

Module III



Module III

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Nondiscrimination in Program and Services Delivery

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Module III

Nondiscrimination in Program and Services Delivery

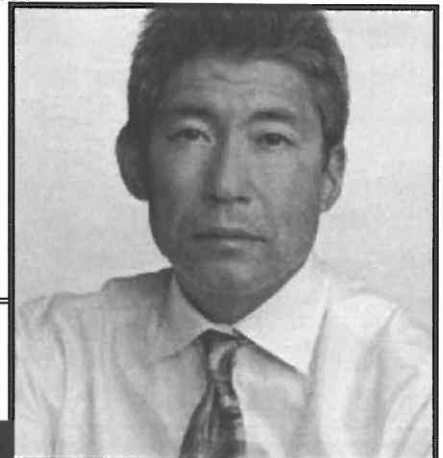
Description: This module presents and reviews key aspects of the federal government's statutes, regulations, executive orders and policy guidelines established to prohibit unlawful discrimination in the delivery of USDA's programs and services.

Objectives: Upon completion of this module, you will be able to recognize and identify:

- The difference between **federally assisted** and **federally conducted** programs and activities.
- The major civil rights laws that prohibit unlawful discrimination by recipients of federal (USDA) financial assistance.
- USDA compliance requirements.
- Outreach requirements to better serve communities, particularly those communities under-served by USDA.

Listed below are the **lessons** associated with this module.

- Lesson A Program Delivery Laws, Purpose and Structure
- Lesson B Prohibited Discrimination in Program Delivery
- Lesson C Compliance Requirements
- Lesson D Program Outreach





Course: USDA Civil Rights Overview
Module III: Nondiscrimination in Program and
Services Delivery

Lesson A

Program Delivery Laws, Purpose and Structure

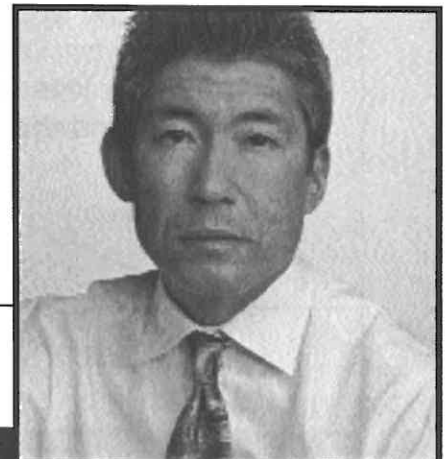
Description: In this lesson, you will examine the differences between federally conducted and federally assisted programs, and the requirements for nondiscrimination assurance.

Objective: Upon completion of this lesson, you will be able to identify:

- The difference between **federally assisted** and **federally conducted** programs and services.
- Laws covering federally assisted programs.
- Laws covering federally conducted programs.
- The requirements for submitting a signed assurance of nondiscrimination.

Listed below are the **topics** associated with this lesson.

- Topic 1 Introduction to the Laws
- Topic 2 Laws Covering Federally Assisted Programs
- Topic 3 Laws Covering Federally Conducted Programs
- Topic 4 Purpose and Structure





Lesson A

Program Delivery Laws, Purpose and Structure

Topic 1: Introduction to the Laws

There are two categories of programs or activities provided by the USDA.

1. If the program is operated directly by USDA, it is a federally **conducted** program or activity.

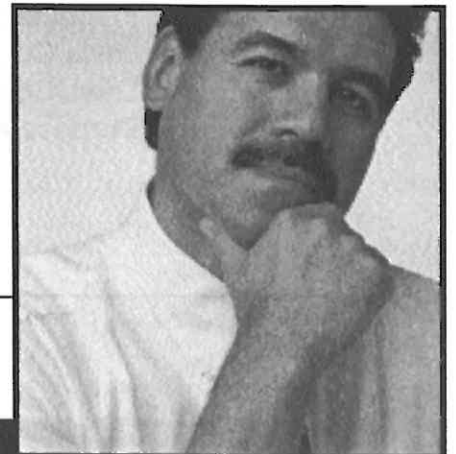
Example: A Food Safety Inspection Service (FSIS) Inspector visits a poultry plant to ensure that health and safety requirements are observed. This USDA employee provides the direct service of inspection to the poultry plant, the **beneficiary**.

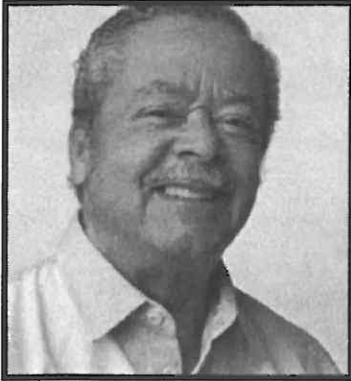
Example: A farmer (**applicant**) visits the Farm Service Agency (FSA) and applies for a Farm Operating Loan. The application is reviewed by the FSA Ag Credit Manager; the loan is approved and the funds disbursed.

2. In a program supported by federal (USDA) financial assistance and operated by a third party, the third party is called the recipient and the recipient's programs and activities are called federally **assisted**.

Example: USDA gives \$50 million (federal financial assistance) to the District of Columbia (**recipient**) to administer the Food Stamp Program. The participants in this program are called **beneficiaries**.

In either case, whether receiving benefits directly from USDA employees, from a state or local government or from a private entity administering a program on behalf of the USDA, applicants and beneficiaries are protected from illegal discrimination. **The list of protected classes varies depending upon the program and the applicable statute and regulation.**





Lesson A

Program Delivery Laws, Purpose and Structure

Topic 1: Introduction to the Laws

USDA Nondiscrimination Assurance

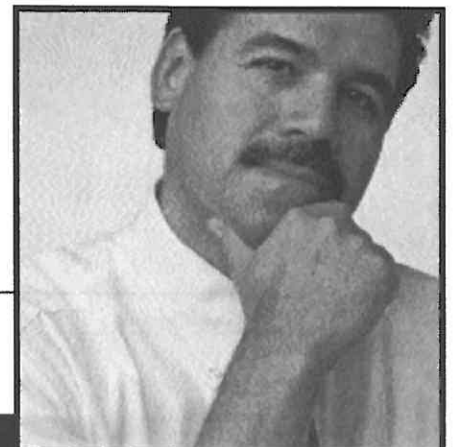
No person in the United States shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination on the basis of race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability or because all or part of an individual's income is derived from any public assistance source under a USDA program or activity, either federally conducted or federally assisted. **NOT ALL PROHIBITED BASES APPLY TO ALL PROGRAMS.**

These protections are provided by:

- U.S. laws
- U.S. Code of Federal Regulations
- Executive orders
- USDA departmental regulations
- USDA policy

The civil rights protections for federally (USDA) **conducted** programs are as follows:

No agency, officer or employee of the United States Department of Agriculture shall exclude from participation in, deny the benefits of or subject to discrimination any person in the United States on the basis of race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability or because all or part of an individual's income is derived from any public assistance source under any program or activity administered by such agency, officer or employee.





Lesson A

Program Delivery Laws, Purpose and Structure

Topic 1: Introduction to the Laws

Example

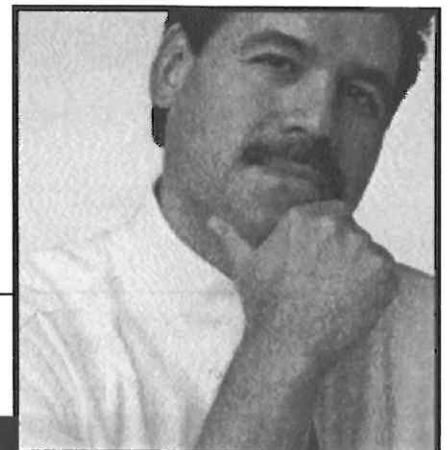
School Lunch Program

An example of a federally assisted program.

Marge is a 43-year-old coordinator for a community development agency.

The agency coordinates a School Lunch Program and promotes the health and well-being of all participating children. Federal (USDA) financial assistance is given to each state (recipient). The state then gives the money to local school districts (sub-recipients), which implement the program in a nondiscriminatory manner.

This is an example of a federally assisted program that is governed by civil rights laws.





Lesson A

Program Delivery Laws, Purpose and Structure
Topic 1: Introduction to the Laws

Exercise

Nutrition Program for the Elderly

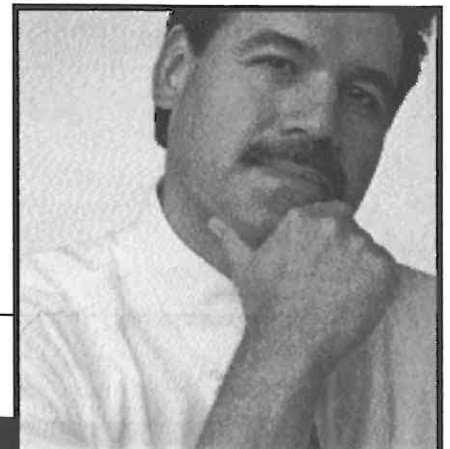
Mary is the coordinator for a federally assisted community development agency that operates a meals program in the Nutrition Program for the Elderly. This program is funded by the Food and Nutrition Service, USDA, in order to promote the health and well-being of the elderly.

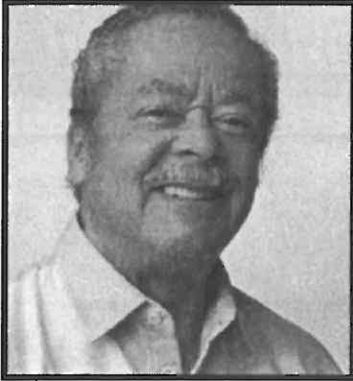
Mary's agency is called the "sub-recipient" because it receives the meals program funding through the state, which is the recipient, and provides the service on behalf of the state and the USDA. The elderly residents receiving the meals are the beneficiaries of the program.

Match the answer below with the appropriate question above it.

- ___ 1. Is this meals program an example of a federally assisted or a federally conducted program?
- ___ 2. Who is considered the "recipient" of the USDA funding?
- ___ 3. Who is considered the "sub-recipient" of the meals program funding?
- ___ 4. Who is considered the beneficiary of the meals program?

- A. Federally Assisted Program and Activity
- B. Federally Conducted Program and Activity
- C. The Agency
- D. The Elderly
- E. The State





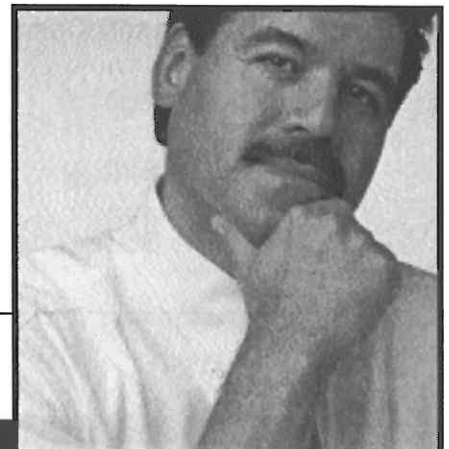
Lesson A

Program Delivery Laws, Purpose and Structure

Topic 1: Introduction to the Laws

Exercise Answers

- A __ 1. Is this meals program an example of a federally assisted or a federally conducted program?
- E __ 2. Who is considered the "recipient" of the USDA funding?
- C __ 3. Who is considered the "sub-recipient" of the meals program funding?
- D __ 4. Who is considered the beneficiary of the meals program?





Lesson A

Program Delivery Laws, Purpose and Structure Topic 2: Laws Covering Federally Assisted Programs

Although the civil rights laws, regulations and policies cover federally assisted and federally conducted programs, the coverage differs depending on the program.

The following is a list of civil rights statutes that prohibit discrimination by recipients in federally assisted programs and activities:

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination based on race, color or national origin by recipients of federal financial assistance.

Title VIII, Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, prohibits discrimination on the basis of race, color, national origin, religion, sex, disability or familial status in the sale or rental of housing, residential real estate-related transactions and the provision of brokerage services relating to the business of selling or renting dwellings.

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination based on physical and mental disability in programs receiving federal financial assistance, and also prohibits discrimination on the basis of disability in programs and services conducted by the USDA. Section 504 also prohibits employment discrimination by recipients of federal financial assistance.





Lesson A

Program Delivery Laws, Purpose and Structure Topic 2: Laws Covering Federally Assisted Programs

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational institutions. Title IX also prohibits employment discrimination by recipients of federal financial assistance.

Age Discrimination Act of 1975 prohibits discrimination based on age by recipients of federal financial assistance.

Food Stamp Act of 1977 prohibits discrimination on the basis of race, national origin, religion, age, sex or political beliefs.

Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability in employment, public accommodations, transportation, state and local government services, and telecommunications. USDA's authority is limited to the delegated authority by the Department of Justice to investigate complaints of discrimination against state and local governments involving USDA programs.





Lesson A

Program Delivery Laws, Purpose and Structure
Topic 2: Laws Covering Federally Assisted Programs

Example

Rural Business Service

Maria, a 55-year-old female, applied for assistance from the Entrepreneurial Business Development Corporation (EBDC), a recipient of financial assistance from the USDA Rural Business Service. EBDC has established a program to promote dynamic business environments in rural America.

