



Commodity  
Supplemental  
Food Program  
(CSFP )Civil  
Rights  
Compliance  
Training

# Two Opportunities for (Civil Rights) CR Protection

- 1) Specific CR Responsibilities
- 2) General Responsibilities



# 1) Specific CR Responsibilities

- Agreements must include assurance that **agencies will not subject any person to discrimination on grounds of race, color, national origin, age, sex, or disability**
- FNS & State Agencies
- State Agencies and Local or Sub-distributing
- Local and Sub-distributing or Other Agencies
  - 247.4(c)(6)

# 1) Specific CR Responsibilities

- Non-discrimination statement on
  - Application form 7 CFR 247.8(b)
  - Notification of eligibility or ineligibility 7 CFR 247.15(b)
  - Expiration of certification notification 7 CFR 247.16(d)
  - Discontinuance notification 7 CFR 247.17(c)

Informing applicant that program standards are applied without discrimination by race, color, national origin, age, sex, or disability

# 1) Specific CR Responsibilities

## Non-English or Limited-English Speakers

- Significant Portion
  - Notification of rights and responsibilities
  - Availability of bilingual staff or interpreters
- Significant portion with common language
  - Availability of program information
  - Application forms excluded

7 CFR 247.13

# 1) Specific CR Responsibilities

Nutrition Education must be

- Easily understood
- Related to participants' nutritional needs
- Related to participants' household situation
- Account for specific ethnic and cultural characteristics whenever possible

7 CFR 247.18(b)

# 1) Specific CR Responsibilities

## Reports and Recordkeeping

- FNS-191, Racial/Ethnic Group Participation
  - Local agencies must submit a report of racial/ethnic participation each year using Form FNS-191
- Purpose: evaluate the impact of your program on the low-income populations served

7 CFR 247.29(b)(3)

# 1) Specific CR Responsibilities

Management Reviews include evaluation of civil rights compliance

- State Agencies must establish review system
- Reviews must be conducted at least every two years
- Key questions
  - Does this organization meet all specific CR requirements?
  - Does this organization implement relevant and discretionary CR functions in a manner that treats similarly-situated groups equally?

7 CFR 247.34(a)



# 1) Specific CR Responsibilities

- Federal Laws Applicable to CSFP (7 CFR 247.37)
- Title VI of Civil Rights Act of 1964 (42 USC 2000d)
- Title IX of Education Amendments of 1972 (20 USC 1681)
- Section 504 of Rehabilitation Act of 1973 (29 USC 794)
- Age Discrimination Act of 1975 (42 USC 6101)
- Titles II and III of Americans with Disabilities Act of 1990 (42 USC 12101)
- USDA Departmental regulations
- FNS Instruction 113

# Federal Laws Applicable to CSFP (7 CFR 247.37)

## **Title VI of Civil Rights Act**

- No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- Covers All Government (State & Local) Agencies
- Covers an entire corporation, partnership, or other private organization, or an entire sole proprietorship
  - if assistance is extended as a whole; or
  - if it is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation

# Federal Laws Applicable to CSFP (7 CFR 247.37)

- **Title IX of Education**
  - Prohibits use of sexually discriminatory practices
  - Sex discrimination & sexual harassment
- **Section 504 of Rehabilitation Act**
  - Prohibits discrimination based on disability
  - Disabled: any person who (i) has a physical or mental impairment which substantially limits one or more major life activities; (ii) has a record of having such an impairment; or (iii) is regarded as having such an impairment
  - Good Faith, Reasonable Accommodation & Undue Burden

Assessment of circumstances, including an analysis of the size of a program, its overall budget compared to the potential cost of an accommodation, the potential disruption to a program's central services that might be caused by the requested accommodation, and other factors.

# Federal Laws Applicable to CSFP (7 CFR 247.37)

- **Age Discrimination Act**

- Prohibits discrimination based on age, unless age is a requirement of the program
- Prohibits retaliation

- **Americans with Disabilities Act**

- Title II: equal access to programs
- Title III: defines public entity as any state or local government or any department or agency thereof. The lack of accessibility or certain services can be considered discrimination, regardless of who it actually affects.

# 7 CFR 247.37 Requires Compliance with USDA Regulations & FNS Instruction 113

## **FNS Instruction 1 1 3**

- Limited English Proficiency (LEP) Compliance (VII)
  - Number or proportion of persons with LEP
  - Frequency of contact
  - Nature and importance of program/activity
  - Mandatory components are important
  - Resources available to recipient

# FNS Instruction 113 (continued)

## Public Notification (IX)

- Non-discrimination statement on all materials regarding the program that are produced for public information, public education, or public distribution

***“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.*”**

**To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). TDD users can contact USDA through local relay or the Federal Relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice users). USDA is an equal opportunity provider and employer.”**

On small materials: “This institution is an equal opportunity provider”

# FNS Instruction 113 (continued)

## Public Notification (IX)

- Display “And Justice for All” posters or an FNS-approved substitute
- Display prominently
- SA may print own posters from FNS Website on approximately same size paper (11” width and 17” height). Go to <http://www.fns.usda.gov/cr/justice.htm>.

# FNS Instruction 113 (continued)

## CR Training (XI)

- State agencies are responsible for training sub-recipient agencies on an **annual basis**.
- Sub-recipient agencies are responsible for training their local sites, including “frontline staff” who interact with applicants or participants on an **annual basis**.
- New employees before participating in Program activities
- Volunteers must receive training



# FNS Instruction 113 (continued)

- Collection and use of data
  - Form FNS-191, Racial or Ethnic Group Participation
  - Voluntary self-designations, no effect on eligibility criteria
  - Data collected at point of application and retained at service delivery area

# FNS Instruction 113 (continued)

- Pre-award Compliance Reviews
  - A desk or on-site compliance review of specific civil rights information submitted by a State agency, local agency, or sub-recipient agency in the application for Federal financial assistance.
  - Review and compliance must take place prior to the approval for Federal financial assistance.
  - Specific instructions can be found in FNS Instruction 113-1, Section XIII(c) and Appendix C (EXI)

## 2) General CR Responsibilities

Remember the 5 Theories of Discrimination

- Perpetuation of Past Discrimination
  - Disparate Treatment
  - Disparate Impact
  - Accommodation
  - Retaliation
- 
- Have we treated different groups differently?

## 2) General Responsibilities

7 CFR 247 requires the SA to do certain things, and allows some discretion in execution. Some examples include:

- Conduct program outreach
- Develop a plan for providing nutrition education
- Inform applicants of rights and responsibilities
- Meet special needs of homebound elderly

# Filing a Complaint of Discrimination

**USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice).**

**TDD users can contact USDA through local relay or the Federal Relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice users).**

Sample Complaint Form in FNS Instruction 113, Appendix E



Questions??