

# CIVIL RIGHTS



## ACTION ITEMS

Civil rights annual training FY24

### Contact information

St. Louis Area Foodbank

Please reach out with any questions about SLAFB's annual civil rights training.

**Jessi Dennis**  
Quality Assurance Coordinator  
Email: [jdennis@stlfoodbank.org](mailto:jdennis@stlfoodbank.org)  
Work phone: 314-528-5397

Please reach out to your Partner Coordinator with any other questions.

*Partner Coordinators*  
Staff names, photos, and work phone numbers:  
<https://stlfoodbank.org/about/our-team-staff/>

### United States Department of Agriculture

Program Discrimination Complaint Form AD-3027 may be accessed three ways.

Download a digital form here: [How to File a Program Discrimination Complaint\\*](#)  
Collect a form in person: Any USDA office  
Request a form over the phone, to be sent by mail: (866) 632-9992  
\*See Tools and Resources, next page, for USDA program customer page

Civil rights complaints (form or letter) may be sent to the USDA three ways.

Email: [program.intake@usda.gov](mailto:program.intake@usda.gov)  
Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights,  
1400 Independence Avenue, SW, Washington, D.C. 20250-9410  
Fax: (202) 690-7442

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## Tools and resources

### United States Department of Agriculture

USDA FNS Instruction 113-1: <https://www.fns.usda.gov/cr/fns-instruction-113-1>

USDA *Nondiscrimination Statement* link for embedding in websites  
<https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>

Note: This permanent link will automatically update when changes occur.

USDA FNS *And Justice for All* poster (AD-475A): <https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations>

Note: SLAFB can mail a poster to you on request.

USDA *I Speak Statements* card: <https://www.fns.usda.gov/civil-rights/ispeak>

USDA FNS resources, including LEP resources: [www.fns.usda.gov/tefap](http://www.fns.usda.gov/tefap)

LEP resource: Phone number for translation (800) 843-6154, English or Español.

Disability resources: USDA's TARGET Center at (202) 720-2600 (voice and TTY) and the Federal Telecommunications Relay Service at 711.

\*USDA *Filing a Program Discrimination Complaint as a USDA Customer* webpage:  
<https://www.usda.gov/oascr/filing-program-discrimination-complaint-usda-customer>

USDA Form AD-3027 USDA Program Discrimination Form (English):  
<https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>

USDA Form AD-3027s USDA Program Discrimination Form (Spanish):  
<https://www.usda.gov/sites/default/files/documents/ad-3027s.pdf>

### State of Illinois

IDHS TEFAP CRD complaints form:  
<https://www.dhs.state.il.us/onenetlibrary/12/documents/Forms/IL444-4530.pdf>

IDHS forms page (search IL444-4530 to find non-English translations of the IDHS TEFAP CRD complaints form, above):  
<https://www.dhs.state.il.us/page.aspx?item=61585&division=FCS>

### St. Louis Area Foodbank

Copy our example: SLAFB displays the full *Nondiscrimination Statement* on each of our USDA program webpages.

SLAFB's TEFAP page: <https://stlfoodbank.org/how-we-help/programs-services/tefap/>

SLAFB's CSFP page: <https://stlfoodbank.org/how-we-help/programs-services/csfp/>

### Other government resources

Guidance on web accessibility:  
<https://www.ada.gov/resources/web-guidance/> and <https://digital.gov/>



## Processes and procedures

### Effective public notification systems

Informing the public about CSFP and TEFAP distributions prevents distinguishing one person or group of persons from others, either intentionally or by neglect.

**Notify the public of program availability:** To prevent discrimination, the FNS requires us to effectively inform potentially-eligible neighbors, program applicants, and already-participating neighbors of when and where TEFAP and CSFP food is available. We're required to make CSFP and TEFAP information available to grassroots organizations and to the general public upon request.

**The Nondiscrimination Statement:** The FNS has written a version of the USDA's general *Non-Discrimination Statement* that notifies potentially-eligible neighbors, program applicants, and already participating neighbors of their rights and responsibilities, nondiscrimination policy, and how to file a civil rights discrimination (CRD) complaint. Not all bases of discrimination apply to all programs.

#### Nondiscrimination Statement:

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at:

<https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

mail:

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or

fax:

(833) 256-1665 or (202) 690-7442; or

email:

[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

This institution is an equal opportunity provider.

**Review:** To meet the public notification requirements, begin by reviewing any outreach activities to make sure TEFAP and CSFP information is routinely updated and going out the community. For example, you may be informing the public on a weekly basis, using flyers, a website or Facebook postings, and signs

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at a site where USDA food is distributed. As a SLAFB partner, you may be found under the pantry locator feature of SLAFB's website, where contact information and food distribution hours need to be checked routinely and updated promptly.

*Printed program literature:* Display the *Nondiscrimination Statement* on any printed materials that mention TEFAP or CSFP. Examples include application forms, notifications of eligibility or ineligibility, and notification of adverse action. For example, if your site's *Hours of Operation* signs mention USDA, TEFAP, or CSFP food distribution, the statement should appear on the sign as well.