Heather is the executive director of Entrepreneurial and works in partnership with the private sector and community-based organizations to provide financial assistance and business planning. Although she realizes that Maria is certainly not a typical young start-up business person, she is determined to help Maria every step of the way to get the assistance she needs.

Maria's age cannot and should not be a factor in determining her eligibility for the program; however, Maria must meet all the eligibility requirements for the program.





Lesson A

Program Delivery Laws, Purpose and Structure
Topic 2: Laws Covering Federally Assisted Programs

Exercise

National Origin/Sex Discrimination

Ling Chong, a 60-year-old Asian female, visits the state of Illinois, Swanee County Agricultural Agency, to request information about planting seasons because she believes that she has discovered a new way to rotate her crops. Mr. Dixon, the county office employee assigned to help Ms. Chong, informs her that his office has just received a grant from the USDA to sponsor pilot programs in this area.

By means of USDA funding, the state is providing research money to study, through pilots, new and innovative ways to rotate crops.

Mr. Dixon, however, has a difficult time communicating with Ms. Chong, and is not quite sure that she understands him or that she understands that research in this area is sophisticated and cutting edge. Mr. Dixon explains that applications to participate in the pilot programs are being accepted, but he discourages Ms. Chong from applying to become a member of the pilot.





Lesson A

Program Delivery Laws, Purpose and Structure
Topic 2: Laws Covering Federally Assisted Programs

Exercise (continued from last page)

Because of Mr. Dixon's actions to discourage her, Ms. Chong decides not to pursue further services from the county office. Ms. Chong thanks him for his time and goes home. Three months later, Ms. Chong learns, through her granddaughter, that none of the members of the pilot were Asian or women. Ms. Chong feels that she was discriminated against when she visited the county office. She contacts the county office, learns how to file a complaint, and does file a complaint with USDA alleging discrimination on the bases of national origin and sex.

The employee who assisted Ms. Chong is Sean Dixon. He believes that he provided good customer service and did not discriminate against Ms. Chong. If you were investigating Ms. Chong's allegations, which law gives you jurisdiction to investigate Ms. Chong's allegations?

- a. Title VI of the Civil Rights Act of 1964
- b. Title VIII of the Civil Rights Act of 1968
- c. Age Discrimination Act of 1975
- d. Section 504 of the Rehabilitation Act of 1973





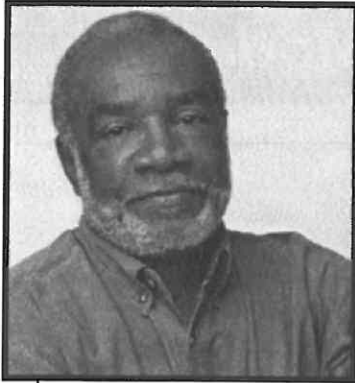
Lesson A

Program Delivery Laws, Purpose and Structure
Topic 2: Laws Covering Federally Assisted Programs

Exercise Answers

- a. Title VI of the Civil Rights Act of 1964
Correct. Title VI prohibits discrimination based on race, color or national origin in programs or activities that receive federal financial assistance.
- b. Title VIII, Civil Rights Act of 1968
Incorrect. This law prohibits discrimination in the sale or rental of housing.
- c. Age Discrimination Act of 1975
Incorrect. This law prohibits discrimination based on age.
- d. Section 504 of the Rehabilitation Act of 1973
Incorrect. This law prohibits discrimination on the basis of disability.





Lesson A

Program Delivery Laws, Purpose and Structure Topic 3: Laws Covering Federally Conducted Programs

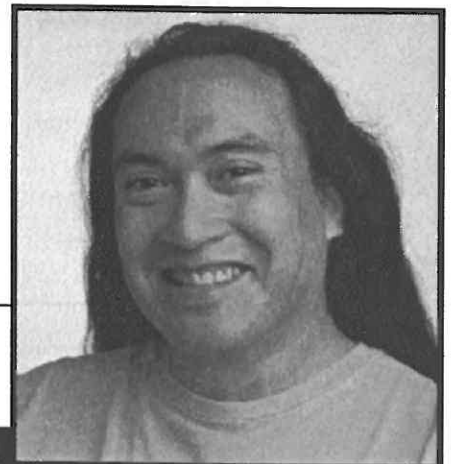
Although federally conducted and federally assisted programs and activities are covered by civil rights laws, regulations and policies, not all programs and activities are covered by the same ones. The following is a list of civil rights laws, regulations, policies and executive orders that affect federally conducted programs, activities and services.

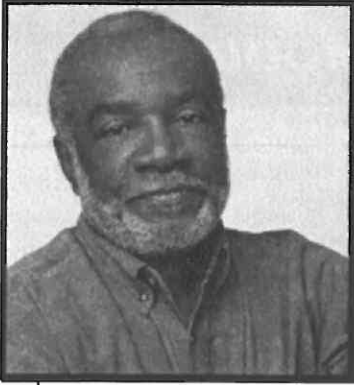
No agency, officer or employee of USDA, shall discriminate on the grounds of race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability or because all or part of an individual's income is derived from any public assistance source, in any program or activity conducted by USDA. Also, USDA prohibits reprisal for filing a civil rights complaint with USDA or for opposing any practice that violates or is prohibited by a civil rights law, regulation, policy or practice.

LAWS:

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination based on disability (physical and mental) in programs conducted or assisted by USDA.

Equal Credit Opportunity Act (ECOA) (Title VII of the Consumer Protection Act of 1989, as amended) prohibits discrimination by a creditor on the bases of race, color, religion, national origin, sex, marital status or age (provided the applicant has the legal capacity to enter into a contract); or because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Protection Act. **THIS LAW APPLIES ONLY TO AGENCIES WITH LOAN MAKING PROGRAMS AND ACTIVITIES.**





Lesson A

Program Delivery Laws, Purpose and Structure
Topic 3: Laws Covering Federally Conducted Programs

Title VIII of the Civil Rights Act of 1968, as amended, by the Fair Housing Amendments of 1988, prohibits discrimination on the basis of race, color, national origin, religion, sex, disability, or familial status in the sale or rental of housing, residential real estate related transactions and the provision of brokerage services relating to the business of selling or renting dwellings.

Regulations And Executive Orders:

7 CFR Part 2 - Delegations of authority by the Secretary of Agriculture and general officers of the department

7 CFR Part 15 Subpart B - Nondiscrimination in USDA-conducted programs and activities

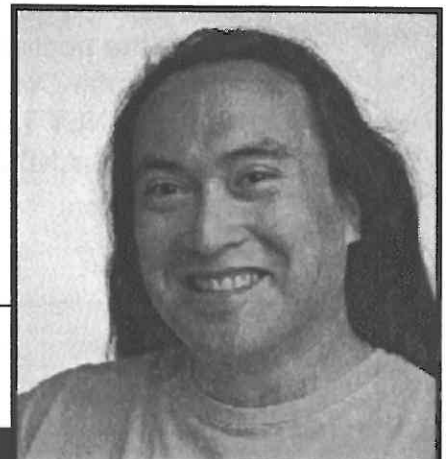
7 CFR Part 15a - Education programs or activities receiving or benefiting from federal financial assistance

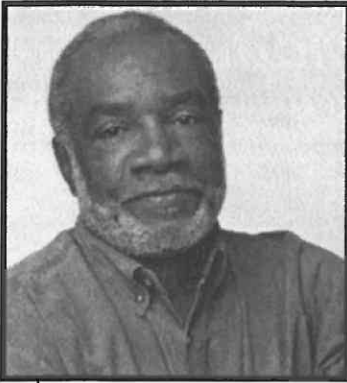
7 CFR Part 15b - Nondiscrimination on the basis of handicap in programs and activities receiving federal financial assistance

7 CFR Part 15d - Nondiscrimination in programs or activities conducted by USDA

7 CFR Part 15e - Nondiscrimination on the basis of handicap in programs or activities conducted by USDA

12 CFR Part 202 - Equal Credit Opportunity
Regulation B





Lesson A

Program Delivery Laws, Purpose and Structure
Topic 3: Laws Covering Federally Conducted Programs

28 CFR Part 41 - Implementation of Executive Order 12250, nondiscrimination on the basis of handicap in federally assisted programs

Executive Order 12898 - Federal actions to address environmental justice for minority populations and low-income populations

Departmental Regulations/Policy:

5 USC 301 - Authority to Prescribe Departmental Regulations

USDA Departmental Regulation 4300-3 - Equal Opportunity Public Notification Policy, 11/16/99

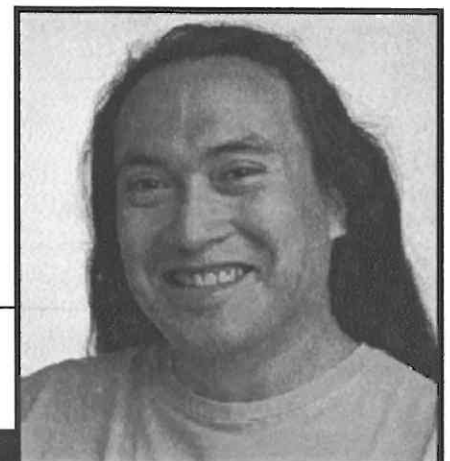
USDA Departmental Regulation 4300-5 - Agency Civil Rights Programs, 1/14/98

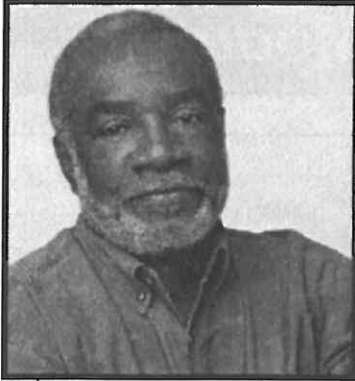
USDA Departmental Regulation 4300-6 - Civil Rights Policy for the USDA, 3/16/98

USDA Departmental Regulation 4330-3 - Nondiscrimination in USDA-Conducted Programs and Activities dated 3/3/99

USDA Departmental Regulation 4360-3 - Communicating with Under-Served Communities, dated 1/14/98

USDA Departmental Regulation 5600-2 - Environmental Justice, 12/15/97





Lesson A

Program Delivery Laws, Purpose and Structure
Topic 3: Laws Covering Federally Conducted Programs

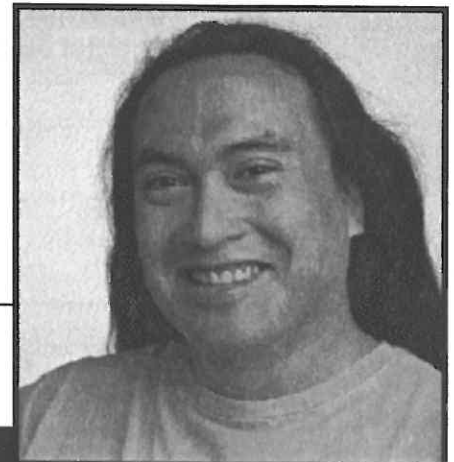
Example

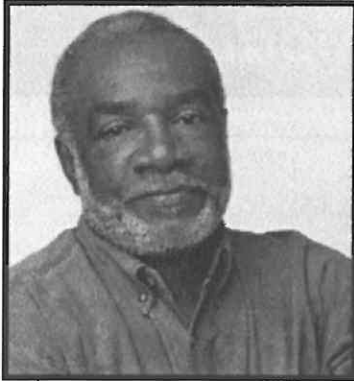
Farm Service Agency

USDA provides services directly to customers (program participants) in several ways. The Farm Service Agency provides direct service to farmers making application for Farm Operating Loans, Emergency Loans or Farm Ownership Loans. The Natural Resources Conservation Service provides technical assistance to farmers and landowners dealing with conservation and good land management practices.

The Rural Housing Service provides loans to individuals for housing. The National Agricultural Statistics Service, Economic Research Service and the Agricultural Research Service provide direct services through federally conducted activities that ultimately benefit all agricultural communities throughout our country.

For instance, every five years the National Agricultural Statistics Service conducts the United States Census of Agriculture, which identifies the number of farms and ranches in each state and includes a profile of farm and ranch owners by race, sex, national origin and the size of the ranch or farm.





Lesson A

Program Delivery Laws, Purpose and Structure Topic 3: Laws Covering Federally Conducted Programs

Exercise (Not a True Story)

GIPSA

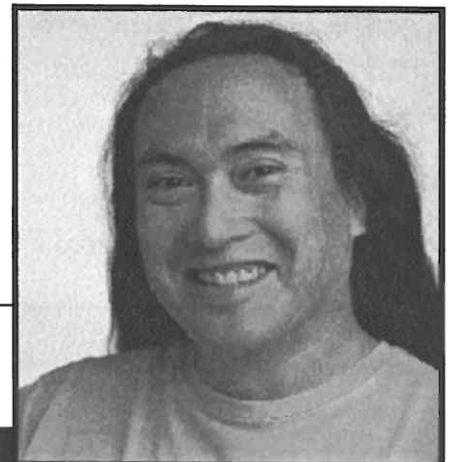
The Grain Inspection and Packers and Stockyards Administration (GIPSA) provides grain inspection services for all grain being exported out of the United States. Companies reimburse the GIPSA at an hourly rate for the inspection.

