



# TEFAP Civil Rights Training 2023



# Goals of Civil Rights Training

- Equal and consistent treatment
- Provide knowledge of rights and responsibilities
- Eliminate illegal barriers
- Promote dignity and respect

# Food & Nutrition Service (FNS) Instruction

This instruction is applicable to ALL programs and activities of a receipt of Federal financial assistance, whether those programs and activities are federally funded in whole or not.

**TEFAP and CSFP commodities constitute Federal financial assistance**



[FNS Documents & Resources](#)

# Civil Rights Training

## **Who needs to complete training annually:**

- New employees and volunteers before participating in program activities
- Existing employees and volunteers

# Civil Rights Training must include:

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

# Protected Classes

updated May 2022

**Race**

**Color**

**National  
Origin**

**Sexual  
Orientation**

**Sex**

**Age**

**Disability**

**Gender**

# What is discrimination

**Discrimination is the unfair treatment of a person, or group of persons, based on their protected class. Discrimination can be intentional or unintentional.**

- **Disparate treatment**
- **Disparate impact**
- **Reprisal or retaliation**

# >> Disparate Treatment

**Disparate treatment** occurs when a person is intentionally discriminated against as a member of a protected class.

This type of discrimination occurs when people make plans or rules that intentionally treat some groups different than others based on race, color, national origin, age, sex, or disability.

## Example:

Members of one religious group are denied service because their beliefs do not match the religious teachings of the organization distributing food.



# >> Disparate Impact

**Disparate impact** is unintentional but has a negative result for a protective class.

This type of discrimination occurs when a program decides on a practice that unfairly affects protected classes in a way that results in receiving less.

## Example:

Local immigrants are asked to wait until later in the day when an interpreter is available. This creates a situation where food may be unavailable to a specific group.

# >> Reprisal or Retaliation

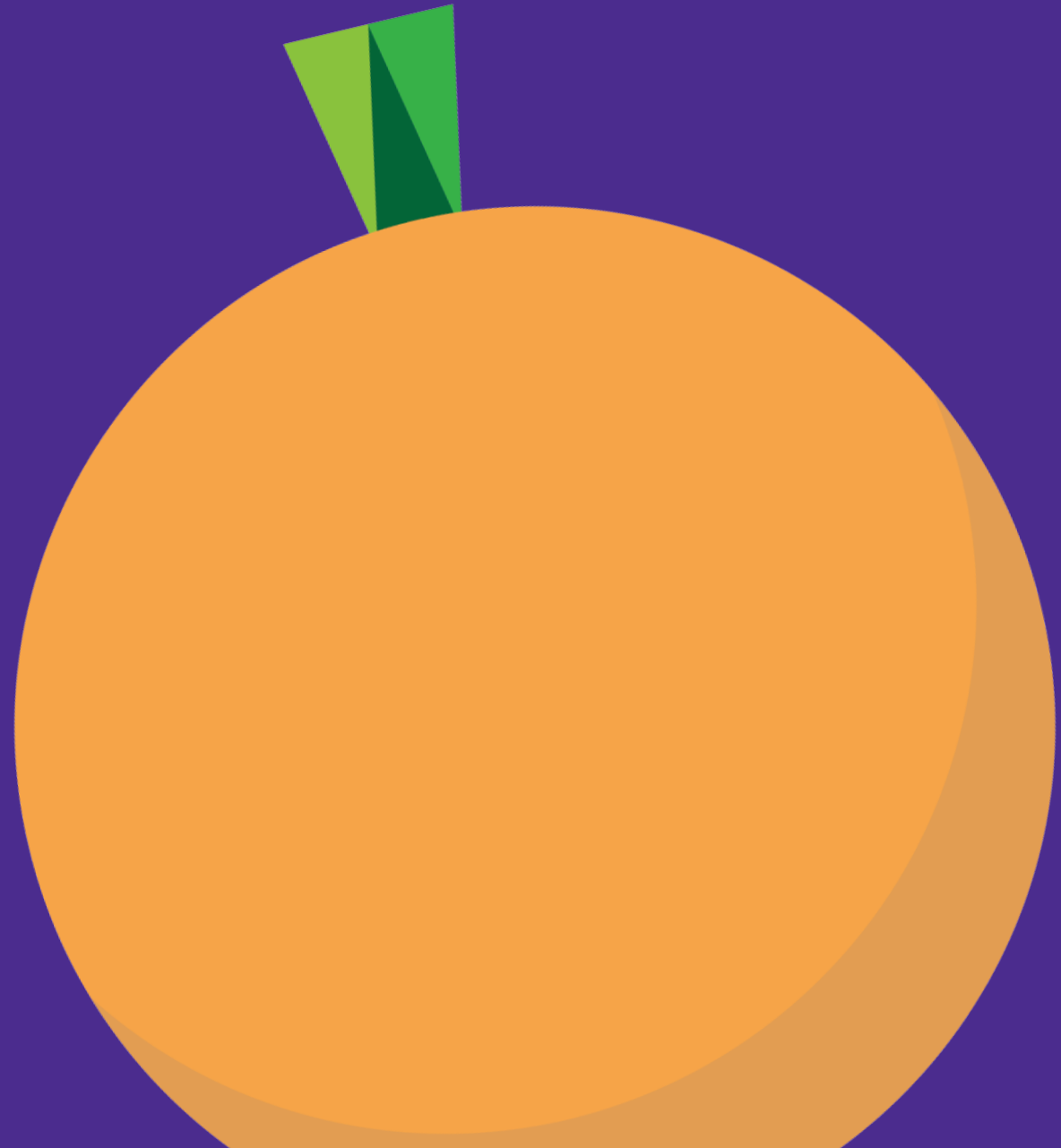
**Reprisal or retaliation** is an intentional act against someone or their family because of prior civil rights activities.

