



Civil Rights Requirements for The Emergency Food Assistance Program (TEFAP)

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Civil Rights Goals

- ◆ Equal treatment for all applicants and beneficiaries
- ◆ Knowledge of rights and responsibilities
- ◆ Elimination of illegal barriers that prevent or deter people from receiving benefits
- ◆ Dignity and respect for all



What is Discrimination?

The intentional or negligent act of treating an individual or a group of individuals differently than others are treated, because of the individual's or group's actual or perceived membership in a protected class.



What Is a Protected Class?

Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order.

TEFAP specifically prohibits discrimination for these protected classes:

- Race
- Color
- National Origin (includes Limited English Proficiency)
- Disability
- Age
- Gender
- Having filed a prior civil rights complaint
- Religion



Discrimination = One or More of “The 3 D’s”

To avoid discrimination, avoid creating situations in which, *because of their membership in a protected class*, the people you serve could experience a:

1. **Denial** of benefits or services that others receive; or
2. **Delay** of benefits/services others receive; or
3. **Disadvantage due to different treatment** that creates a delay, denial, reduced or lesser service or benefits than others receive.



Examples of Discrimination Include Failure to:

- ◆ Provide reasonable accommodation to people with disabilities.
- ◆ Provide food and courtesy to all people at a time, place, or in a manner that treats them equally regardless of their perceived membership in a “protected category.”
- ◆ Provide the equal information, eligibility criteria and access to all participants and the public.
- ◆ Provide language interpretation for people who have Limited English Proficiency (LEP).



Essentials of your Civil Rights Compliance

- ◆ Public notice that public food is available to people who qualify
- ◆ Reasonable accommodations for people who have disabilities
- ◆ Language assistance for individuals with limited English proficiency
- ◆ Civil rights complaint procedures
- ◆ Training for people serving customers
- ◆ Solid customer service
- ◆ Conflict resolution methods and skills



Civil Rights Posting at TEFAP Outlets

- Exterior: Post the hours and emergency contact number in English **AND additional language(s) IF the population in your service area** meets the threshold to trigger the Limited English Proficiency (LEP) requirement.
- Notice of beneficiary rights for person receiving benefits from religious organizations (New poster for the 2016-2017 agreement year)
- “And Justice for All” Poster (Green poster issued by USDA in 12/2015)



Civil Rights Posting at TEFAP Outlets continued

- The USDA Nondiscrimination Statement for TEFAP is on the “And Justice for All” poster, the TEFAP application and page two of: <https://www.dhs.wisconsin.gov/publications/p02174.pdf>

USDA Nondiscrimination Statement for all other FNS Nutrition Assistance Programs

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: [How to File a 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.

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The “And Justice For All” required poster





Limited English Proficiency (LEP)

- ◆ Part of the National Origin protected category under Title VI of the Civil Rights Act of 1964
- ◆ Refers to individuals who do not speak English as their primary language and who speak and understand English “less than well”
- ◆ Need **capacity** to communicate in the native language of any person speaking English “less than well”
- ◆ Set-up an account in advance with a language assistance service that gives you that **capacity** (even if you never need to use it)

This “Notice of Beneficiary Rights” poster is required in TEFAP Outlets operated in a religious facility or operated under the 501(c)(3) IRS status held by a religious organization.

The Emergency Food Assistance Program (TEFAP)

**Notice of Beneficiary Rights
for Persons Receiving Food from Religious Organizations**

TEFAP Provider (Outlet) Name: _____

Name of Contact: _____ Phone () _____

Email/ mailing address for TEFAP Contact: _____

Because TEFAP is supported in whole or in part by financial assistance from the Federal Government, we must provide this written notice before you enroll in or receive services from TEFAP, as required by 7 CFR part 16., we are required to let you know that:

- We may not discriminate against you on the basis of religion or religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;
- We may not require you to attend or participate in any explicitly religious activities that are offered by us, and any participation by you in these activities must be purely voluntary;
- We must separate in time or location any privately funded explicitly religious activities from activities supported with USDA direct assistance;
- If you object to the religious character of our organization, we must make reasonable efforts to identify and refer you to an alternate provider to which you have no objection. We cannot guarantee, however, that in every instance, an alternate provider will be available; and
- You may report violations of these protections (including denials of services or benefits) by an organization to the State agency (<http://www.fns.usda.gov/fdd/food-distribution-contacts>). The State agency will respond to the complaint and report the alleged violations to their respective USDA FNS Regional Office (<http://www.fns.usda.gov/fns-regional-offices>).

Alternate Service Location(s):

State Agency Contact Information: Kitty Kocol, Wisconsin TEFAP Coordinator
(608) 267-9071 or Kitty.Kocol@wisconsin.gov

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Best Practices for Serving Households with LEP

- Have language assistance service available.
- Use bilingual volunteers (from community-based organizations) or bilingual staff on-site.
(Confidentiality agreement and civil rights training required)
- Use interpreter from a public service that you arrange in advance, such as high schools, county human services, etc.
(Confidentiality agreement and civil rights training required)
- Participants may use a family member or friend, but outlets who receive TEFAP **should not rely on this as a strategy**; the TEFAP outlet must offer an interpreter free of cost to the person with limited English proficiency.



The Right to File a Complaint

- ◆ Any person believing they (or someone they know) has been discriminated against may file a complaint within 180 days of the alleged discriminatory action.
- ◆ Complaints should be filed directly with the United States Department of Agriculture (USDA). Complaints filed with DHS will be forwarded to the USDA.
- ◆ There are no “magic words.” A complaint may be verbal or written. It may be anonymous or self-identified.
- ◆ TEFAP Outlets aware a complaint has been filed **MUST** immediately notify both the EFO and DHS.



What Happens with a Filed Complaint?

- Complaints alleging discrimination because of membership in a protected class must be forwarded **within three days to**: USDA Director Office of Civil Rights, 1400 Independence Avenue, SW Washington, DC 20250
- Outlets must provide complainants a *Civil Rights Complaint Form* to complete (available on-line).
<https://www.ascr.usda.gov/ad-3027-usda-program-discrimination-complaint-form>
- Document civil rights complaints and notify your EFO and DHS of such a complaint.



Civil Rights Training for Personnel

- ◆ ALL persons with direct contact with TEFAP applicants or participants **MUST** receive **annual** training on all aspects of civil rights compliance.
- ◆ The content of this presentation meets the volunteer training requirement.
- ◆ Retain a dated record of the people who receive civil rights training, a copy of your training materials and agenda.



Questions on a Civil Rights Complaint Form Include:

- Who do you believe discriminated against you? (person's name)
- What program? (name and address of organization)
- What happened to you?
- When did the discrimination occur? (date or dates)
- How would you like to see this problem resolved?
- Have you filed a complaint about this same incident with another federal, state or local agency, or a court of law? If yes, with which one(s) and when?



Each Time You Interact with Participants, Ask Yourself...

- Am I treating this person the way I want to be treated?
- Am I treating this person the same way that I treat other people?
- Have I explained the pantry rules or customer service policy so the participant knows what to expect?



Additional Resources

- Wisconsin Department of Health Services: Civil Rights Compliance
 - <https://www.dhs.wisconsin.gov/civil-rights/index.htm>
- U.S. Department of Agriculture, Food and Nutrition Service: Civil Rights
 - <https://www.fns.usda.gov/cr/civil-rights>



Thank you for your commitment and your service to your community!

For questions and feedback related to this presentation or to the TEFAP Program, contact your Emergency Feeding Organization (EFO); or contact Kitty Kocol, Wisconsin TEFAP Coordinator, kitty.kocol@wisconsin.gov or (608) 267-9071