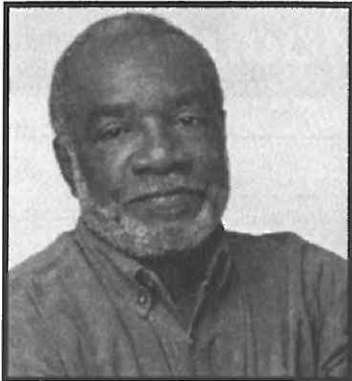
Al, an employee of GIPSA, is responsible for inspecting the grain of the Unified Grain Company (a minority-owned firm.) Al deliberately delays the inspection. His co-workers notice the delay because he has a reputation for timely inspections. Due to his delayed inspection, Al causes the Unified Grain Company to lose \$500,000 in profits.

The company knows that Al delayed and believes that the delay was based solely on the fact that it is a minority-owned company. The company files a complaint with USDA alleging race discrimination. The USDA investigates and determines that Al's actions were a violation of USDA regulations and nondiscriminatory policy.

What corrective action should be taken? (Select all that apply.)

- a. Disciplinary action should be taken against Al for the discriminatory actions. Disciplinary action should be taken against his supervisor if the supervisor knew or should have known about Al's actions.
- b. Written policies and procedures should be reviewed or rewritten to ensure that such actions cannot recur. Monitoring should occur until such policies are in place and staff have been given training regarding the policies and procedures.
- c. USDA should admit noncompliance in its Letter of Findings to the company with assurance that such behavior will not recur.





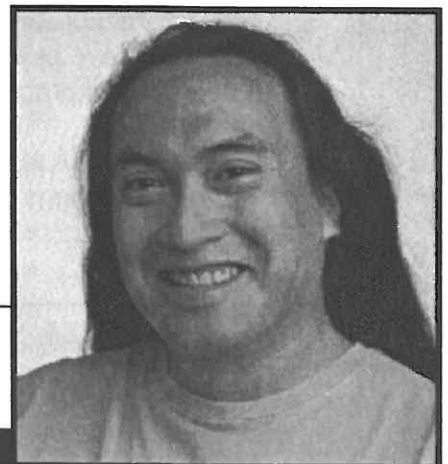
Lesson A

Program Delivery Laws, Purpose and Structure
Topic 3: Laws Covering Federally Conducted Programs

Exercise Answers

All three choices are correct.

- a. Disciplinary action should be taken against AI for his discriminatory actions. Disciplinary action should be taken against his supervisor if the supervisor knew or should have known about AI's actions.
- b. Written policies and procedures should be reviewed or rewritten to ensure that such actions cannot recur. Monitoring should occur until such policies are in place and staff have been given training regarding the policies and procedures.
- c. USDA should admit noncompliance in its Letter of Findings to the company with assurance that such behavior will not recur.





Lesson A

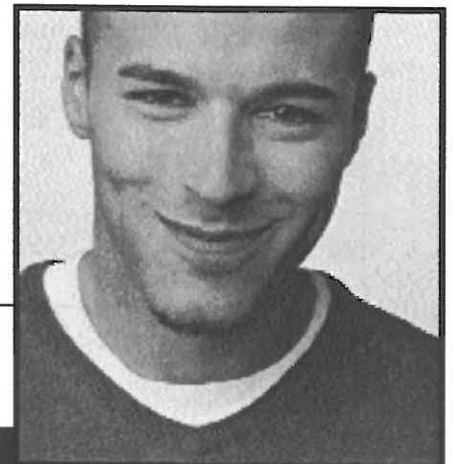
Program Delivery Laws, Purpose and Structure Topic 4: Purpose and Structure

To comply with the requirements of the civil rights laws that apply to federally assisted programs and activities, the recipient is required to submit a signed assurance of nondiscrimination in some format, usually a form. These assurances are to help:

- Eliminate discrimination against applicants, participants and beneficiaries of any program or activity receiving USDA financial assistance.
- Prevent future discrimination.
- Address the effects of past discriminatory practices.

Compliance with civil rights requirements is achieved by adhering to the following activities:

- Providing technical assistance, guidance and training to encourage voluntary compliance
- Conducting regular compliance reviews of policies, procedures and practices of the programs and activities
- Investigation of complaints alleging discrimination
- Providing outreach and education.





Lesson A

Program Delivery Laws, Purpose and Structure
Topic 4: Purpose and Structure

Example

Assurance of Nondiscrimination

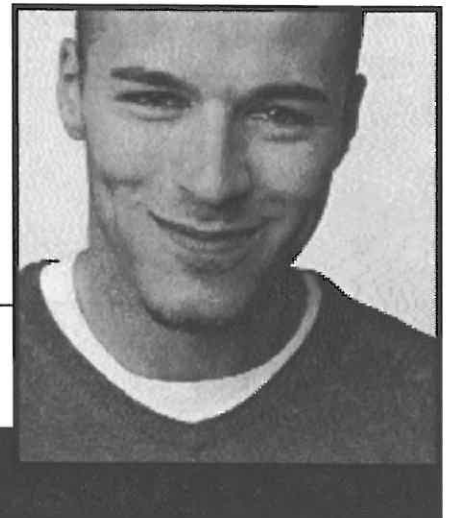
Prior to receiving federal assistance, the USDA is obligated to ensure that the recipient will not discriminate.

A recipient is required to certify that it will comply with civil rights requirements by signing an assurance of nondiscrimination.

In addition, USDA ensures that the recipient conducts the program in a nondiscriminatory manner through post-award reviews.

These reviews are conducted after the recipient receives the financial assistance to run the program.

Similarly, USDA-conducted programs and activities must be provided in a manner consistent with civil rights requirements that apply to the program or activity.





Lesson A

Program Delivery Laws, Purpose and Structure
Topic 4: Purpose and Structure

Exercise

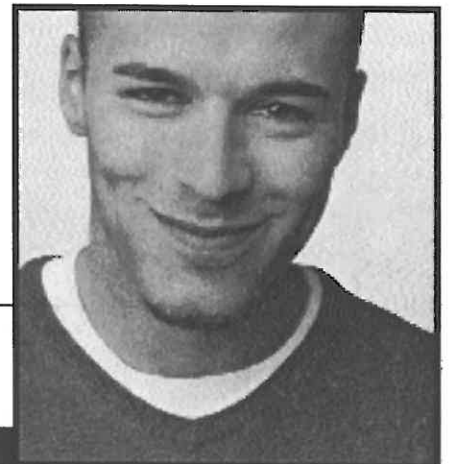
No Loans to Hispanics

Bob and Joe work for the Farm Service Agency (FSA). Joe works in the Office of Civil Rights and Bob works in the Farm Programs division. Bob tells Joe over lunch one day that he is concerned about program decisions in the Southwest. For the past five years, no Hispanic males have been approved for loans. He asks Joe if there is anything that can be done.

Joe explains that such information must be examined by the Office of Civil Rights. Joe returns to the office and discusses the matter with his supervisor. The supervisor decides that immediate action is necessary to determine whether Bob's information is valid, and if so, what corrective action is necessary.

What action(s) will or should the agency's civil rights office take in this matter? (Select all that apply.)

- a. Find a Hispanic male to file a complaint on behalf of himself and all Hispanic men alleging discrimination on the basis of national origin.
- b. Ask Bob to file a complaint on behalf of Hispanic males.
- c. Conduct a compliance review of all loan-making activities of the agency by race, sex and national origin to determine whether discrimination has occurred or is occurring.





Lesson A

Program Delivery Laws, Purpose and Structure
Topic 4: Purpose and Structure

Exercise Answers

The correct answer is C.

Conducting a compliance review would be the appropriate action to take to ensure that the agency's policies, practices and procedures are being followed to ensure nondiscrimination and to determine why no Hispanic males have received loans. If there is a noncompliance finding, the agency must take corrective action to eliminate the problem. The Office of Civil Rights must monitor the situation until all corrective actions have been implemented.





Lesson A

Program Delivery Laws, Purpose and Structure

Lesson Summary

1. What are the two categories of programs or activities provided by the USDA? (Select all that apply.)

- A. Federally assisted
- B. Federally conducted
- C. Federally procured
- D. Federally occupied

2. True or False? Although civil rights laws, regulations and policies cover federally assisted and federally conducted programs and activities, the coverage differs depending on the program activity.

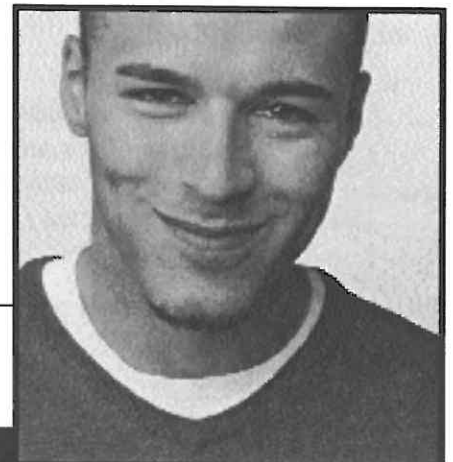
- A. True
- B. False

3. True or False? All federally conducted USDA programs and activities are covered by the same civil rights laws, policies and regulations.

- A. True
- B. False

4. To comply with the requirements of the civil rights laws that apply to federally assisted programs and activities, the recipient is required to:

- A. Assure USDA of its trustworthiness
- B. Submit quarterly reports on financial status
- C. Submit a signed assurance of nondiscrimination
- D. Assure USDA of its financial stability





Lesson A

Program Delivery Laws, Purpose and Structure

Lesson Summary Answers

1. What are the two categories of programs or activities provided by the USDA? (Select all that apply.)

The correct answer is A and B. If the program is operated directly by USDA, it is a federally conducted program or activity. A program supported by federal (USDA) financial assistance and operated by a third party (recipient or sub-recipient) is a federally assisted program or activity.

2. True or False? Although civil rights laws, regulations and policies cover federally assisted and federally conducted programs and activities, the coverage differs depending on the program activity.

The correct answer is True. Although civil rights laws, regulations and policies cover federally assisted and federally conducted programs and activities, the coverage differs depending on the program activity.

3. True or False? All federally conducted USDA programs and activities are covered by the same civil rights laws, policies and regulations.

The correct answer is True. All federally conducted USDA programs and activities are covered by federal civil rights laws, plus departmental regulations. This ensures consistent civil rights policy for all federally conducted programs and activities.

4. To comply with the requirements of the civil rights laws that apply to federally assisted programs and activities, the recipient is required to:

The correct answer is C. To comply with the requirements of the civil rights laws that apply to federally assisted programs and activities, the recipient is required to submit a signed assurance of nondiscrimination in some format—usually a form.





Course: USDA Civil Rights Overview
Module III: Nondiscrimination in Program and
Services Delivery

Lesson B

Prohibited Discrimination in Program Delivery

Description: In this lesson, you will learn what constitutes discrimination against those involved in USDA programs and activities and how complaints are handled if discrimination does occur.

Objective: Upon completion of this lesson, you will be able to:

- Identify the types of illegal discrimination against various customers of USDA programs.
- Be familiar with the discrimination complaint process and procedures that complaints follow.

Listed below are the **topics** associated with this lesson.

- Topic 1 Discrimination Against an Applicant
- Topic 2 Discrimination Against a Recipient or Sub-recipient
- Topic 3 Discrimination Against a Participant
- Topic 4 Discrimination a Beneficiary
- Topic 5 Complaints -- Overview
- Topic 6 Complaints -- Procedures





Lesson B

Prohibited Discrimination in Program Delivery

Topic 1: Discrimination Against An Applicant

It is unlawful to discriminate against an applicant just as it is unlawful to discriminate against a recipient, a sub-recipient or a beneficiary of a federally assisted or federally conducted program or activity.

An applicant is:

1. One who submits an application, request or plan that must be approved by the USDA as a condition for eligibility for USDA services.
2. One who submits an application to a primary recipient for program benefits.





Lesson B

Prohibited Discrimination in Program Delivery
Topic 1: Discrimination Against An Applicant

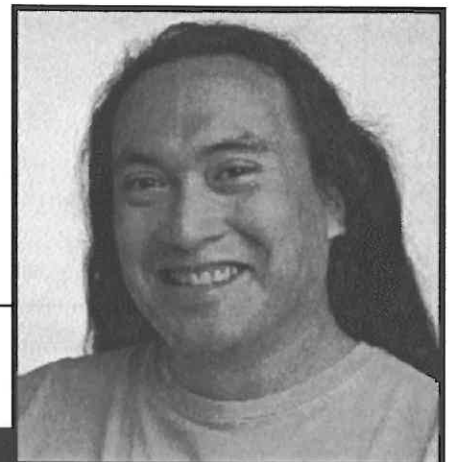
Example

Farm Ownership Loan Program

Larry Green, age 66, submits an application for a loan from the Farm Ownership Loan program, a USDA-conducted program.

Andrea White, a USDA employee, determines Mr. Green is too old to be a successful farmer.

