



CIVIL RIGHTS

TEFAP HANDBOOK For Pantries and Meal Sites

Oregon Food Bank
Oregon Housing and Community Services
Fair Housing Council of Oregon

September 2008

Civil Rights Procedures Handbook for The Emergency Assistance Program (TEFAP)

The purpose of this manual is to provide staff and volunteers at emergency food box programs and meal sites with the information needed to assure that the program is in compliance with the USDA civil rights regulations for TEFAP.

The basic requirements are:

1. Public notification

- including the non-discrimination statement in all publications about your program
- notifying the public, including minorities and grassroots organizations in your service area, about changes in your program
- keeping a file of samples of these notices and publications
- posting the “Justice for All” poster, Eligibility Questions poster and information on where to make a complaint

2. Filing of complaints

- Training staff/volunteers in how to handle a complaint
- Acknowledging and addressing all complaints
- Assisting complainant by doing one of the following:
 - directing them to the Fair Housing Council of Oregon Civil Rights Hotline 888-772-6008
 - providing them with a complaint form and assisting in its completion
 - directing them to who to contact at your Regional Food Bank
- Notifying your Regional Food Bank (RFB) of complaints
- Be willing to assist in resolution
- Keeping records of all complaints

3. LEP

- Have a plan for how to assist clients with “limited English proficiency”

4. Train all staff and volunteers annually in civil rights procedures

These are not new regulations. They have their origin and authority from the Civil Rights Act of 1964 and the USDA’s implementing regulations: Food and Nutrition Service (FNS) Instructions 113-3 Rev. 2 and USDA Departmental Regulation 4300-3 (11/16/99). Your RFB has copies of these documents.

Questions regarding Civil Rights compliance are now included in the on-site monitoring tool used by your RFB for their annual visit.

CIVIL RIGHTS AND USDA

Civil Rights in the delivery of USDA programs is about....

Establishing and maintaining an effective, proactive civil rights compliance and enforcement program in accordance with civil rights policies, guidelines, and directives.

Civil Rights in the delivery of USDA programs is also about....

Cooperating with and providing assistance as necessary and requested by USDA in the investigation of any complaints and compliance reviews, including ensuring access to information and the resolution of any issues of noncompliance.

Types of Complaints

Program Matters – any issue concerning program involvement decisions or actions based on FNS regulatory requirements or guidelines. For example, a resident of Washington complaining that he was denied TEFAP foods at a Portland food pantry. FNS regulations limit TEFAP only to residents of the state operating the program.

Civil Rights Matters – any issue that cannot be explained by FNS regulatory requirements or guidelines *and* involves disparate treatment or adverse impact on participation based on one of the covered protected classes. For example, a church pantry denying TEFAP foods to a non-church member – a case of religious discrimination.

PUBLIC NOTIFICATION POLICY

Agencies/programs receiving TEFAP commodities shall include the following nondiscrimination statement, in full, on all materials that are developed 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, religion, or disability.

To file a complaint of discrimination, write The Office of Civil Rights, 550 Kearny Street, San Francisco, CA 94108-2518, (415) 705-1322. USDA is an equal opportunity provider and employer."

If space is too limited to permit the full statement to be included, the material will at a minimum include the following statement in print size no smaller than the text:

"This institution is an equal opportunity provider."

The USDA poster **"And Justice For All"** (Form AD-475C, Rev. 12-99) will be posted in all TEFAP distribution points for public notification purposes except where suitable substitutes in outdoor areas are deemed necessary. In addition, agencies/programs receiving TEFAP commodities will post the nondiscrimination statement in additional languages appropriate to the local population. The Civil Rights Hotline tear-off sheets (attached to the poster) must always be available.

Your program is required to:

- maintain a file with samples of pamphlets, fliers, and other public notifications showing that the above non-discrimination statement is included.
- notify the public, including minority and grassroots organizations in your service area, of program availability and eligibility standards at least once every two years and when any significant changes to the program occur, such as eligibility standards, hours of operation or location.
- have a plan to address Limited English Proficiency requirements – your RFB will assist you with this.