*Digital:* For partners with a website or social media, display the *Nondiscrimination Statement* on pages that mention TEFAP or CSFP. We can link to the statement (instead of copying it) on digital communications—a linked statement will update automatically when the FNS makes changes.

*Images:* Convey the message of equal opportunity in all photos and other graphics providing USDA program or program-related information.

*TEFAP and CSFP distribution sites:* Request and display at least one *And Justice for All* poster. Post food distribution days and hours.

*And Justice for All* (AD-475A) posters should be displayed in plain view. The poster for TEFAP and CSFP shows a Justice Department image in green.

- ⊗ A Statue of Liberty image appears on outdated posters.
- ⊗ Blue (AD-475B) and red (AD-475C) posters are for other programs.

SLAFB can help get a replacement poster for CSFP and TEFAP partners with missing, damaged, outdated, or incorrect versions. The standard poster displays a version of the *Nondiscrimination Statement* in both English and Spanish. Posters are available in additional languages.

## Customer service

*Assurances:* We sign the SLAFB Partner Agreement and follow the SLAFB Partner Manual.

### *Tips:*

- Recognize that neighbors have varied needs and few resources.
- Listen actively when a neighbor expresses that they have been treated in a rude or discourteous manner.
- Empathize when resolving conflict.

## Data collection and use

*Data collection:* The USDA requires us to collect ethnic and race data for CSFP neighbor intake only—we must ask these questions.

*Note about data collection:* The USDA does not require neighbors to provide their race and ethnicity (this data is not an eligibility requirement to get CSFP food).

*Data use:* Partners forward neighbor data to SLAFB. SLAFB submits neighbor data to the government through reports.

*Data lifecycle:* We're responsible for safeguarding neighbor data by maintaining record-keeping systems according to federal law.

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By law, CSFP neighbor data is:

- Stored for four years (covers three full years plus the current fiscal year)
- Maintained under safeguards that restrict access to authorized personnel only
- Submitted to government agencies through required reports

## Requirements for reasonable accommodation of persons with disabilities

*Communication:* For effective communication, SLAFB and partners need to provide reasonable modification for neighbors with disabilities to access TEFAP and CSFP program information, applications, and assistance. Some examples include qualified sign language interpreters, website and digital application accessibility, braille, large print, and audio tape.

*Physical access:* SLAFB and partners need to provide reasonable modification for neighbors with to physically access TEFAP and CSFP program food, particularly for neighbors in wheelchairs and other power-driven mobility devices. Physical accessibility applies to our neighbors' service animals, too.

## Requirements for language assistance

*Identify:* When distributing TEFAP or CSFP food to neighbors, take reasonable steps to identify an unfamiliar language spoken by a neighbor with limited English proficiency (LEP) by using the *I Speak Statements* card.

*Translate:* Locate or request translations of necessary written materials, such as forms or the *And Justice for All* poster. Speak with neighbors through a translator to answer questions and provide assistance.

## Conflict resolution

*Assurances:* SLAFB follows the Partner Agreement, and the *Equal Employment Opportunity, Anti-Harassment, Anti-Discrimination & Anti-Retaliation Policy* in the SLAFB employee handbook. Partners follow the Partner Agreement and the Partner Manual. We all follow FNS guidance for how civil rights policy applies to TEFAP and CSFP as described in civil rights training, such as assurances that we will not participate in discrimination, and that we will report CRD complaints.

*Components:* Four key success components in conflict resolution.

- Control emotional responses
- Seek to understand
- Identify needs and common interests
- Seek mutual benefits or purpose

*Process:* Constructive conflict resolution follows a general process.

- Define the problem/issue/complaint
- Identify the activity causing conflict and assess the details of the information provided
- Recognize, respect and respond to the feelings of those involved in the conflict

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- Resolution

## Complaint procedure

*Affirm and accept the right to complain:* Any person alleging discrimination interfering with TEFAP and CSFP distributions has a right to file a complaint within **180 days** of the alleged discriminatory action.

*USDA civil rights discrimination (CRD) complaint filing process:* This document contains links, above, to the USDA's *How to File a Discrimination Complaint* webpage, the USDA's *Program Discrimination Form (AD-3207)*, the FNS's *Nondiscrimination Statement*, SLAFB's TEFAP or CSFP's website (contains the *Nondiscrimination Statement*), the NFS's *And Justice for All* poster (AD-475A) contains the *Nondiscrimination Statement*). Each of these resources provides contact information and instructions on how to file with the USDA.

Note: The USDA form is general and covers many more programs than CSFP and TEFAP. The states are not required to create program-specific forms.

- The state of Illinois voluntarily developed a CRD complaint form specifically for Illinois TEFAP (links above)
- Illinois did not develop a similar form for CSFP.
- Missouri did not develop a similar form for TEFAP or CSFP.

*Documenting process:* Once we recognize a CRD complaint—in conversation, in writing, or anonymously—we need to follow the correct complaint process and procedure within **five days**. Whether or not someone opts to file a CRD complaint with the USDA, we should document what took place. The Illinois form has been translated into many languages spoken in our service areas, and may help us collect information from neighbors in any USDA food distribution program.