This type of discrimination occurs when a person or organization purposely acts so that specific individuals or groups are denied the same opportunities or benefits as other participants in response to a person's actions, comments, or behaviors.




## Example:

Family and friends of a participant are mistreated at a distribution after a civil rights complaint is filed by that participant against the program.




# QUIZ



# Disparate Treatment, Disparate Impact, or Reprisal/Retaliation?

-  A participant and their family are not allowed at a food distribution after they file a Civil Rights complaint
-  Members of a religious group are denied service because they do not belong to the same church where a food distribution is taking place
-  Allowing only men at a distribution

# True or False?

-  Disparate Impact is unintentional
-  Staff and volunteers only need to take Civil Rights training once
-  Reprisal/retaliation can be against an individual or their family

# Protected classes under TEFAP are:

(choose A, B, or C)

- A. National Origin, Race, Hair Color, Sex, Gender, Sexual Orientation, and Disability
- B. Race, National Origin, Disability, Education Level, Sex, and Gender.
- C. Race, Color, National Origin, Sex, Gender, Sexual Orientation, Disability, Age

# Collection and use of Data

TEFAP and USDA Foods are exempt from data collection per FNS Instruction 113-1, Appendix C, Section D DATA COLLECTION AND REPORTING

“State agencies and local agencies or other subrecipients that operate FDPIR and CSFP must collect and maintain racial or ethnic data as specified below. **The other commodity programs listed under this Appendix are exempt from this requirement.**”

# Public Notification

- **Program Availability**
  - Location
  - Hours of distribution
  - Contact information for the agency
  - The USDA non-discrimination statement
- **Program rights and responsibilities**
- **The policy of nondiscrimination**
- **The procedure for filing a complaint**



# Elements of Public Notification

- Make program information available to the public upon request
- Prominently display the “And Justice for All” poster
- Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information
- Provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for LEP persons.

# Non-Discrimination Statement

Updated May 2022: And Justice for All Posters are being revised  
Agencies should continue to post the “old” poster for now

New statement needs to be on all required documents by **September 30, 2023**

New statement needs to be updated on websites by **August, 2022**

The USDA nondiscrimination statement must be included on all published materials that mention USDA food programs

There are full and shortened versions. The Full version must be presented to participants at certification.