Instead she approves the application of Roy Blue for a Farm Ownership Loan because he is young (25 years old) and healthy, with a higher likelihood of success.





Lesson B

Prohibited Discrimination in Program Delivery
Topic 1: Discrimination Against An Applicant

Exercise

Age Requirements

A requirement that an applicant be of a specific age can be required, if: (Select one.)

- a. The law establishing the program or activity requires that all applicants and participants be of a certain age, for example over 21.
- b. USDA employees determine that there are limited funds and must disperse them in the best way to maximize their benefit.
- c. There can be no age limits in any programs or activities provided by USDA or by a recipient of USDA financial assistance.





Lesson B

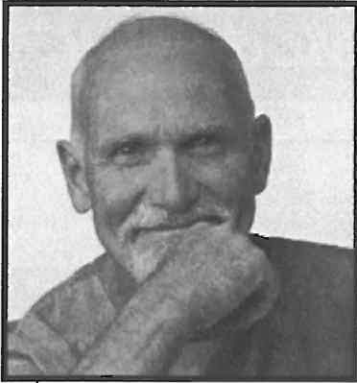
Prohibited Discrimination in Program Delivery
Topic 1: Discrimination Against An Applicant

Exercise Answers

The correct answer is A.

It is permissible in some cases to limit participation on the basis of age, if the law establishing the program provides for the specific limitation.





Lesson B

Prohibited Discrimination in Program Delivery

Topic 2: Discrimination Against a Recipient or Sub-recipient

It is unlawful to discriminate against a recipient or sub-recipient, just as it is unlawful to discriminate against an applicant, participant or beneficiary of a USDA program or activity.

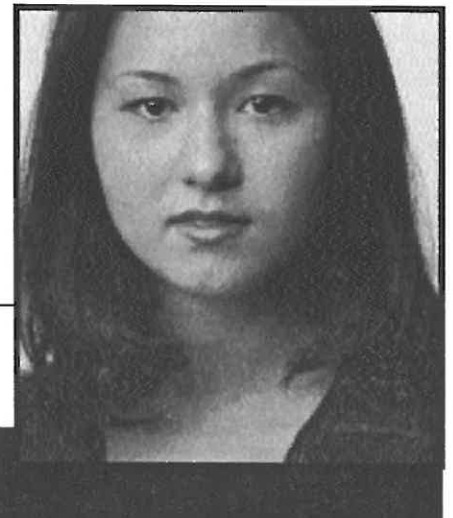
A **recipient** is any public or private agency, institution or organization, state or subdivision of a state or organization receiving federal financial assistance.

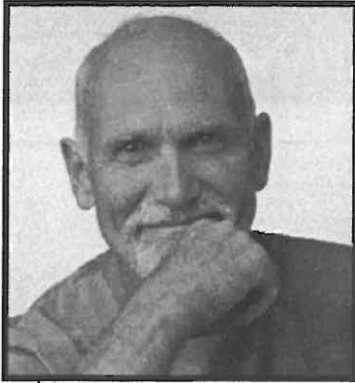
Example: Better Housing, Inc. (BHI), is a Hispanic-owned company that provides affordable rental housing in low-income areas of the country. BHI makes an application with the Rural Housing Service, USDA, for a Rural Rental Housing loan to construct four apartment complexes. The Rural Housing Service cannot discriminate against BHI because it is Hispanic-owned. To do so would be to discriminate against an applicant and a potential **recipient**.

Example: The District of Columbia receives \$5 million from the USDA to implement the Child and Adult Care Food Program. The District of Columbia is the **recipient**. The District of Columbia accepts applications from potential **sub-recipients** such as day care centers, churches and other organizations seeking to operate this program.

A **sub-recipient** is any entity that receives funding from a recipient to conduct the program or activity on behalf of the USDA.

Example: The All Saints Church Day Care Program (**sub-recipient**) receives money from the District of Columbia (**recipient**) to operate a meals program for poor families.





Lesson B

Prohibited Discrimination in Program Delivery

Topic 2: Discrimination Against a Recipient or Sub-recipient

Example

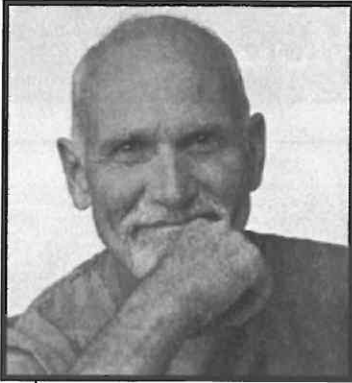
4-H Clubs

Cooperative State Research, Education and Extension Services (CSREES) gives financial assistance to universities for many uses including the operation of county 4-H programs.

In Romero County, Texas, there are 32 4-H Clubs. Twenty-seven of the clubs have only White members, three clubs have only Hispanic members and two clubs have only Black members. Hispanic and Black youth are denied membership in the all-White Romero County 4-H Riding Club.

This is an example of discrimination on the bases of race and national origin in a federally assistance program by a recipient.





Lesson B

Prohibited Discrimination in Program Delivery

Topic 2: Discrimination Against a Recipient or Sub-recipient

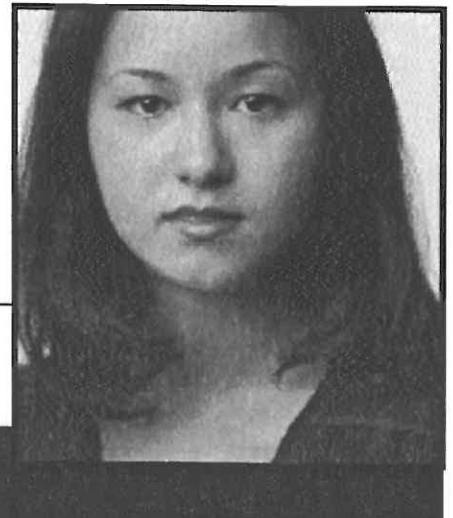
Exercise

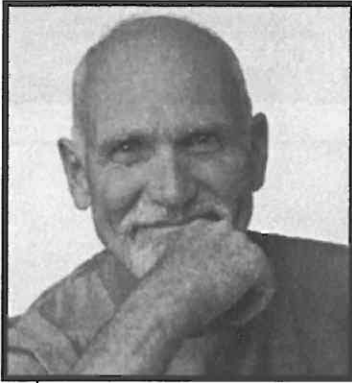
Advertising a USDA Program

Hale County received funds from USDA to work with rural businesses. Hale County placed notices in the local newspaper that is primarily read by White residents of the community. The notice informs the county residents of the new economic program. Twenty percent of the population of Hale County is African-American. There is an African-American-owned newspaper that is read by the African-American community. Hale County is also the site of the state facility that provides services for state residents with visual problems. How can Hale County officials ensure that all potential beneficiaries are made aware of this program?

Hale County officials: (Select all that apply.)

- a. Must ensure that all notices of new programs are provided in publications servicing the entire county. Hale County should place a notice in the African-American-owned newspaper also. If the minority population in this county were Hispanic instead of African-American, the need for notices in Spanish should also be considered.
- b. Must ensure that all notices are provided in an alternative format for individuals with disabilities.
- c. Are required to notify prospective applicants and program beneficiaries in a manner that costs the least amount of money.
- d. Are only required to post notification for prospective applicants and program beneficiaries on its office bulletin board.





Lesson B

Prohibited Discrimination in Program Delivery

Topic 2: Discrimination Against a Recipient or Sub-recipient

Exercise Answers

The correct answers are A and B.

Hale County officials must ensure that all notices of new programs are provided in publications that service the entire county. In addition, county officials must ensure that all notices are provided in an alternative format for individuals with disabilities.





Lesson B

Prohibited Discrimination in Program Delivery Topic 3: Discrimination Against a Participant

It is unlawful to discriminate against a program participant in any USDA-conducted program or activity.

A **participant** is anyone who is currently enrolled or receiving services from a USDA-conducted program or activity.





Lesson B

Prohibited Discrimination in Program Delivery
Topic 3: Discrimination Against a Participant

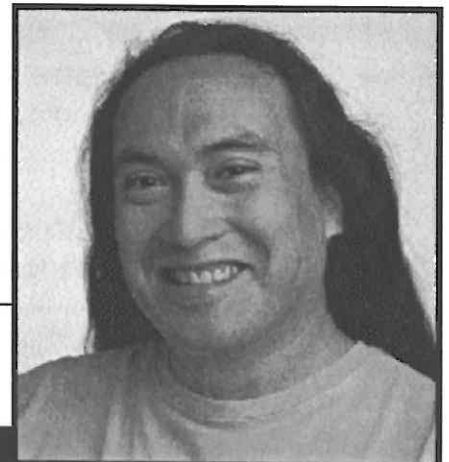
Example (Not a true story)

Farm Operating Loan

Frank Jones, an African-American farmer, files an application with the Lee County Farm Service Agency (FSA) on February 1st for a Farm Operating Loan in the amount of \$47,600. After several phone calls and visits to the office, his loan is approved for \$38,200. This is less than what is needed for his operation but he has no choice and accepts the loan.

Over the years this pattern continues and a program review by the FSA Chief of Farm Programs shows that Black farmers constitute 28% of loan recipients and White farmers constitute 72%. The average processing time for applications is 62 days for Black farmers and 46 days for White farmers. Reductions in the amount requested are 56% for Black farmers and 21% for White farmers.

Although the farmers are participating in the programs, there appears to be a disparity of treatment along racial lines.





Lesson B

Prohibited Discrimination in Program Delivery Topic 3: Discrimination Against a Participant

Exercise

Accommodation for a Deaf Person

Sarah Smith, a participant in a USDA-conducted program, is deaf. Sarah is required to meet with a USDA representative. David Jones, a USDA representative, knows of Ms. Smith's disability, and brings paper and pencil to the meeting so that he can exchange notes with Ms. Smith. When Ms. Smith arrives, she asks why no sign language interpreter is present.

Mr. Jones explains that although Ms. Smith requested a sign language interpreter at the time the meeting was arranged, due to his busy schedule, he was not able to arrange for one. However, he is willing to spend as much time as needed to communicate by exchanging written notes. Ms. Smith refuses to continue the meeting under these circumstances and asks that the meeting be rescheduled for another time when a sign language interpreter can be present.

Which statement accurately describe this situation. (Select all that apply.)

- a. Mr. Jones, as a representative of USDA, performed his duties in a way that complied with agency and departmental regulations as best as he possibly could.
- b. Mr. Jones, as a representative of USDA and under the requirements of the Rehabilitation Act of 1973, should have provided Ms. Smith with a sign language interpreter.
- c. Mr. Jones, as a representative of USDA, violated the Civil Rights Act of 1964 by not providing a sign language interpreter as requested by Ms. Smith.
- d. Mr. Jones, as a representative of USDA, properly accommodated Ms. Smith.





Lesson B

Prohibited Discrimination in Program Delivery
Topic 3: Discrimination Against a Participant

Exercise Answers

The correct answer is B.

Mr. Jones, as a representative of USDA, and under the requirements of the Rehabilitation Act of 1973, should have provided Ms. Smith with a sign language interpreter.





Lesson B

Prohibited Discrimination in Program Delivery

Topic 4: Discrimination Against a Beneficiary

It is unlawful to discriminate against a beneficiary of any USDA-assisted program or activity.

A **beneficiary** is someone who has met the eligibility requirements and is receiving service in a program or activity provided by a recipient of USDA financial assistance.





Lesson B

Prohibited Discrimination in Program Delivery

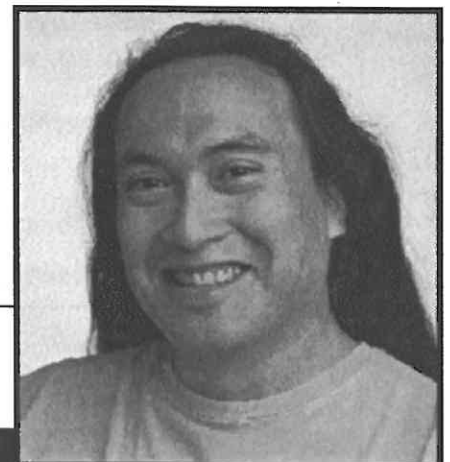
Topic 4: Discrimination Against a Beneficiary

Example

Food Stamp Program

The Food Stamp program is required to ensure equal opportunity to all applicants and beneficiaries. The following story is an example of discrimination against a beneficiary in the delivery of the food stamp program.

Carla Stewart, an African-American, is participating in the Bair County Food Stamp Program. As a beneficiary, she is entitled to equal opportunity for the services provided to all program beneficiaries. However, the staff at Bair County systematically fails to include medical deductions for the African-American participants, thereby lowering the amount of food stamps Carla Stewart and other African-Americans receive.





Lesson B

Prohibited Discrimination in Program Delivery
Topic 4: Discrimination Against a Beneficiary

Exercise

Discrimination of the Disabled?

Based only on the facts presented below, has noncompliance (discrimination) occurred?