We must maintain confidentiality—this is extremely important. Complaints can be made anonymously.

1. Choose whether to document using a form or by composing a letter. Forms are available in many languages. Using a USDA or Illinois form may be a helpful option when assisting LEP complainants, even if you are documenting a Missouri complaint and not submitting to the USDA.
2. Gather as much of the following information about the discrimination event(s) as you can. This checklist is based directly on the USDA form:
  - Complainant name and contact information
  - Representative (optional) name, contact information, authorization
  - USDA program: (select TEFAP or CSFP)
  - USDA agency: NFS
  - Date and location of event: (if more than one date, state most recent)
  - Name of person(s) who discriminated against complainant
  - What happened (include dates of each allegation)
  - Select the basis of discrimination (the public-facing resources written by the FNS—such as the *And Justice for All* poster and the *Nondiscrimination Statement*—will include the bases noted in brackets, below)
    - Race
    - Color
    - National origin
    - Sex [including gender identity and sexual orientation]
    - Age

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- Disability
  - [Reprisal or retaliation for prior civil rights activity]
  - How the complainant would like the complaint resolved
  - If any other documentation submitted, include name, organization, contact information, and date
3. Submit your documentation to SLAFB and/or the USDA.
  4. SLAFB keeps documentation on file and forwards a copy to the appropriate state agency.

*Note about filing:* State agencies are required by law to contact the complainant and explain how to file a CRD complaint with the USDA. SLAFB, Illinois, and Missouri do not file CRD complaints to the USDA on behalf of the complainant automatically as part of the documentation process—the complainant controls if and when a CRD complaint is submitted to the USDA.

*Note about “basis of discrimination” lists:* There are two relevant “basis of discrimination” lists in our USDA civil rights training. In addition, there is a general USDA *Non-Discrimination Statement*. These varying lists may cause confusion.

1. USDA’s full *Non-Discrimination Statement*: The USDA provides a comprehensive “basis of discrimination” list, followed by a disclaimer that not all bases apply to all USDA programs. Neighbors searching online may see this list.
2. FNS’s *Nondiscrimination Statement* and the green *And Justice for All* poster: The FNS provides a shortened list of seven bases of discrimination for these two public-facing resources we display according to law. Neighbors may see this list.
3. NFS Instruction 113-1: The NFS teaches us about six bases of discrimination. Neighbors are unlikely to see this list, but food banks and partners see it during civil rights training.

The states of Missouri and Illinois, who interpret federal law for foodbanks and their partners, join the FNS and USDA in enforcing the use of the *Nondiscrimination Statement* and the *And Justice for All* posters to communicate with neighbors. Given that all parties agree to provide this communication: **please allow neighbors to file a complaint for whatever reason** (even if their stated basis of discrimination may not be covered under our USDA programs).

## Routine compliance reviews

Adapted from: FNS INSTRUCTION 113-1 Pages 22-23, E. Post-award or routine compliance reviews, 3. Review content, part b.

We should expect reviewers from state or federal offices to ask civil rights questions similar to the list we provide here—we changed the wording slightly for clarity.

As of FY24, IDHS is expanding the *Program Integrity* section of their TEFAP site review checklist. The draft of their revision looks similar to our questions, below.

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1. Do potentially eligible persons and households have an equal opportunity to participate in TEFAP/CSFP?
2. **CSFP only:** Are neighbor case records coded by race or ethnic origin?
3. Is the partner displaying the USDA nondiscrimination poster (*And Justice for All* poster) prominently, in plain view of neighbors served at their site(s)?
4. Is the *Nondiscrimination Statement* included on all printed materials such as applications, pamphlets, forms, or any other program materials the partner distributes to the public?
5. Is the *Nondiscrimination Statement* included on all digital materials, such as websites?
6. Do images, photographs, and other media related to CSFP and TEFAP food distribution reflect inclusiveness based on race, color, national origin, age, sex, and disability?
7. Is TEFAP/CSFP information available to potentially eligible persons, program applicants, and participants?
8. Is the partner providing TEFAP/CSFP information to grassroots organizations within the community to assist in reaching potentially eligible populations?
9. **CSFP only:** Is the partner organization collecting actual applicant and participant racial and ethnic data and maintaining on file for four\* years?
10. Does the partner handle CR discrimination complaints in accordance with procedures outlined in FNS Instruction 113-1 or other regulations, policies, and guidance?
11. Does the partner provide and document CR training for their staff and volunteers?

IDHS added another question to their TEFAP site inspection checklist:

Are appropriate accommodations made to assist a non-English speaking individual?

\* The FNS requires three **fiscal** years of records. Their fiscal year does not begin on January 1. For simplified record-keeping, the state recommends describing this requirement as four years: retain three entire past calendar years on file while accumulating new records during the current calendar year. This way, you will always cover three fiscal years.

Example: As of January 2024, continue to securely store all records dated 2021-2024. Records dated 2020 and earlier will no longer be needed for review (data could be shredded). As of January 2025, records dated 2021 and earlier will no longer be needed, and so on.