDRIA, VA 22302-1500	

INFORMATION FOR: All FNS Employees and State Agencies

Civil Rights Compliance and Enforcement – Nutrition Programs and Activities

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DISTRIBUTION: EAD, EF4, EN	MANUAL MAINTENANCE INSTRUCTIONS: This Instruction Replaces FNS Instructions 113-1, Rev 1, 113-2, 113-3, 113-4, 113-6, 113-7 and 113-8. Remove all FNS Instructions listed here and replace with this Instruction.	RESPONSIBLE FOR PREPARATION AND MAINTENANCE: CRD	Page 1 11/8/05
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FORM FNS-420 (1-09) Previous editions obsolete
Electronic Form Version Designed In JnlForm 5.1 Version

Training Requirements – Civil Rights (Collection and Use of Data)

FNS Headquarters and Regional Offices, State agencies, local agencies, and other sub-recipients must provide for and maintain a system to collect the racial and ethnic data in accordance with FNS policy.

These data will be used to determine how effectively FNS programs are reaching potential eligible persons and beneficiaries, identify areas where additional outreach is needed, assist in the selection of locations for compliance reviews, and complete reports as required.

Training Requirements – Civil Rights (Public Notification)

- All FNS assistance programs must include a public notification system.
- The purpose of this system is to inform applicants, participants, and potentially eligible persons of:
 - program availability,
 - program rights and responsibilities,
 - the policy of nondiscrimination and
 - the procedure for filing a complaint.

Training Requirements – Civil Rights (Elements of Public Notification)

Complaint Information

Advise applicants and participants at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.

USDA NONDISCRIMINATION STATEMENT



All information materials and sources, including web sites, used by FNS, State agencies, their local agencies, and all sub recipients used to inform the public about FNS programs must contain a nondiscrimination statement.

The statement is not required to be included on every page of the program's web site.

At a minimum, the nondiscrimination statement or a link to it must be included on the home page of the program information.

USDA Nondiscrimination 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, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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 Agency 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 may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) 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.

USDA is an equal opportunity provider, employer, and lender.

Methods of Public Notification

- ▶ Prominently display the “And Justice for All” poster.
- ▶ Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs.
- ▶ Provide appropriate information in alternative formats for persons with disabilities.
- ▶ Include the required nondiscrimination statement on all appropriate FNS and agency publications, Web sites, posters and informational materials.
- ▶ Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information.

And Justice For All Poster

CACFP institutions participating in or administering USDA programs are required to display the appropriate “And Justice for All” poster in their facilities where it can be viewed by customers. All “And Justice for All” posters must be displayed in a specific size: 11” width x 17” height.

To obtain a copies of the poster, visit www.dec.al.gov
→Nutrition→CACFP Participant Information→Posters and Flyers→ And Justice For All Poster

UPDATED



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 marital or relational status 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 TARGET Center at (800) 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.ars.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
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fax:
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email:
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 respirar o fumar susceptibles 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 requieren medios alternos para que se les comuniquen la información de un programa (por ejemplo, Braille, letra agrandada, grabación de audio, lenguaje de señas estadounidenses, etc.) deberán comunicarse con la agencia estatal o local responsable de administrar el programa o al TARGET Center del USDA al (800) 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 queja por discriminación del programa del USDA, AD-3027, que podrá encontrar en línea en http://www.ars.usda.gov/complaint_filing_cust.html, o envíe 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 completo 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
Esta institución ofrece igualdad de oportunidades.

COMPLAINTS OF DISCRIMINATION

Any person has the right to file a discrimination complaint.

- ▶ A Civil Rights Complaint must be based on one of the following:
 - 1) Race,
 - 2) Color,
 - 3) National Origin,
 - 4) Age,
 - 5) Sex, or
 - 6) Disability.

COMPLAINTS OF DISCRIMINATION

The Civil Rights Complaint Procedure:

Collect or advise complainant to provide the following information:

- ▶ Name, address, and telephone number or other means of contacting the person alleging discrimination,
- ▶ The location and name of the organization or office that is accused of the discriminatory practices,
- ▶ The nature of the incident or action or the aspect of program administration that led the person to allege discrimination,
- ▶ The basis for the alleged discrimination (age, race, color, sex, disability, national origin),
 - ▶ Refer age complaints to Federal Mediation and Conciliation Services

FNS and authorized States then:

- ▶ Review and evaluate facts of investigation.
- ▶ Write decision informing complainant of follow-up or closure action and provide appeal information.

COMPLAINTS OF DISCRIMINATION

- ▶ Complainant must file complaint within 180 days from act of discrimination.
- ▶ Complaints may be verbal as well as anonymous;
- ▶ The use of a complaint form is not required.
- ▶ FNS and authorized states must investigate and resolve complaints within 90 days.

Complaint Issues (cont.)

- ▶ Age discrimination complaints are referred to FMCS within 10 days;
- ▶ The parties are encouraged to resolve the issue at the lowest possible level, as expeditiously as possible; and
- ▶ If there are finding(s) of discrimination, corrective action is required.
- ▶ State Operations Plan must contain a description of the agency's discrimination complaint/grievance processing system.

Compliance Reviews

3 Types of Compliance Reviews:

- ▶ Pre-approval or Pre-award
- ▶ Post-award or Routine
- ▶ Special

COMPLIANCE REVIEWS (CR)

Are conducted to examine activities of:

State Agencies, their local agencies, sub recipients to determine their adherence with civil right requirements.