Monte Hildago, age 60, rents in an apartment complex built with funds from Rural Housing Service, USDA in 1990. Mr. Hildago recently had a stroke and now uses a wheelchair. He informs the leasing office that he needs to be moved to a unit with modifications for wheelchair users, or that they need to make renovations to his apartment so he can continue to live independently. The leasing office manager informs him that the only one-bedroom apartment accessible to a wheelchair is already rented by Mrs. Brook who recently lost her husband. Mr. Brook had been disabled for 30 years from arthritis and also used a wheelchair.

The leasing manager of the complex agrees to meet with Mrs. Brook. The manager informs her that she will have to move to another one bedroom apartment, in the same complex, so that Mr. Hildago may now use the apartment that has accessibility features.

The leasing manager, Mrs. Brook and Mr. Hildago all agree that Mrs. Brook will move to her new apartment on the first of the next month, and that Mr. Hildago will move into Mrs. Brook's old apartment on the 15th of next month.

Do you think that the facility discriminated against Mr. Hildago? If so, was the discrimination on the basis of:

- a. Race/national origin
- b. Age
- c. Disability
- d. Mr. Hildago was not discriminated against





Lesson B

Prohibited Discrimination in Program Delivery
Topic 4: Discrimination Against a Beneficiary

Exercise Answer

The correct answer is D.

Based on the information we have, Mr. Hildago was not discriminated against because the leasing manager complied with the requirements to make all reasonable efforts to ensure that individuals with disabilities are provided accessible apartments, and because the complex was built after June 1982 and thus had to ensure that 5 percent of the apartments were accessible.





Lesson B

Prohibited Discrimination in Program Delivery

Topic 5: Complaints - Overview

Each civil rights law allows for discrimination complaints to be filed by an individual or group when either believes that their civil rights have been violated.

This topic addresses the **filing of program discrimination complaints**. Discrimination complaints indicate possible noncompliance with civil rights requirements. The USDA has established procedures for filing and processing program discrimination complaints. You are responsible for having at least a general knowledge of these procedures.

Regardless of the program or activity, if an individual or group indicates verbally or in writing that they believe their civil rights have been violated or they have been discriminated against, you must act to **provide them with information** on the procedure to file a complaint.

You should **be aware of the bases** on which a discrimination complaint may be filed under laws and regulations applicable to the program or activity you are delivering. However, you are not required to make a decision as to the validity of the complaint. You **should not discourage** an individual or group in their efforts to file a complaint or voice allegations of discrimination.

The program discrimination complaint procedure is considered a reactive process that allows for a review of the actions that led to the filing of the complaint. A **complaint investigation** is a process designed to collect information and data through records review and affidavits based on interviews with all parties, such as USDA employees, customers and citizens. These interviews may provide knowledge related to the events that led to the allegations in the complaint.





Lesson B

Prohibited Discrimination in Program Delivery
Topic 5: Complaints - Overview

Example (Not a true story)

Providing Information to Complainants

Frank, who is Asian-American, receives services from the Foreign Agricultural Service (FAS). He wants to file a complaint against the FAS because he believes that the services he received were inadequate compared to those given to White participants.

Frank contacts the only employee he knows by name at the FAS and expresses his desire to file a complaint. The employee tries to deter Frank from filing a complaint and does not provide him with information on the complaint process.

She keeps Frank from filing a complaint because she does not have general knowledge of the complaint process. In addition, she discourages Frank from filing a complaint because she erroneously believes that if Frank files a complaint, she could receive a poor performance evaluation.

This example illustrates an incorrect way of handling a request for information on how to file a complaint. The employee should have provided Frank with the requested information or referred him to the appropriate USDA official who could provide the information.





Lesson B

Prohibited Discrimination in Program Delivery

Topic 5: Complaints - Overview

Exercise

Handling a Complaint Properly

Beth works for the Forest Service and provides customer service regarding civil rights issues. She answers written, telephone and online inquiries. One day, a telephone caller asked several questions about the complaint process and how to file a complaint against the Park Service for alleged unlawful discrimination. Beth advised the caller to put her complaint in writing, and send it to the USDA address, which she provided, and that USDA would investigate her complaint of discrimination. Did Beth correctly handle this inquiry?

- a. Yes, complaints should be put in writing and mailed to the departmental Office of Civil Rights.
- b. No, Beth should have tried to answer the caller's questions first, and if she did not have the answer(s), she then should have directed the caller to put the inquiry in writing.
- c. No, Beth should have a general knowledge of the complaint process and USDA jurisdiction for investigating civil rights complaints. Because the caller stated that the complaint was against the Park Service, Beth should have referred the caller to the federal agency that investigates complaints against the Park Service, which is part of the Department of Interior.
- d. Yes, except Beth should have informed the caller that she would have someone from the Forest Service Civil Rights office immediately contact the caller.





Lesson B

Prohibited Discrimination in Program Delivery
Topic 5: Complaints - Overview

Exercise Answer

The correct answer is C.

Because the Park Service is not part of the USDA, Beth should have informed the caller that USDA did not have jurisdiction to investigate the complaint, and referred the complainant to the Department of the Interior, Office of Civil Rights.





Lesson B

Prohibited Discrimination in Program Delivery

Topic 6 Complaints - Procedures

The program complaints procedure for all federally assisted and USDA-conducted programs and activities, requires that you do the following:

Advise the individual or group that they must put their complaint in writing and address it to: USDA Office of Civil Rights, 1400 Independence Avenue SW, Room 326-W, Washington, DC 20250 or call the Office of Civil Rights at (202)720-5964. **Only the Office of Civil Rights has the authority to accept, process, investigate and issue a Final Agency Decision on formal program discrimination complaints.**

Advise your immediate supervisor that a discrimination complaint may be filed in relation to the program or activity in your office. This step is followed because our procedures permit allegations of discrimination in a complaint to be resolved informally at any stage by the agency or the Office of Civil Rights. Your immediate supervisor will have been trained on the appropriate actions to take within your agency.

USDA employees are expected to **cooperate fully in such investigations** by supplying requested records, notes, documents and files and by participating in interviews with the investigator. You must not discuss any complaint with anyone other than agency or departmental officials. In fact, you are prohibited from acting in any way that might lead the complainant to believe or conclude that reprisal actions are being taken against them because of the complaint or allegation.

While your **agency will provide more detailed guidance** on this subject through training and written material, the following example and exercise are included to give you some idea of how program discrimination complaints arise and should be handled.





Lesson B

Prohibited Discrimination in Program Delivery
Topic 6 Complaints - Procedures

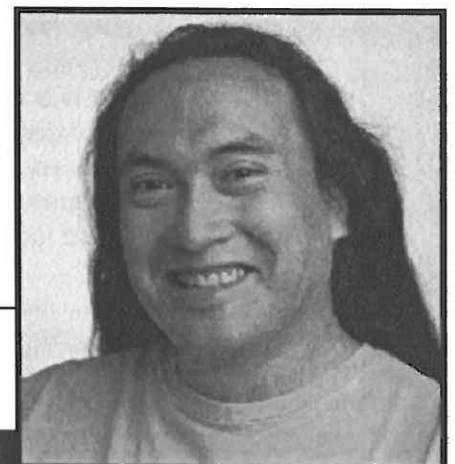
Example (Not a true story)

Filing a Program Complaint

A participant in the Farm Loan program received assistance in filling out paperwork to receive a Farm Operating Loan. He requested the help because of his limited vision. County employees provided all documents relative to the services he requested in large print and gave additional materials to the farmer and his wife to take home to review.

When the participant was refused an operating loan, he visited the county office and asked how to file a complaint alleging discrimination on the basis of disability. The office employees explained the process for filing a civil rights complaint to the participant and gave him a pamphlet outlining the procedures in large print.

This is an example of how county employees fully cooperate in advising participants of their rights and the procedures for filing program complaints.





Lesson B

Prohibited Discrimination in Program Delivery Topic 6 Complaints - Procedures

Exercise (Not a true story)

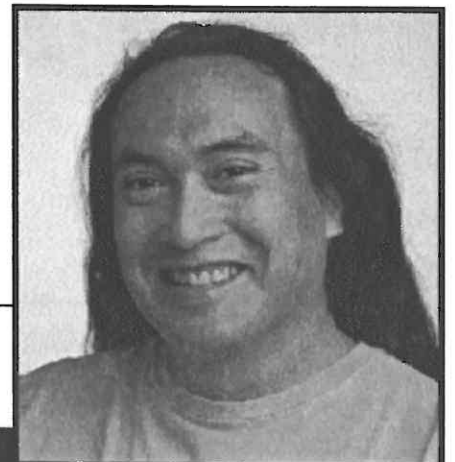
Retaliation Against a Complainant

Martha is an Asian-American producer of exotic Asian vegetables. She visited the Farm Service Agency (FSA) county office seeking technical assistance on an infestation matter. FSA did not advise Martha to contact the Natural Resources Conservation Service (NRCS) or the Cooperative State, Research, Education and Extension Service (CSREES) for technical assistance, although they had customarily done so for other producers.

Later, Martha found out that she could have received technical assistance and an emergency loan from NRCS or CSREES. Martha believed that FSA did not tell her of her opportunity to receive technical assistance in retaliation for her previous filing of a complaint against the FSA.

Was Martha unlawfully discriminated against? (Select one.)

- a. There is not enough information here to determine whether or not unlawful discrimination occurred in denying Martha the emergency Loan.
- b. No. Discrimination occurred because it is the policy of USDA to provide technical assistance only after all other duties are completed.
- c. Yes. Because Martha filed a complaint, the employees of the office retaliated against Martha by not informing her of sources of technical assistance. This action is called reprisal, is illegal and must never be allowed.
- d. No. Providing technical assistance is time consuming, and Martha is never satisfied with the technical assistance provided by the staff. In fact, she is a chronic filer of complaints against the employee's of the office. Based on this knowledge, the employees did the right thing because they knew that any contact with Martha would lead to more complaints being filed.





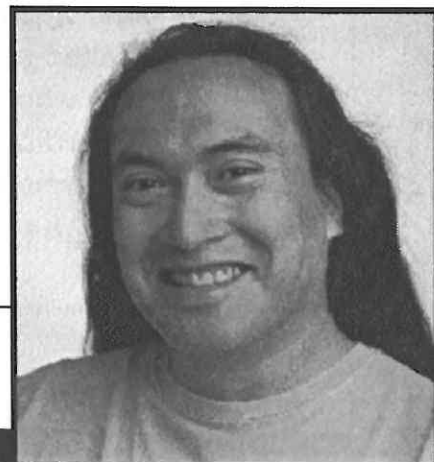
Lesson B

Prohibited Discrimination in Program Delivery
Topic 6 Complaints - Procedures

Exercise Answer

The correct answer is C.

No matter what the situation may be, a complaint may always be filed, and reprisal is never allowed against someone filing a complaint or involved in any way in the complaint process.





Lesson B

Prohibited Discrimination in Program Delivery

Lesson Summary

1. Who is considered an applicant for federally assisted or federally conducted program or activity? (Select all that apply.)

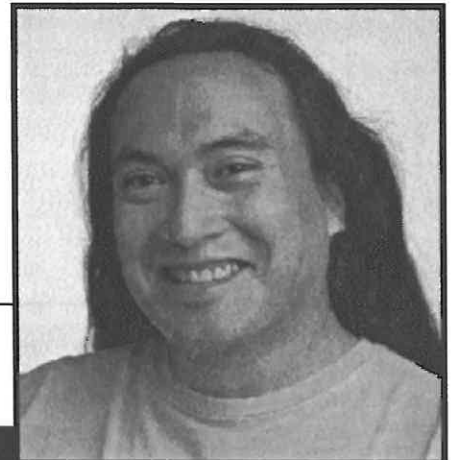
- A. One who submits an application, request or plan that must be approved by USDA as a condition for eligibility for USDA service
- B. One who makes a general inquiry about USDA services
- C. One who submits an application to a primary recipient for program benefits
- D. One who makes a general inquiry to a primary recipient about program benefits

2. True or False? It is unlawful to discriminate against a recipient or sub-recipient for the same reason that it is unlawful to discriminate against an applicant, participant or beneficiary of a USDA program or activity.

- A. True
- B. False

3. Who is a participant of a USDA-conducted program or activity? (Select all that apply.)

- A. Anyone who is enrolled on a USDA-conducted program or activity
- B. Anyone who has a current application for a USDA-conducted program or activity
- C. Anyone who is receiving services from a USDA-conducted program or activity
- D. Anyone who has a current application for a USDA-conducted program or activity





Lesson B

Prohibited Discrimination in Program Delivery

Lesson Summary

4. True or False? It is unlawful for a recipient or sub-recipient to discriminate against a beneficiary of any USDA-assisted program or activity in a manner that is prohibited by the civil rights laws that apply to the program or activity.