# Non-Discrimination Statement

- **Short version**
- This institution is an equal opportunity provider.  
Esta institución es un proveedor que ofrece igualdad de  
    \*Can be used in limited circumstances only  
Font size must not be smaller than the type on the rest of the  
publication

The statement is available in multiple languages on the FNS Civil Rights web page



# Religious Protections

## Policy memo FD-138

### **Service at Religious Institutions**

- Participants may not be required to participate in religious activities
- All TEFAP services to participants must be separated by location and/or time from religious activities
- TEFAP agencies can have promotional materials out on a table






### **Referrals**

If a participant wishes to receive food at a non-religious TEFAP site, they may request a referral to another TEFAP site nearby

# QUIZ



# True or False?

-  All applicant and participant data must remain confidential
-  Outreach material needs to include the full version of the nondiscrimination statement
-  TEFAP agencies are allowed to require participants to provide racial demographics
-  An agency must only provide notification about food distributions to existing participants
-  Outreach should be in languages spoken in your community and/or English

# Complaints of Discrimination

- Complaints shall be accepted and forwarded to USDA
- Complaints must be filed within 180 days from the alleged act of discrimination
- Complaints may be written, verbal, or anonymous
- Confidentiality is extremely important and must be maintained
- State agencies or subrecipient agencies may develop their own complaint forms
- A separate Civil Rights complaint log shall be maintained by the State & subrecipient agency

# Civil Rights Complaints should include:

- Name, address, and telephone number of the complainant
- The location and name of the organization or office
- The nature of the incident or action
- The names, titles, and business addresses of persons who may have knowledge of the discriminatory action
- The date(s) during which the alleged discriminatory actions occurred
- The basis for the alleged discrimination.



# Filing a complaint

How to File a  
Program  
Discrimination  
Complaint



[How to file a complaint](#)

# Accommodating Everyone

**TEFAP agencies must provide the same level of service to applicants and participants, even if in an alternative way:**

- Proxy
- Telephone interviews
- Sign language interpreters
- Reader services
- Any kind of alternative arrangement for service

# Disability Access

## How do we define disability?

A person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

Major life activity means functions\* such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

\*functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions. (ADA Amendments Act of 2008)

# Disability Access






**There is an obligation to ensure that members of the public are provided accommodations in order to access program information, applications and assistance (i.e. Braille, large print, and audio tape)**

- Providing qualified sign language interpreters for persons with hearing disabilities may be necessary to effectively communicate with these applicants and participants.
- **Programs must ensure physical accessibility for buildings and facilities** particularly to persons in wheelchairs and with mobility disabilities.

# QUIZ



# True or False?

-  Churches may include prayer cards in the food boxes.
-  Only members of the church where the food distribution is taking place may receive food
-  Participants can be asked for their Green Card
-  All distribution facilities must have a ramp for wheelchairs and those who cannot take stairs
-  Ispeak cards are great tools for language translation needs at distribution sites

# DISCUSSION QUESTIONS

A reviewer from the State visits a food distribution site and sees the And Justice for All poster displayed in the manager's office only, an area off limits to program participants.



**Is this a  
Civil Rights  
violation?**

# DISCUSSION QUESTIONS

A person in a wheelchair complains that the site where they were told to pick up their food is not accessible to public transportation.

**What can we do to accommodate them?**

A person tries to speak with a volunteer at a distribution site in their primary language. The volunteer can only understand English. The participant leaves without being served.

**How can we handle this differently?**



# Limited English Proficiency

Limited English Proficiency or LEP relates to individuals whose primary language is not English. These individuals may have a limited ability to read, speak, write or understand English.

Failure to provide **meaningful** access could be considered discrimination on the basis of national origin.



# Limited English Proficiency (LEP)

FNS Instruction 113-1, Section VII-7

Limited English Proficiency (LEP) is defined as 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.

# Meaningful Access

**Meaningful access** is accomplished by providing reasonable, timely, appropriate, competent/qualified, accurate, and effective language services to individuals with LEP when accessing recipient programs and activities.

