

Section 6000

Civil Rights

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Section 6000 Civil Rights

CEs 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). CEs must not discriminate in employment or program participation based on the following classes:

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

However, civil rights laws do allow a CE to restrict program participation based on age or sex appropriate to the objectives of the CSFP.

For example: In CSFP, a CE can deny the participation of people under 60 years of age.

6100 Title VI of the Civil Rights Act of 1964

6120 Public Notification

As part of each CE's public notification responsibilities, the CE and each site that it sponsors must:

- Display the official 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 to the CSFP in languages other than English, if the need exists;
- Make reasonable efforts to depict an ethnic balance when human likenesses are used in program materials.

6121 Nondiscrimination Statement. The CE and site must provide the following nondiscrimination statement and complaint-filing procedures in all applications; and on all CSFP materials that are produced for public information, public education, or public distribution.

➤ **English**

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, 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.

➤ **Spanish**

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 unless the document fits one of the exceptions below

6122 Exceptions. Exceptions to the regulations for the nondiscrimination statement follow:

- Sometimes, material is too small to permit the full nondiscrimination statement. In this case, the material must include, in font size no smaller than the other text, the following statement: “This institution is an equal opportunity provider.”
- The nondiscrimination statement is not required to be printed on items such as cups, buttons, magnets, and pens that identify the CSFP when the size or configuration make it impractical.
- When advertising the CSFP through radio or television announcements, the entire nondiscrimination statement does not have to be read. Rather, a statement such as “The CSFP is an equal opportunity provider” is sufficient.
- The entire nondiscrimination statement does not have to be included on every page of a CE’s CSFP information website; at minimum the nondiscrimination statement or a link to the statement must be included on the CE’s home page.

6130 Data Collection and Maintenance

CEs must determine the number of actual beneficiaries by ethnic and racial category from participants applying for and/or participating in the program on an annual basis. CEs must collect data using *Participant Application* (Form H1504) for each participant at the time of certification or recertification.

Participants must be given the opportunity to self-identify ethnicity and race and be informed that their responses to questions about their ethnicity and race will not affect consideration of their application. If the participant chooses not to self-identify ethnicity and race, the certifier or CE’s eligibility specialist must record the participant’s ethnicity and race based on visual observation. Participants of multiple racial categories must be given the option to first indicate ethnicity followed by race. Adults of multiple racial categories may be categorized in more than one racial group. Ethnic and racial categories include the following:

6131 Ethnicity

Hispanic or Latino — A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term “Spanish origin” can be used in addition to “Hispanic or Latino.”

Not Hispanic or Latino

6132 Race

American Indian or Alaska Native — A person having origins in any of the original people of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian — A person having origins in any of the original people of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American — A person having origins in any of the black racial groups of Africa. Terms such as “Haitian” or “Negro” can be used in addition to “Black or African American.”

Native Hawaiian or Other Pacific Islander — A person having origins in any of the original people of Hawaii, Guam, Samoa, or other Pacific Islands.

White

After collecting this data, a CE must take each of the following steps:

- Annually by July 1, report to TDA the data for the month of April electronically on FNS-191, *Racial/Ethnic Group Participation, Commodity Supplemental Food Program*.¹
- Maintain the original data by individual site with documentation of the sources and methods by which it was obtained
- Maintain the data and relevant documentation according to the record-keeping requirements described in the CSFP Handbook, Section 4000, Managing the Program, Item 4900, “Program Documentation”
- Establish safeguards to protect the confidentiality of the data

6140 Compliance Reviews

A compliance review is conducted by TDA of its CEs. Compliance reviews help ensure that civil rights requirements are fulfilled at each level of CSFP administration, including the application approval process and the federal and state monitoring efforts.

¹ Contact the Program Specialist at CommodityOperations@TexasAgriculture.gov or 877-TEX-MEAL (877-839-6325) to obtain an FNS-191, *Racial/Ethnic Group Participation, Commodity Supplemental Food Program*.

TDA will determine whether a CE and its sites comply with civil rights requirements before it approves the application to participate. TDA determines compliance by examining the *Application for Participation/Plan of Operation*, and supporting documentation, as well as by conducting a visit prior to approval to verify the information. During compliance reviews, TDA will also evaluate compliance with civil rights requirements.

6150 Training

A CE's administrative and site personnel must be trained in all aspects of civil rights before assuming any CSFP duty and every year thereafter.

Volunteers who regularly interact with CSFP 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 USDA 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 with CSFP applicants and participants must receive, at a minimum, limited civil rights training (that is, 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 CSFP applicants and participants or handle personal information.

Volunteers who do not interact in any way with CSFP 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 CSFP applicants and participants or handle personal information.

To meet the civil rights training requirements, CEs may use the training developed by TDA located on the TDA website at <http://www.squaremeals.org>, select:

- F&N Resources,
- Training,
- Online Education and Self Study,
- Civil Rights Courses.

6160 Civil Rights Complaints

Each CE and site must have procedures for processing civil rights complaints. The personnel of each CE and site must be able to provide documentation of the procedures and an explanation of the civil rights complaint process. If a civil rights complaint is filed the CE must forward it to USDA immediately and send a copy to TDA.² Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action. Complaints can be written or verbal.³

6161 Right to File. Any person may file a complaint within 180 days of the alleged discriminatory action. The complainant and the CE (or site, if the complaint is filed against the site) are encouraged to resolve the issue 1) at the lowest possible level and 2) as expeditiously as possible.

6162 Anonymous Complaints. An anonymous complaint will be handled as any other complaints, to the extent feasible, based on available information.

² Email CommodityOperations@TexasAgriculture.gov or call 877-TEX-MEAL (877-839-6325). Alternatively, the CE or site may call 1-877-TEX-MEAL (877-839-6325) for submittal information.