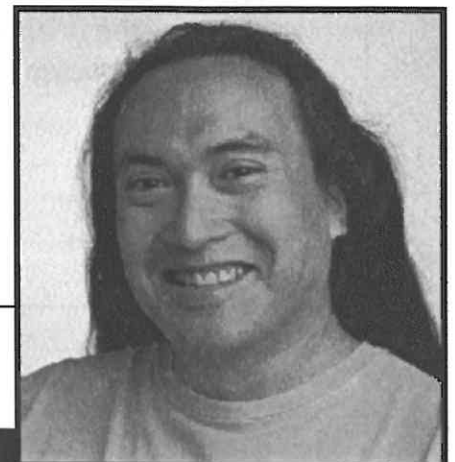
- A. True
- B. False

5. True or False? When individuals or groups believe their civil rights have been violated, either may file a complaint.

- A. True
- B. False

6. True or False? As a USDA employee, you are prohibited from acting in any way that might lead the complainant or anyone involved in the complaint process (for example, a witness) to believe or conclude that reprisal actions are being taken against them because of their complaint or allegations.

- A. True
- B. False





Lesson B

Prohibited Discrimination in Program Delivery

Lesson Summary Answers

1. Who is considered an applicant for federally assisted or federally conducted program or activity? (Select all that apply.)

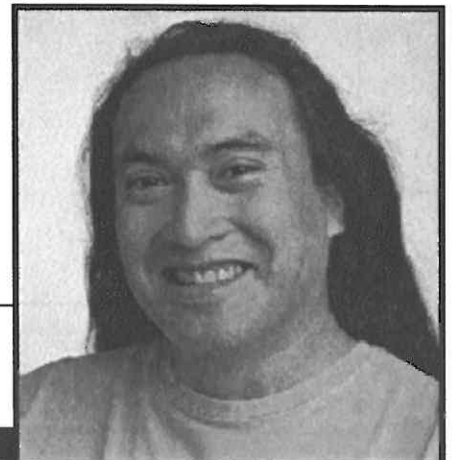
The correct answers are A and C. An applicant is one who submits an application, request or plan that must be approved by USDA as a condition for eligibility for USDA service, or one who submits an application to a primary recipient for program benefits.

2. True or False? It is unlawful to discriminate against a recipient or sub-recipient for the same reason that it is unlawful to discriminate against an applicant, participant or beneficiary of a USDA program or activity.

The correct answer is True. It is unlawful to discriminate against a recipient or sub-recipient for the same reason that it is unlawful to discriminate against a beneficiary of a federally conducted program or activity.

3. Who is a participant of a USDA-conducted program or activity? (Select all that apply.)

The correct answers are A and C. A participant is anyone who is enrolled in or receives services from a USDA-conducted program or activity.





Lesson B

Prohibited Discrimination in Program Delivery

Lesson Summary Answers

4. True or False? It is unlawful for a recipient or sub-recipient to discriminate against a beneficiary of any USDA-assisted program or activity in a manner that is prohibited by the civil rights laws that apply to the program or activity.

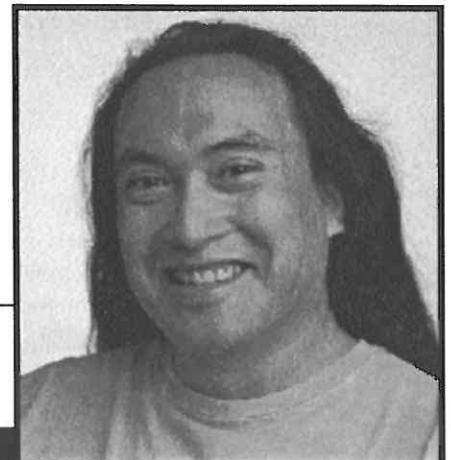
The correct answer is True. It is unlawful for a recipient or sub-recipient to discriminate against a beneficiary of any USDA-assisted program or activity.

5. True or False? When individuals or groups believe their civil rights have been violated, either may file a complaint.

The correct answer is True. Each civil rights law allows discrimination complaints to be filed by individuals or groups when either believes that their civil rights have been violated.

6. True or False? As a USDA employee, you are prohibited from acting in any way that might lead the complainant or anyone involved in the complaint process (for example, a witness) to believe or conclude that reprisal actions are being taken against them because of their complaint or allegations.

The correct answer is True. You are prohibited from acting in any way that might lead the complainant or anyone involved in the complaint process (for example, a witness) to believe or conclude that reprisal actions are being taken against them because of their complaint or allegations.





Course: USDA Civil Rights Overview
Module III: Nondiscrimination in Program and
Services Delivery

Lesson C

Compliance Requirements

Description: In this lesson, you will learn some of the civil rights laws and regulations that ensure nondiscrimination in federally assisted and federally conducted programs. You will also learn how the USDA ensures compliance with these laws and regulations.

Objective: Upon completion of this lesson, you will:

- Recognize compliance requirements in laws governing federally assisted and federally conducted programs.
- Identify the different bases in the laws for filing complaints.
- Know what steps USDA takes to ensure compliance with civil rights laws.

Listed below are the **topics** associated with this lesson.

- Topic 1 Regulatory Requirements -- Federally Assisted
- Topic 2 Regulatory Requirements -- Federally Conducted
- Topic 3 Ensuring Compliance





Lesson C

Compliance Requirements

Topic 1: Regulatory Requirements - Federally Assisted

For federally assisted programs and activities, civil rights laws and regulations ensure nondiscrimination on the basis of race, color, religion, sex, age, national origin, disability or political beliefs. **NOT ALL BASES APPLY TO ALL PROGRAMS.**





Lesson C

Compliance Requirements

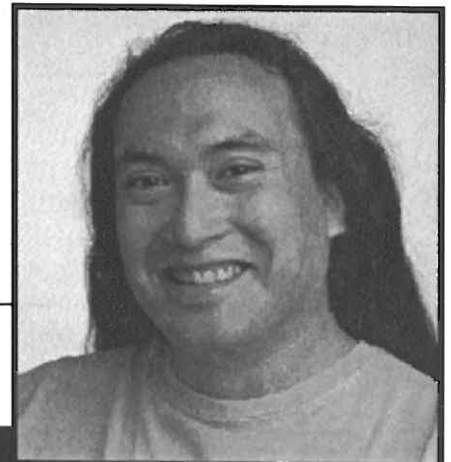
Topic 1: Regulatory Requirements - Federally Assisted

Example

Reimbursements Based on Race

Risk Management Agency (RMA) provides services to farmers by means of reinsurance companies (recipients). A recent flood caused all the farmers in one county to lose a particular crop. All of the farmers filed Notices of Loss with their insurance companies. The insurance companies responsible for the county reimbursed all the farmers for their lost crops.

Suppose all farms owned by Blacks were reimbursed at a rate that was 66 percent of the rate for White farmers. If this were true, this would be an example of disparate impact on the basis of race.





Lesson C

Compliance Requirements

Topic 1: Regulatory Requirements - Federally Assisted

Exercise

Sex Discrimination?

Henry applies for services from a recipient of USDA financial assistance. The recipient of USDA financial assistance is not a food stamp provider nor an educational institution. Henry knows that women normally receive the services he is applying for, but he is denied the service. Henry believes that his denial is because of his sex (male). Under what law can Henry file a complaint with the USDA alleging sex discrimination on the part of the recipient?

- a. Title IX of the Educational Amendments of 1972, as amended
- b. Title VI of the Civil Rights Act of 1964, as amended
- c. None. There is no law or regulation allowing for complainants to file allegations of sex discrimination in federally assisted programs or activities, except those covered by the Food Stamp Act, or any educational institutions or programs receiving federal financial assistance.
- d. The Rehabilitation Act of 1973, as amended





Lesson C

Compliance Requirements

Topic 1: Regulatory Requirements - Federally Assisted

Exercise Answer

The correct answer is C.

If "A" is selected: Henry cannot file a complaint alleging sex discrimination with the USDA under Title IX because the recipient is not an educational institution.

If "B" is selected: Henry cannot file a complaint under Title VI of the Civil Rights Act of 1964 because Title VI only prohibits discrimination on the basis of race, color or national origin.

If "D" is selected: Henry cannot file a complaint under the Rehabilitation Act of 1973 because the act only prohibits discrimination on the basis of mental or physical disability.





Lesson C

Compliance Requirements

Topic 2: Regulatory Requirements - Federally Conducted

For federally conducted programs and activities, certain civil rights laws and departmental regulations apply that prohibit unlawful discrimination on the basis of race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability and the derivation of all or part of an individual's income from any public assistance source.





Lesson C

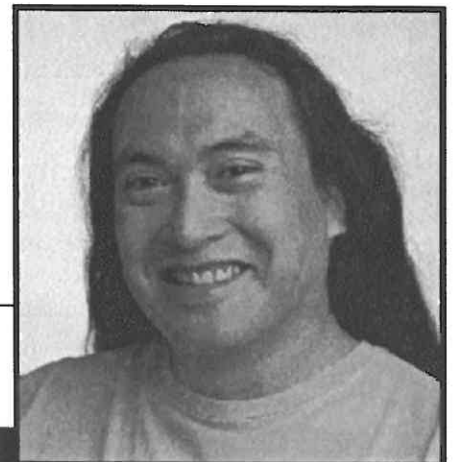
Compliance Requirements

Topic 2: Regulatory Requirements - Federally Conducted

Example

USDA Visitor's Center

June learned of the USDA Visitor's Center, so while visiting Washington, D.C., she stopped in and learned about USDA programs and activities. Upon leaving the Visitor's Center, June requested that three pamphlets brought to her attention be made available in Spanish and Polish so that she could distribute them to the farmers in the upper midwest county where she works as a social worker. Many of the farmers and their families are from Poland and Mexico.





Lesson C

Compliance Requirements

Topic 2: Regulatory Requirements - Federally Conducted

Exercise

Housing Discrimination?

Mary, an African-American, single parent of two, was approved for a single family housing loan for \$37,000. This loan program is operated by the Rural Housing Service. Mary felt that this loan was too small for her housing needs but her request for a larger loan was denied.

John, Mary's co-worker, is a White male and also a single parent of two. He applied and was approved for a \$43,000 housing loan.

Both have identical incomes and the same amount of debt. As a result, Mary wants to file a complaint alleging discrimination on the basis of race (Black) and sex (female). Can she?

___ a. Yes

___ b. No





Lesson C

Compliance Requirements

Topic 2: Regulatory Requirements - Federally Conducted

Exercise Answer

The correct answer is A.

Mary can file a complaint. All programs and activities provided directly by USDA are covered by Departmental Regulation 4300-3, which prohibits sex and race discrimination in USDA-conducted programs and activities.





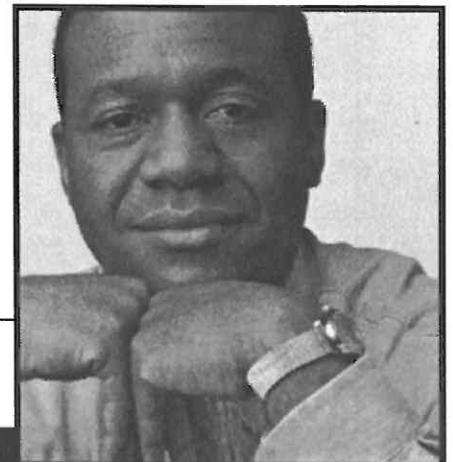
Lesson C

Compliance Requirements

Topic 3: Ensuring Compliance

Following are some **examples of requirements** to ensure equal opportunity in licensing and certification programs:

- All licensing and certification programs must provide access to all eligible parties interested in completing the program in a nondiscriminatory manner. Outreach must be as inclusive as possible. Established requirements to be met by applicants must be objective, free of cultural biases and related to the subject matter.
- All programs and activities are to be conducted and delivered in the most integrated setting possible.
- All USDA employees, recipients and sub-recipients must have been trained on and have access to USDA's nondiscrimination policy and applicable civil rights laws, policies and procedures for filing program complaints of discrimination.
- All program applicants, participants and beneficiaries are provided with USDA's nondiscrimination policy and are aware of redress procedures to be followed in filing a grievance or a discrimination complaint.





Lesson C

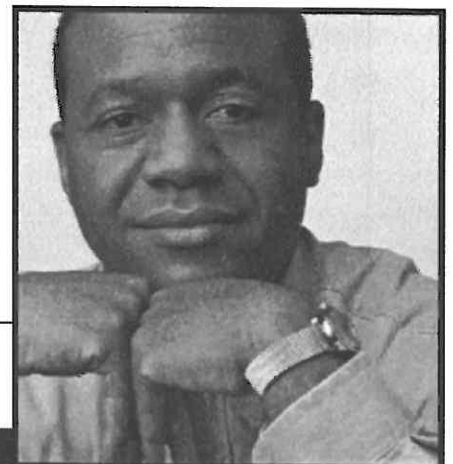
Compliance Requirements

Topic 3: Ensuring Compliance

There must be **public notification** of USDA's nondiscrimination policy. This notification includes:

- Notice that programs and services must be delivered in a nondiscriminatory manner.
- Notice that USDA, its recipients and sub-recipients are equal opportunity employers.
- Information on how to request and secure documents and publications in alternative formats and languages.
- Information on how to file a program complaint.

There are also more requirements. **Contact your agency civil rights office** or look up the regulations for each of the civil rights laws that apply to your agency's programs and activities. Your agency is responsible for enforcing the specific civil rights requirements that apply to its programs and activities. It is also responsible for providing you with civil rights training and guidance to ensure that compliance requirements are fully met.