ELIGIBILITY QUESTIONS POSTER

The following Eligibility Questions announcement (included here in English and Spanish- contact your RFB if you need it in additional languages) should be posted with the Justice for All poster.

USDA-TEFAP commodities in emergency food parcels are made available to persons in emergency need based on current supplies. Recipients must provide the following information:

- **Name**
- **Address (if you have one)**
- **Number of people in your household**

Eligibility is based on where you live and the posted income/eligibility guidelines only.

You may be asked for additional information for program or referral purposes. The additional information is not to be used to determine eligibility.

If you have questions about your eligibility for TEFAP commodities at this agency, please call the Regional Food Bank at the number listed below:

La mercancía USDA-TEFAP se entrega como ayuda de emergencia a las personas que tienen necesidad con tal de que proporcionen. Los recipientes tienen que proveer la siguiente información:

- Su nombre**
- Dirección (si tiene domicilio)**
- Numero de personas en la familia**

Elegibilidad con tanto en donde vive y la guía de ingresos ostentada solamente.

Puede ser que le van a preguntar para información adicional por programas ó para el propósito de referencia. La información adicional no le puede usar para concluir elegibilidad.

Si usted tiene preguntas sobre su elegibilidad para mercancía USDA-TEFAP en esta agencia, por favor llamar al Regional Food Bank al numero anotado abajo:

COMPLAINT PROCEDURE

The USDA has found that many “civil rights” complaints are actually customer service issues (claims of rudeness, impatience, lack of understanding or compassion) and, as much as possible, want these matters resolved on a local level. Ultimately our goal is to ensure that civil rights are honored and the complainant is satisfied that their complaint has been taken seriously, addressed, and resolved.

Filing a complaint: If a client reports unfair treatment that they perceive to be based on any of the “protected classes” or if they simply feel that they have been discriminated against and want to make a complaint, you must assist them. By law the complaint must be made within 180 days of the incident.

- The most convenient way for someone to register a complaint is to call the Civil Rights Hotline at the Fair Housing Council of Oregon 888-772-6008. They are on contract to handle TEFAP complaints.
- Keep copies of the discrimination complaint form on file for those who wish to file a written complaint, and inform all staff and volunteers serving clients on how to use it to record a complaint. If a client declines to complete the form in writing you must complete it for them from their verbal complaint.
- In addition to the Hotline, a complainant can choose to file the complaint directly with the RFB or with OFB; the appropriate contact information should be made available.

Follow-up: Notify your RFB about the complaint and forward a copy of the complaint form (if completed). Your RFB representative will forward the complaint to the Fair Housing Council or Oregon Food Bank (OFB). Your RFB representative will follow-up with OFB for advice and guidance in identifying corrective action to be taken, if necessary, to satisfy the complainant and to prevent further complaints against the agency.

OFB and the Fair Housing Council will notify OHCS of the complaint if necessary. FHC will also notify OHCS of their determination of whether the complaint involves a “protected class” and suggest the plan for resolution. If the complaint involves a protected class, it is forwarded to the USDA Food and Nutrition Service (FNS) for processing. (Once the complaint is with the FNS a decision letter must be issued within 90 days.)

Often the complaint describes poor customer service or a misunderstanding due to language or other reason. Using their good judgment, RFB and local agency staff should accomplish resolution of the conflict within thirty days. A letter describing the final outcome of the complaint and copies of correspondence related to resolution of the complaint will be forwarded by the RFB and OFB to OHCS within 60 days.

This is a legal responsibility. Taken to an extreme a complaint could become a law suit based a claim of the violation of a person’s civil rights.

DOCUMENTATION

It is critical that you **fully document each step of the procedure** from the initial complaint to the resolution.

In cases where the client does not chose to use the Hotline, use the discrimination complaint form provided, whenever possible, and take good notes in any case!

