

Civil Rights Training

The North Carolina Department of Agriculture
and
Consumer Services
Food Distribution Division

FNS Instruction 113-1

Civil Rights Compliance and Enforcement

Nutrition Programs and Activities

Issued: November 8, 2005

SERO-Civil Rights Office

**Prior policy was conveyed through a series
of
8 FNS Instructions which designated the:**

- 113-1, Civil Rights Compliance and Enforcement (issued May 1982), as the overarching instruction; and
- sequentially numbered instructions were program-specific.

How does FNS 113-1 effect you?

- clearly establishes complaint handling protocol and procedures; and
- is a single reference for civil rights compliance and enforcement;
- affords equal opportunity for religious organizations.

Sections within FNS 113-1

- Purpose
- Authority
- Policy
- Applicability
- Public Notification
- Assurances
- Civil Rights Training
- Compliance Reviews
- Resolution of Noncompliance
- Complaints of Discrimination
- Limited English Proficiency (LEP)
- Equal Opportunity for Religious Organizations

PURPOSE of FNS 113-1

- Establishes and conveys policy
- Provides guidance and direction to USDA, FNS and its recipients and customers
- Ensures compliance with and enforcement of the prohibition against discrimination in all FNS programs and activities, whether federally funded in whole or not.

II. AUTHORITY

- Title VI of the Civil Rights Act of 1964 – race, color, and national origin
- American with Disabilities Act – disability
- Title IX of the Education Amendments of 1972 – sex
- Section 504 of the Rehabilitation Act of 1973 – disability
- Age Discrimination Act of 1975 – age

II. AUTHORITY (continued)

- The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and DOJ Memorandum dated 1/28/99, entitled, “Policy Guidance Document – Enforcement of Title VI of the Civil Rights Act of 1964 and Related Statutes in Block Grant Type Programs.”
- Civil Rights Restoration Act of 1987 – clarifies the scope of the Civil Rights Act of 1964.
- Food Stamp Act of 1977 – added religious creed and political beliefs as protected classes in the Food Stamp Program.

POLICY

Protected Bases for FNS Programs

- Race
- Color
- National Origin
- Age
- Sex
- Disability
- Religion (FSP) (FDPIR)
- Political Beliefs (FSP) (FDPIR)

POLICY

Protected Bases for FNS Programs

- Gender Identity
- Reprisal
- Marital Status
- Familial or Parental Status
- Sexual Orientation

IV. APPLICABILITY

- This Instruction is applicable to all programs and activities of a recipient of Federal financial assistance, whether those programs and activities are federally funded in whole or not.

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.

3 Elements of Public Notification

1. Program Availability
2. Complaint Information
3. Nondiscrimination Statement

3 Elements of Public Notification

1. Program Availability

Inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation.

2. 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.

Public Notification (continued)

3. Nondiscrimination Statement

All information materials and sources, including Web sites, used by FNS, State agencies, local agencies, or other subrecipients 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 Web site. At a minimum the nondiscrimination statement or a link to it must be included on the home page of the program information.

Nondiscrimination Statement

- “The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (in Spanish).

USDA is an equal opportunity provider and employer.”