Lesson C

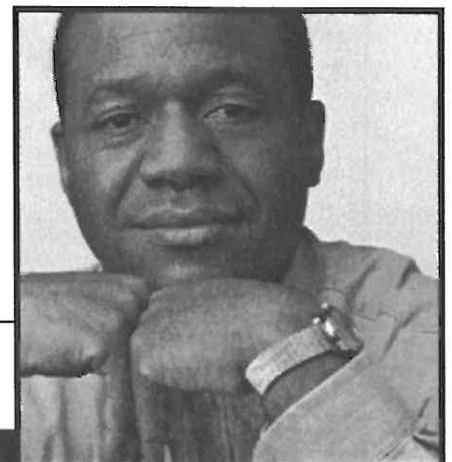
Compliance Requirements
Topic 3: Ensuring Compliance

Example

Civil Rights Implementation Plan

To help your agency, recipients and sub-recipients comply with all of the civil rights requirements applying to your agency's programs and activities you should:

- Know which civil rights laws apply to the programs and activities of your agency.
- Know what is required of you to ensure that civil rights compliance requirements are fully met.
- Secure and review a copy of your agency's Civil Rights Implementation Plan.





Lesson C

Compliance Requirements
Topic 3: Ensuring Compliance

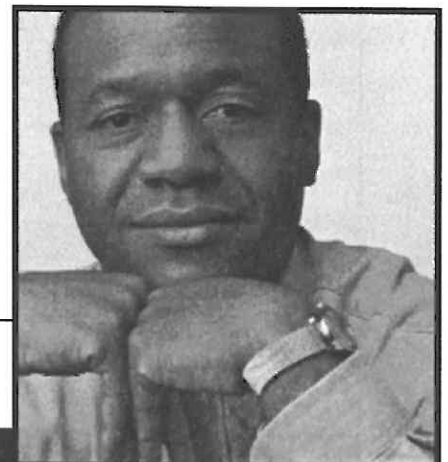
Exercise

Animal and Plant Health Inspection Service

Helen Lewis, program manager for Animal and Plant Health Inspection Service (APHIS), received a call from a cowboy who was angry that the Forest Service had decided that his favorite site for riding his snowmobile had been designated a wilderness area and was now off limits to vehicles. Due to his disability, the cowboy could only enjoy the forest using his snowmobile.

Helen, as an APHIS program manager, must: (Select all that apply.)

- a. Know which civil rights laws apply to her agency, so she can answer questions about APHIS and also be able to correctly refer the cowboy to the appropriate USDA agency having responsibility for the issues raised by the caller.
- b. Make the caller aware of how to express his concerns to Forest Service officials.
- c. Explain that the program is a federally conducted program. Advise the caller how to file a complaint with the Forest Service if the cowboy believes that his rights have been violated.
- d. Explain that some decisions affect all persons equally, and that a civil rights violation may not be involved, but that if the person wants to file a complaint, he has the right to do so.
- e. Refer the matter to the Forest Service. The Forest Service is obligated to explain that there is a provision in the law that allows individuals to visit wilderness areas only on foot or using wheelchairs.





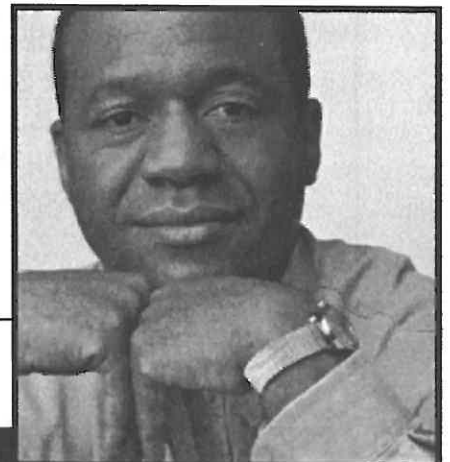
Lesson C

Compliance Requirements

Topic 3: Ensuring Compliance

Exercise Answer

All the choices are correct.





Lesson C

Compliance Requirements

Lesson Summary

1. True or False? Not all bases of protection from discrimination apply to ALL federally assisted programs.

- A. True
- B. False

2. True or False? National origin and disability are NOT bases protected from discrimination in USDA federally conducted programs and activities.

- A. True
- B. False

3. True or False? Your agency has the responsibility for ensuring that all its recipients or sub-recipients are in compliance with all civil rights laws and are implementing regulations that apply to the federally assisted program or activity.

- A. True
- B. False





Lesson C

Compliance Requirements

Lesson Summary Answers

1. True or False? Not all bases of protection from discrimination apply to ALL federally assisted programs.

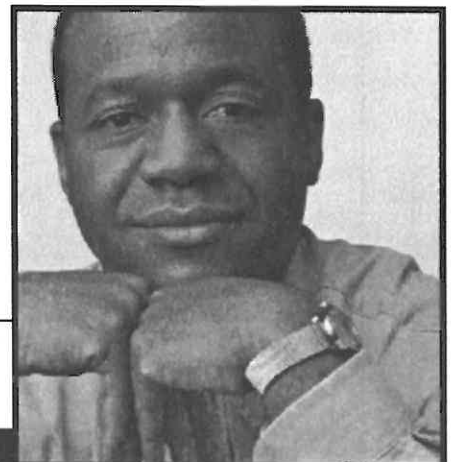
The correct answer is True. Not all bases of protection from discrimination apply to all federally assisted programs.

2. True or False? National origin and disability are NOT bases protected from discrimination in USDA federally conducted programs and activities.

The correct answer is False. Civil rights laws and departmental regulations for federally conducted programs and activities ensure nondiscrimination on the basis of national origin and disability, as well as race, color, age, sex, sexual orientation, religion, marital or familial status or because all or part of an individual's income is derived from any public assistance source.

3. True or False? Your agency has the responsibility for ensuring that all its recipients or sub-recipients are in compliance with all civil rights laws and are implementing regulations that apply to the federally assisted program or activity.

The correct answer is True. Your agency has the responsibility for ensuring that all its recipients or sub-recipients are in compliance with all civil rights laws and are implementing regulations that apply to the federally assisted program or activity.





Course: USDA Civil Rights Overview
Module III: Nondiscrimination in Program and
Services Delivery

Lesson D

Program Outreach

Description: In this lesson, you will be encouraged to learn as much as you can about the community that your program or activity serves. To ensure that USDA programs, services and activities are reaching all who should receive them, learn all you can about the people who make up the community--their social and cultural customs, values, languages, needs and environment.

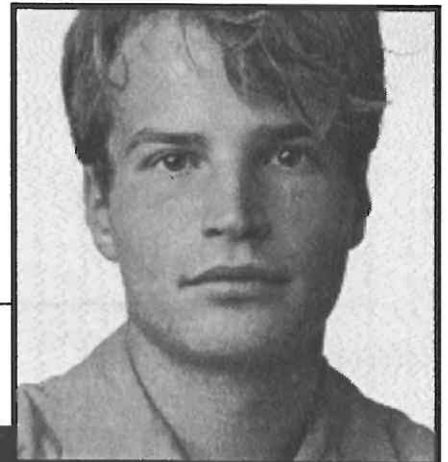
Learn which related programs and services are available. Many USDA customers can be described as limited in resources, socially disadvantaged or as living in under-served communities in both rural and urban areas. (Be aware that most people do not like to be so categorized.)

Objective: Upon completion of this lesson, you will:

- Learn some strategies to help you achieve sound knowledge of the area you serve.

Listed below are the **topics** associated with this lesson.

- Topic 1 Establishing a Community Center
- Topic 2 Establishing Visibility in the Community
- Topic 3 Communicating Effectively with Customers





Lesson D

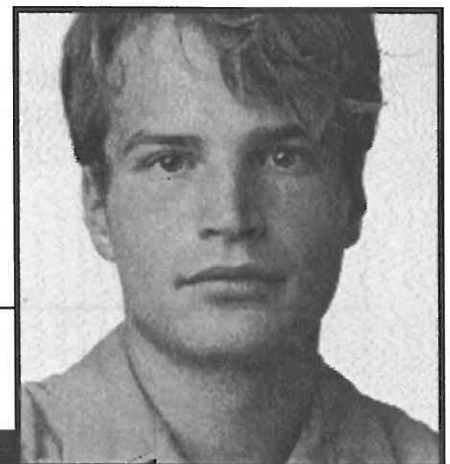
Program Outreach

Topic 1 - Establishing a Community Contact

The best way to understand your target area is to **introduce yourself to the community leaders**. Establish rapport by telling them about yourself and the USDA's programs. Ask them about the needs, resources, goals, functions and activities of the community.

Once you establish a relationship with individuals of diverse heritages and backgrounds in the community, you can solve many communications problems simply by **asking for information and assistance**.

These contacts can help you **understand the challenges and the barriers** faced by under-served communities. Identifying a local contact and establishing a relationship of mutual respect and dialogue is one of the most effective ways to improve USDA service to under-served communities and groups





Lesson D

Program Outreach

Topic 1 - Establishing a Community Contact

Example

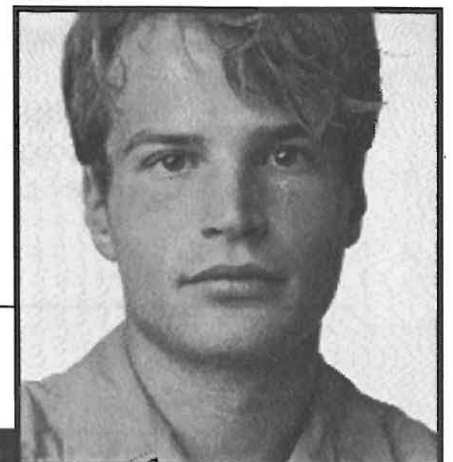
Field Site Visits

It is the responsibility of every USDA agency to ensure effective communication with communities and individuals who can benefit from USDA programs, activities or services. Every agency should assign supervisory responsibilities to a staff member to provide instruction and guidelines for enhancing relationships with the communities we serve. Every member of the agency staff should be compelled to receive and follow these guidelines.

Jim: "And remember we need to get the information so we can document the agricultural needs of the community... always be polite and courteous and give them your name and number so they can get back to you."

Jim is instructing several staff members on how to conduct field site visits to all the counties in the state. He is the coordinator of outreach for a USDA agency.

Establishing a relationship of mutual respect and dialogue is one of the most effective ways to improve USDA service to under-served communities and groups.





Lesson D

Program Outreach

Topic 1 - Establishing a Community Contact

Exercise

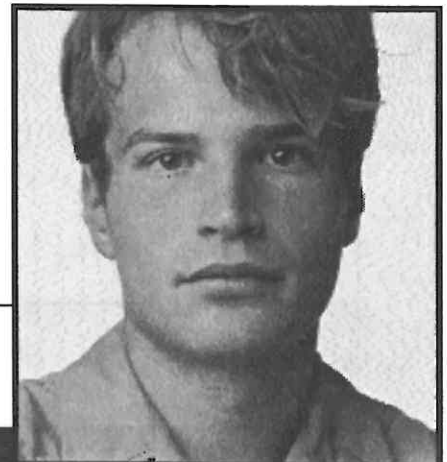
Outreach Efforts

Following is an example of a recent and effective USDA outreach effort.

Outreach coordinator Sonia Brown and another coordinator, Tom Harmon, visited a state where recent weather conditions had displaced hundreds of people, destroyed hundreds of homes and resulted in the loss of crops and livestock. Through the concerted efforts of USDA agencies, the state Outreach and Food and Agricultural Committees, state agency officials and local community development organizations, meetings were held to inform people about how to apply for food stamps, housing assistance and farm-related services.

What are some of the ways USDA can ensure that these services are provided in a nondiscriminatory manner? (Select all that apply.)

- a. Get the word out by every source possible throughout the stricken community, about meetings to be held to inform people about USDA services, including media, churches and community organizations.
- b. Make sure that the meetings are accessible to all persons, ensuring maximum attendance.
- c. Provide sign language interpreters and other language interpreters, if necessary.
- d. Ask local religious leaders to tell their congregations how to apply for USDA disaster benefits.





Lesson D

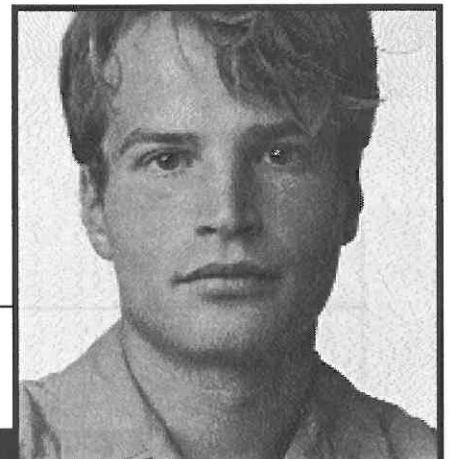
Program Outreach

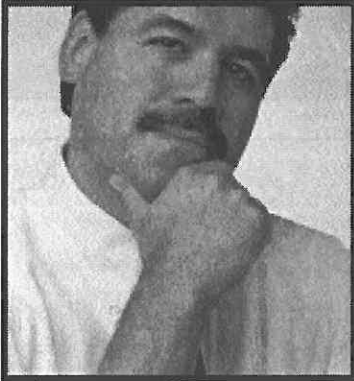
Topic 1 - Establishing a Community Contact

Exercise Answer

The correct answers are A, B, C and D.