³ For further information collecting necessary information of a verbal complaint, see “Verbal complaints,” below.

6163 Verbal Complaints. Complaints may be made verbally, and the person that receives the complaint must write the elements of the complaint. Every effort should be made to collect the following information:

- 1) Name, address, and phone number, or other ways to contact the complainant
- 2) The specific name and location of the CE or site
- 3) The nature of the incident or action that led to the discrimination complaint
- 4) The basis on which the complainant believes discrimination exists
 - Race
 - Color
 - National origin
 - Age
 - Disability
 - Sex
- 5) The name, title, phone number, business address, and personal address of anyone that might have knowledge about the alleged discrimination
- 6) The date(s) that the alleged discrimination occurred; or if the discrimination is ongoing, its duration

6164 Complaint Form. The [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), (AD-3027), can be found online at: http://www.ascr.usda.gov/complaint_filing_cust.html.

6200 Section 504 of the Rehabilitation Act of 1973

6210 Program Accessibility

The CSFP must be accessible to and usable by persons with one or more disabilities, including persons with impaired vision or hearing. A CE is not required to make every part of existing sites physically accessible to disabled persons, but the CE must ensure that the *programs* at those sites are accessible. Sites must offer the most integrated setting possible to enable persons with disabilities to fully benefit from the CSFP.

6211 Accessibility Examples. Addressing inaccessibility need not be difficult. Below are examples of ways that CEs or sites can address accessibility issues.

At a site that provides USDA Foods in a bag or package: A volunteer brings a food package to a participant with a disability.

1. *The site is inaccessible to wheelchairs and a proxy is unable to pick up the participant's food package. A volunteer brings the participant's food package to the participant's car.*
2. *The site is inaccessible to legally blind persons and a proxy is unable to pick up the food package. A volunteer brings the participant's package to the participant in an accessible area, such as at the site's door or on the sidewalk near the site.*

At a site that offers a shopping option for USDA Foods: The site provides a volunteer to help a participant with a disability.

1. *A volunteer accompanies a legally blind participant throughout the site, verbally naming the available foods.*
2. *A site is inaccessible to wheelchairs. A volunteer with a shopping list meets a participant in a wheelchair accessible area. After the participant chooses the desired foods from the list, the volunteer "shops" for the chosen foods and brings them to the participant.*

Additionally, a CE can make CSFP accessible to persons with disabilities by taking the following steps:

- Changing the schedule of service hours
 - Delivering services at alternate accessible sites (for facilities with 15 or fewer employees)
 - Redesigning equipment
 - Altering existing facilities
- NOTE: CEs should develop a transition plan to ensure CSFP accessibility if structural changes to buildings are necessary.*
- Moving to accessible buildings
 - Constructing new, accessible facilities

6212 Can't provide services? If a CE cannot provide services to a person with disabilities because of inaccessibility, the CE must:

- Inform the person with disabilities of alternate sites where he or she 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 site. (There are some circumstances when a CE is not required to pay these costs. Contact the Program Specialist⁴ for additional information.)

⁴ Email CommodityOperations@TexasAgriculture.gov or call 877-TEX-MEAL (877-839-6325).

6220 Public Notification

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

6230 Employment

Each CE is prohibited from discriminating against any qualified person based on a disability. CEs must make reasonable accommodations for the known physical or mental limitations of an otherwise qualified applicant or employee with disabilities. CEs are not expected to make accommodations that impose an undue hardship on the operation of the CSFP.

6240 Nondiscrimination Statement (Assurances)

The statement of nondiscrimination is contained in the *Agreement Between Contracting Entity and Texas Department of Agriculture* (Form H1502).

6250 Designation of Section 504 Coordinator

If a CE employs 15 or more people, the CE must designate one or more persons to coordinate compliance with Section 504 regulations. The CE may designate an existing employee to perform this function.

6260 Complaint and Grievance Procedures

If a CE employs 15 or more people, the CE must maintain procedures to process complaints and grievances. Procedures that are required by a program other than the CSFP may satisfy this requirement if they comply with due process standards and provide for prompt and equitable resolution of complaints.

For a complaint form, see www.squaremeals.org. Choose I Need To . . . then File a Complaint.

6270 Self-Evaluation of Services

The CE must evaluate the quality and availability of its 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 with whom they consult, a description of areas that they examine, the problems that they identify, and descriptions of modifications that they make.

CEs must retain the results of a self-evaluation study in accordance with CSFP record-keeping requirements. Refer to the *CSFP Handbook*, Section 4000, *Managing the Program*, Item 4900, “Program Documentation,” for additional guidance.

6300 Americans with Disabilities Act

The Americans with Disabilities Act (ADA) seeks to prevent a wide range of discriminatory actions against disabled persons. The ADA applies to all persons — in other words, it is not limited solely to persons who receive federal financial assistance.

The ADA applies to the following areas 1) services and 2) employment. A discussion about each follows.

6310 Services

When evaluating the services that a CE and its sites offer, the CE should consider the following questions:

- Can a person with disabilities get to the site with reasonable ease?
- If the person can reach the location, can the person enter the facility and access the specific location where services are provided?
- If the person can access the location where services are provided, is there an accessible bathroom?
- If the person can access the location where services are provided, are necessary accommodations made for the person's particular disability?

6320 Employment

In accordance with the ADA, each CE:

- 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; and
- must provide reasonable accommodations to persons with disabilities (for example, job restructuring and modification of equipment).

NOTE: CEs are not required to provide accommodations that impose an undue hardship on their business.

6400 Sites Located at Religious Organizations

Federal civil rights laws address explicitly religious activities as part of CSFP. See *CSFP Handbook*, Section 4000, *Managing the Program*, Item 4820, “Sites Located at Religious Organizations.”