Document in writing each conversation and action taken. Keep a copy of all documentation in your **Civil Rights Discrimination Complaint Folder**.

Your program is required to

- ✓ **Maintain a file of all complaints received**
- ✓ **Address/acknowledge all complaints and assist complainant**
- ✓ **Forward all discrimination complaints to the Civil Rights Hotline or your RFB and assist in follow-up by Oregon Food Bank and/or Oregon Housing and Community Services, Fair Housing Council of Oregon or USDA**
- ✓ **Post all “Justice for All” poster and information on making a complaint**

Verbal Complaints of Discrimination

- If a verbal complaint is received and the client is not willing to place allegations in writing, the person receiving the complaint may write up the elements of the complaint for the complainant.
- Every effort needs to be made to obtain:
 - Name, address, telephone number, or other means of contacting the complainant
 - Specific location and organization delivering service/benefit
 - Nature of the incident or action that led the complainant to feel discriminated against
 - Basis on which the complainant feels discrimination occurred (race, color, national origin, age, sex, religion, political beliefs, disability, etc)
 - Names, titles, and business address of persons who may have knowledge of the discriminatory action
 - Date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.
- Anonymous complaints are to be handled just as any other complaint though, of course, full resolution will not be possible.

Walk-In []
Call-In []

No. _____
(Office Use Only)

Date: _____

DISCRIMINATION COMPLAINT
From

Agency Name

(Please Print or Type)

1. Your Name _____ Phone No. _____

Street Address _____ Message/Contact No. _____

City _____ State _____ Zip _____

2. I feel I was discriminated against because of my:

- | | |
|--|--|
| <input type="checkbox"/> Race or Color | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Marital or Family Status |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Gender | <input type="checkbox"/> Age |
| <input type="checkbox"/> Political Beliefs | <input type="checkbox"/> Opposition to Unlawful Discrimination |
| <input type="checkbox"/> Other _____ | |

3. Explain briefly the discrimination you believe occurred. Identify the persons involved by name and position. Be sure to clearly explain **who, what, when, and why** (**who** did **what**, **when** the action occurred, **why** you believe the action occurred).

4. To the best of my knowledge the most recent date on which this discrimination took place:

Month _____ Day _____ Year _____

5. Information taken by: _____ Phone: _____

[Copy to RFB and client; agency retains original]

S:\agency data\Manual\Laws\DiscrimComplaintForm.doc

En Persona []
Por Teléfono []

No. _____
(Para Uso de Oficina Solamente)

Fecha: _____

QUEJA DE DISCRIMINACION
De

Nombre de la Agencia _____

(Por favor letra de molde o a máquina)

1. Su Nombre: _____ No. Teléfono: _____
Dirección: _____ No. Mensajes: _____
Ciudad: _____ Estado: _____ Zip: _____

2. Se me discriminó debido a:
____ Raza o Color _____ Incapacidad
____ Religión _____ Estado Civil
____ Origen Nacional _____ Orientación Sexual
____ Sexo _____ Edad
____ Creencia Política _____ Oposición a Discriminación Ilegal
____ Otro: _____

3. Explique brevemente la discriminación que usted cree que ocurrió. Identifique las personas envueltas por nombre y puesto. Asegúrese de explicar claramente **quién, qué, cuándo, y por qué** (**quién** hizo **qué**, **cuando** el suceso ocurrió, **por qué** piensa usted que esto ocurrió).

4. De acuerdo con mi mejor recuerdo la fecha más reciente en que ocurrió esta discriminación:
Mes: _____ Día: _____ Año: _____

5. Información tomada por: _____ Teléfono: _____

CIVIL RIGHTS

IS

Caring about participants as people.

Understanding the participant's point of view.

Serving the participant's human and business needs.

Treating everyone with respect.

Offering helpful information and assistance.

Making it matter (which, in turn, will make it happen).

Empathizing and listening to the participant's concerns.

Responding with reliable service.