All of these activities are ways in which USDA can ensure that these services are provided in a nondiscriminatory manner.





Lesson D

Program Outreach

Topic 2 - Establishing Visibility in the Community

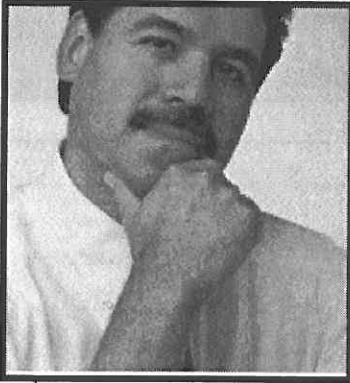
Ask your contacts to accompany you on site visits and demonstrations in the community. Having your contact person with you will increase your credibility among other members of the community.

Field visits provide opportunities to **create good relationships**. Make sure that your hosts know that you want to help them establish projects that will benefit everyone involved.

It is very important to have a visible presence throughout the community so that you can **make potential customers aware of USDA programs and services**. Your community contact persons can assist you in arranging for local visits to field sites affected by USDA programs and arrange for additional presentations at schools, community college classes, churches and other community and group meetings.

Through your field site visits and presentations, emphasize that programs are **open to receive applications** and that technical assistance is always available. Explain information in plain English (and other local languages) and have a supply of handouts on any eligibility requirements that must be met for the program, service or activity.





Lesson D

Program Outreach

Topic 2 - Establishing Visibility in the Community

Example

Making a Difference

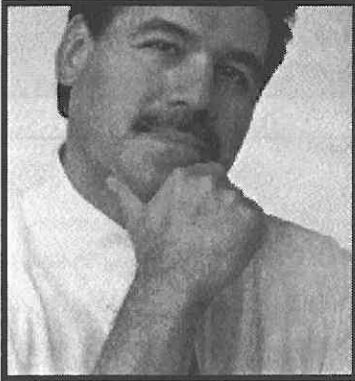
Marcus is a new minority graduate of Tuskegee University and has decided on a career with the USDA. He was hired by the Natural Resources Conservation Service to work in Blaine County on a special project addressing the county's severe problems with soil erosion.

Upon arrival at the county office, the "old timers" on the staff agreed to take Marcus around the county to introduce him to farmers and county officials so that he could hear their concerns and problems first hand. After about a month of learning about his new job, Marcus was ready to begin establishing relationships on his own in the community. He began by calling upon the farmers and other country members he had been introduced to by his co-workers, and set up meetings for all farmers throughout the county in local high schools to provide technical assistance based upon his area of specialization--soil erosion.

Marcus had to come up with a plan for increasing his visibility in Blaine County. The following are four of the best ways he identified to achieve visibility in the field:

- Provide information in writing on USDA programs, services and technical assistance.
- Meet with community leaders to talk about USDA programs, services and technical assistance.
- Establish community contacts and ask them to introduce him to others in the community who they believe could benefit from USDA programs, services and technical assistance.
- Go to the library and do research on the agricultural history of the community.





Lesson D

Program Outreach

Topic 2 - Establishing Visibility in the Community

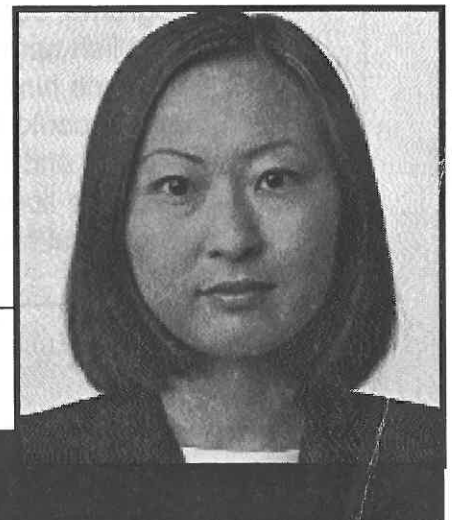
Exercise

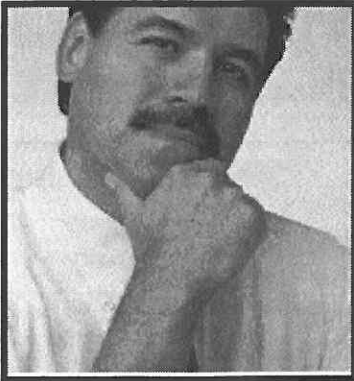
Outreach Strategy

Over the past 20 years, several Asian farmers have settled and established a thriving community farming Asian fruits and vegetables. Many of these recent settlers are from Laos and no one in the county office speaks their unique dialect. How can you make sure that this group of farmers is aware and takes full advantage of USDA programs, services and technical assistance?

If you had to draw up a plan to make sure the Laotian farmers were fully informed, what would be your strategy? Place these options in order of how they would be done.

- ___ a. Write a strategy plan.
- ___ b. Talk to community leaders to get input.
- ___ c. Talk to your supervisor to get input.
- ___ d. Identify an interpreter then arrange for a visit with as many Laotian farmers as possible to provide a presentation outlining USDA programs, services and technical assistance.
- ___ e. Pass out your business cards (after having bilingual cards printed).





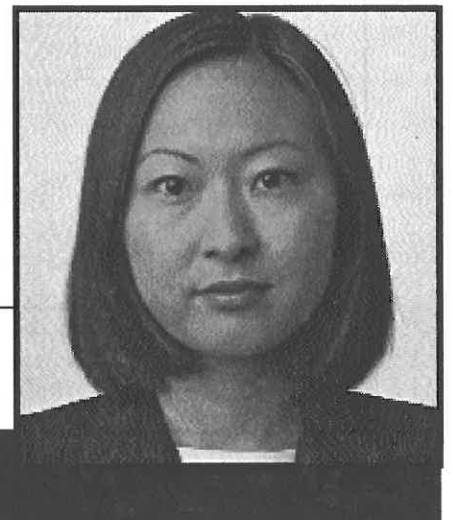
Lesson D

Program Outreach

Topic 2 - Establishing Visibility in the Community

Exercise Answer

The correct answer is C, B, A, D and E.





Lesson D

Program Outreach

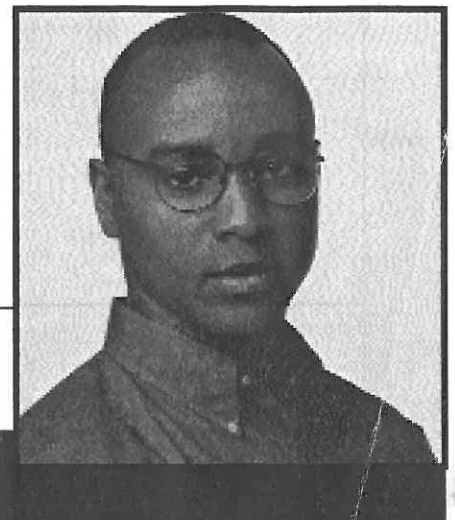
Topic 3 - Communicating Effectively With Customers

When speaking with your customers about programs and activities **keep your language plain, simple and concise**. Avoid using slang, agency jargon or acronyms.

Translate all written information into clear language, similar to the level at which most newspapers are written. Avoid technical terms wherever possible, and when you do use technical language, be sure to provide a straight-forward definition and/or explanation.

Always be ready to listen. Encourage people to identify their needs in their own language and terms and always try to have an interpreter or a translator available. Other useful techniques to use when there are language difficulties **include visual presentations, drawings, charts and graphs**, pictures or some type of hands-on activities. The more interactive and engaging you become as a listener, the better service you will give.

Be patient. It takes time to build trust. Different cultures have different learning styles, different mind sets and different social values.





Lesson D

Program Outreach

Topic 3 - Communicating Effectively With Customers

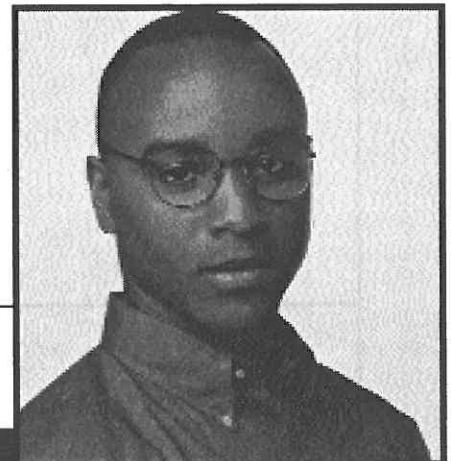
Example

Effective Communication

Doris has just found out that she has a meeting with a group of male and female African-American farmers next week at the community center. What could Doris do to help prepare herself for the meeting?

There are three techniques that Doris can use to ensure that she succeeds in sharing information about USDA with the farmers:

1. Make a presentation using colorful slides or a videotape that presents the information about the program.
2. Involve the audience in her presentation by asking about their needs and concerns before she begins. She should then adapt her presentation accordingly.
3. Research the groups needs before the meeting and prepare a tailored presentation and handouts.





Lesson D

Program Outreach

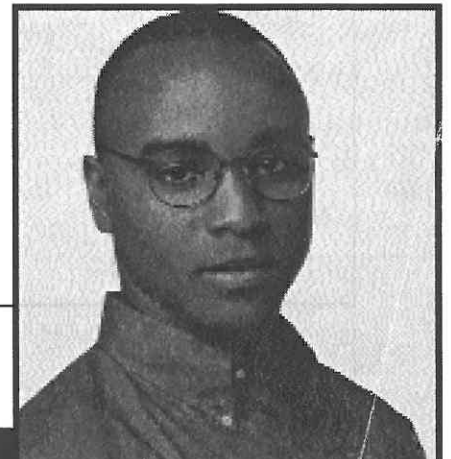
Topic 3 - Communicating Effectively With Customers

Exercise

Making Customers Aware of Services

Which of the following are ways to ensure that all your potential customers are aware of USDA services? (Select all that apply.)

- a. Establish community contacts.
- b. Plan and make regular field visits.
- c. Keep your language plain and simple.
- d. Always be ready to listen.





Lesson D

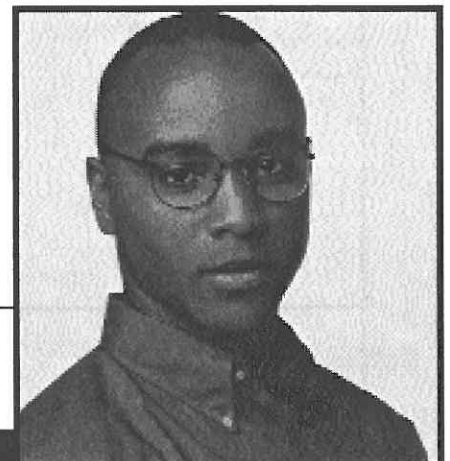
Program Outreach

Topic 3 - Communicating Effectively With Customers

Exercise Answer

The correct answers are A, B, C and D.

All of these choices are ways of ensuring that your potential customers are aware of USDA services.





Lesson D

Program Outreach

Lesson Summary

1. What is the BEST way to solve many of the communications problems involved in reaching out to a community?

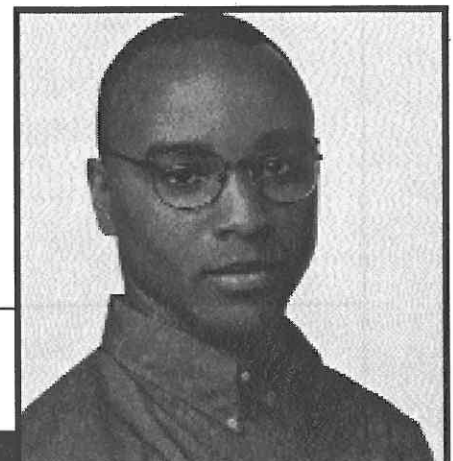
- A. Ask for information and assistance from the community
- B. Bring in an expert on communications
- C. Bring in an interpreter
- D. Learn the local language

2. True or False? You can use your community contact persons to assist you in arranging for visits to field sites affected by USDA programs and arrange for additional presentations at schools, community college classes, churches and other community and group meetings.

- A. True
- B. False

3. True or False? To communicate effectively with the community, use slang, agency jargon and acronyms.

- A. True
- B. False





Lesson D

Program Outreach

Lesson Summary Answers

1. What is the BEST way to solve many of the communications problems involved in reaching out to a community?

The correct answer is A. Once you establish a relationship with individuals from the community, you can solve many communications problems simply by asking for information and assistance. These contacts can help you understand the challenges and the barriers faced by groups that have traditionally been under-served.

2. True or False? You can use your community contact persons to assist you in arranging for visits to field sites affected by USDA programs and arrange for additional presentations at schools, community college classes, churches and other community and group meetings.

The correct answer is True. Your community contacts will help you get in touch with all the different groups and organizations of a community.

3. True or False? To communicate effectively with the community, use slang, agency jargon and acronyms.

The correct answer is False. When speaking with your customers about programs and activities, keep your language plain, simple and concise. Avoid using slang, agency jargon and acronyms.