The CR is a **component** of the management review process that is conducted by FNS regional staff.

Who Conducts Compliance Reviews?

- ▶ FNS Region reviews State Agency (SA).
- ▶ SA reviews their CACFP Institutions.
- ▶ CACFP Sponsors reviews their sub recipients.
- ▶ State agency must report significant findings to the reviewed entity and to FNS.

Pre-approval or Pre-award Compliance Reviews

No Federal funds shall be made available to a State agency or local agency until a Pre-award Compliance Review has been conducted and the applicant is determined to be in compliance with civil rights requirements.

State agencies need to conduct a CR Review before they approve a local agency for funding. CACFP Sponsors must do the same before granting funding to a sub-recipient.

Post-Award or Routine Compliance Reviews

- ▶ CR Review is Part of the Management Evaluation (ME) Process.
- ▶ The CR Review must be included in all compliance reviews conducted by FNS, State and local agencies.
 - ▶ By FNS staff when they review the State Agency and the State Agency's local institutions.
 - ▶ By State Agencies when they review their institutions and sponsor's sub recipients.
 - ▶ By Sponsors when they review their sub recipients.

Post-Award or Routine Compliance Review Content

“Scope of State Agency Review”

1. Eligible persons and households have an equal opportunity to participate;
2. Case records are coded by race or ethnic origin;
3. Displaying the “And Justice for All” poster in a prominent location;
4. Non-discrimination statement;
5. Availability of program information to eligible persons, program applicants and participants;
6. Racial and ethnic data collection, and maintenance for 3 years;
7. Complaint processing; and
8. Training.

Special Compliance Reviews

Conducted by FNS when:

- ▶ Program participation data indicates that a particular group in a specific area is not benefiting from an FNS program;
- ▶ Reports of alleged noncompliance made by the media, grassroots organizations, or advocacy groups need to be resolved;
- ▶ Reports of alleged noncompliance made by other agencies, such as DOE and HHS, need to be resolved; or
- ▶ Patterns of complaints of discrimination have been documented.

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

Examples of noncompliance

- ▶ Denying an individual or household the opportunity to apply for FNS program benefits or services on the basis of race, color, national origin, sex, age, or disability.
- ▶ Providing FNS program services or benefits in a disparate manner on the basis of the above protected classes, unless the difference is necessary to comply with nondiscrimination requirements, such as disability accommodations.
- ▶ Selecting members for planning and advisory bodies in such a way as to exclude persons from membership on the basis of the protected classes.
- ▶ Selecting FNS program sites or facilities in a manner that denies an individual access to FNS program benefits, assistance, or services on the basis of the protected classes.

RESOLUTION OF NONCOMPLIANCE

- ▶ If noncompliance is determined, the State Agency must take steps to obtain voluntary compliance by doing the following:
 - ▶ Provide immediate written notice to the local agency or other sub-recipient indicating the areas of noncompliance and the action required to correct the situation.
 - ▶ Negotiate with the local agency or other sub-recipient to achieve compliance.
 - ▶ Submit to the Regional Administrator a Report of Findings of Noncompliance letter on all cases where corrective action has not been completed within 60 days of the finding.

Persons with Disabilities

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-5964 (voice and TTY).

State Agencies, their local agencies, and other sub-recipients must provide appropriate information, including web-based information in alternative formats when providing public notification of federally funded programs for persons with disabilities.

LIMITED ENGLISH PROFICIENCY (LEP)

Definition:

- ▶ Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
- ▶ Recipients of Federal financial assistance have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency.

LEP (continued):

4 Factors to consider in addressing LEP:

1. Number or proportion of LEP persons served or encountered in the eligible population.
2. Frequency with which LEP individuals come in contact with the program.
3. Nature and importance of the program, activity, or service provided by the program.
4. Resources available to the recipient and costs.

► For more information on LEP go to: www.lep.gov

CONFLICT RESOLUTION

- ▶ All complaints alleging discrimination on the basis of race, color, national origin, age, sex, or disability, either written or verbal, must be processed with 90 days of receipt.
- ▶ Responsibilities of State Agencies, their local agencies, or other sub-recipients in regard to discrimination complaint processing are set out in UDSA regulation implementing Civil Rights laws.
- ▶ State Agencies are to follow the steps outlined in FNS Instruction 113-1 for interacting with FNS Regional OCRs in the administration of their discrimination complaint processing system.
- ▶ FNS, and those State Agencies delegated the authority to process complaints of discrimination under their respective statutes or policies, will be responsible for the entire complaint process, including providing the complainant with appeal rights at the time of closure.

Training Requirements – Civil Rights (Customer Service)

The foundational elements of civil rights legislation should be reflected in every contact with the public and the basis of customer service:

All people deserve respect.

All people are entitled to fairness and equity in the delivery of our services and benefits.

Personal judgments or feelings regarding race, color, country of origin, religious and political beliefs, sex, disabilities and age have no place in the determination of how to serve people and the benefits provided.

Training Requirements – Civil Rights (Customer Service) cont.

In addition to the foundational elements, customer service has some basic best practices that need to be part of every customer interaction which include:

- Prompt Attention
- Willingness to Assist
- Respectful Address
- Active Listening
- Personal Accountability
- Fairness