Gender Identity

Reprisal

Marital Status

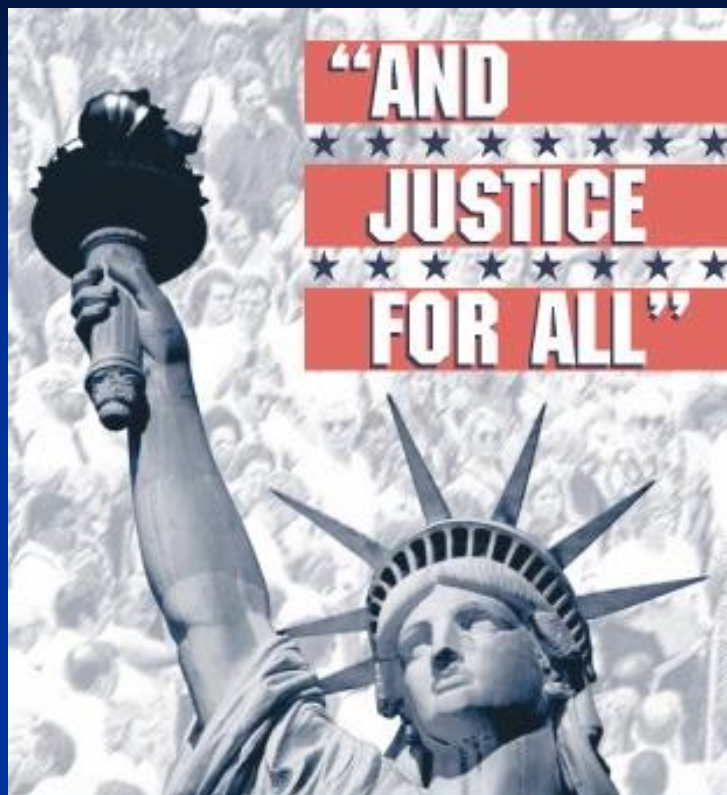
Familial or Parental Status

Sexual Orientation

or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

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”**

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibitions apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA TDD/IT Center at (202) 720-2590 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, White House Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

El Departamento de Agricultura de los EE.UU. (USDA, según se refiere en inglés) prohíbe la discriminación en todos sus programas y actividades a base de raza, color, origen nacional, género, religión, edad, impedimentos, credo político, orientación sexual, estado civil y familiar. (No todos los bases de prohibición aplican a todos los programas.) Personas con impedimentos que requieren medios alternativos de comunicación (punto Braille, tipografía agrandada, cintas de audio, etc.) deben ponerse en contacto con el Centro TDD/IT de USDA, llamando al (202) 720-2590 (voz y TDD).

Para presentar una queja sobre discriminación, escriba a USDA, Director, Office of Civil Rights, Room 326-W, White House Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410, o llame al (202) 720-5964 (voz y TDD). USDA es un proveedor y empleador que ofrece oportunidades a todos.

ASSURANCES

- To qualify for Federal financial assistance, an application must be accompanied by a written assurance that the entity to receive financial assistance will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines;

CIVIL RIGHTS TRAINING

- State agencies are responsible for training local agencies on an annual basis.
- Local agencies are responsible for training their subrecipients, including “frontline staff” who interact with applicants or participants on an annual basis.

COMPLIANCE REVIEWS

Examines activities to determine adherence with civil rights requirements for:

- State agencies,
- local agencies, and
- other subrecipients.

Compliance Reviews (continued)

- State agencies review local agencies.
- Local agencies review their subrecipients.
- State agency must report significant findings of noncompliance to the reviewed entity and FNS.

X. 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.

What are some examples of noncompliance?

- Denying an individual or household the opportunity to apply for program benefits or services on the basis of a protected class.
- Providing FNS program services or benefits in a disparate matter on the basis of a protected class (except as a disability accommodation).

COMPLAINTS OF DISCRIMINATION

Recognizing a Civil Rights Complaint
allegation based on:

- Race
- Color
- National Origin
- Age
- Sex
- Disability

COMPLAINTS OF DISCRIMINATION (continued)

- Timeframes for processing must be adhered to;
- Right to File: complaint must be filed in 180 days;
- complaints may be written or verbal as well as anonymous;
- the use of a form is not required though provided as a prototype in the Instruction
- Processed: complaint must be processed within 90 days

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.
- www.LEP.gov

EQUAL OPPORTUNITY FOR RELIGIOUS ORGANIZATIONS

- Ensures a level playing field for the participation of faith-based organizations and other community organizations in USDA programs.

EQUAL OPPORTUNITY FOR RELIGIOUS ORGANIZATIONS (continued)

This is accomplished by:

- prohibiting discrimination on the basis of religion, religious belief, or religious character in the administration of Federal funds;
- allowing a religious organization that participates in USDA programs to retain its independence and continue to carry out its mission, provided that direct USDA funds do not support any inherently religious activities such as worship, or religious instruction.

EQUAL OPPORTUNITY FOR RELIGIOUS ORGANIZATIONS (continued)

- clarifying that faith-based organizations can use space in their facilities to provide USDA-funded service without removing religious art, icons, scriptures, or other religious symbols; and
- ensuring that no organization that receives direct financial assistance from the USDA can discriminate against a program beneficiary, on the basis of religion or religious belief.

For further information: www.fbc.gov

Questions

Thank you for all of your efforts in fighting hunger in North Carolina!!