- The number or proportion of LEP persons eligible to be served or likely to be encountered within the area serviced by the recipient.”
- Frequency with which LEP individuals come in contact with the program
- Nature and importance of the program, activity, or service provided by the program
- Resources available to the recipient and costs

# LEP and Program Access

## **Language Services:**

- Applicants and participants cannot be asked to bring their own interpreters
- Children should not be used as interpreters
- Use qualified, competent language resources
- Qualified, competent bilingual staff
- Telephone interpreter lines
- Oral interpretation services
- Written language services
- Qualified, competent community organizations and volunteers

# LEP and Program Access Resources

US  
Census  
Data

- [US Census Data](#)
- [American Community Survey](#)
- [Migration Policy Institute's National Center on Immigrant Integration Policy](#)
- [Limited English Proficiency website](#)

American  
Community  
Survey

Migration  
Policy

LEP

# Conflict Resolution

Civil Rights compliance and customer service with conflict resolution includes:

- Stay calm and listen
- Don't be afraid to apologize
- Take time to explain regulations and policies
- Try to offer solutions
- Ask a supervisor for help

# Customer Service

- Be patient and polite
- Learn new ways to improve customer service
- Ask yourself, “Am I treating this person in the same manner I treat others?”
- Make sure all participants receive equal treatment and service
- Equal does not mean identical
- Practice empathy and compassion
- Recognize that participants have varied needs
- Accommodations for people with disabilities or language needs are **not** special favors

# QUIZ





# True or False?

1. And Justice For All posters are only needed in the store room
2. Everyone has the right to make a Civil Rights complaint
3. Customer Service examples include: smile when appropriate, rush the participants so you can serve more people, listen to the participant
4. The shortened version of the nondiscrimination statement is: “This institution is an equal opportunity provider.”

## True or False?

5. Volunteers at a food shelf that serves predominantly African immigrants want to require IDs because they suspect some people are coming more than once. They are able to require IDs to make their job easier.
6. Neighboring food shelves want to share info about participants they have in common. They want to add an info release section to the TEFAP eligibility form. This is allowed.
7. Civil Rights complaints can be written or verbal
8. A group from the bank is entering today's distribution. Group members are helping put food boxes in participants' cars. They do not need Civil Rights training.



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# THANK YOU

TEFAP  
Civil Rights Training  
2023



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# Questions & Contact

## **Second Harvest Heartland**

[orders@2harvest.org](mailto:orders@2harvest.org)

Direct: 651-209-7990

Toll Free: 833-856-0149

[agencies.2harvest.org](http://agencies.2harvest.org)

## **Hennepin County TEFAP agencies:**

The Food Group

[agency@thefoodgroupmn.org](mailto:agency@thefoodgroupmn.org)

763-450-3898

[thefoodgroupmn.org/agencies](http://thefoodgroupmn.org/agencies)



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# Reference & Resources

# Civil Rights Legal Authorities

## Civil Rights Act of 1964

**Title VI:** race, color, and national origin

**Civil Rights Restoration Act of 1987:** clarifies scope of the Civil Rights Act of 1964

Section 504 of the Rehabilitation Act of 1973 & Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008

**Title IX of the Education Amendments of 1972:** sex

**Age Discrimination Act of 1975:** age

# Program Authorities

**7 CFR Parts 15, 15a & 15b:** nondiscrimination

**7CFR Part 16:** religious org participation

**7CFR Parts 250 & 251:** TEFAP

**7CFR Part 250:** USDA Foods

**28 CFR Part 42:** Nondiscrimination in Federally Assisted Programs

Executive Order 13166 & USDA LEP Guidance

79 Fed. Reg. No, 229, Friday, November 28, 2014

USDA Departmental Regulation 4330-002

**FNS Instruction 113-1 and Appendix C:** CSFP, TEFAP, and USDA Foods

# Disability Access Assurances

**Sections 504 of the Rehabilitation Act of 1973 and USDA implementing Regulation, 7 CFR Part 15b** prohibit discrimination based on disability in programs or activities receiving Federal financial assistance.

**Americans with Disabilities Act (ADA), 28 CFR Part 35, Title II, Subtitle A** prohibits discrimination on the basis of disability in all services, programs, and activities provided to the public by State and local governments.

These Civil Rights laws protect persons with disabilities if they are potential applicants or participants in any FNS funded programs.