

RD Civil Rights Office

SFH Assisted Programs - Grantee Civil Rights Training



Upon completion of this session, attendees will:



- (2.1) Understand the significance of the civil rights laws, orders, and regulations as they apply to the USDA RD-assisted programs.
- (1.2) Understand the Grantee responsibilities under the applicable civil rights laws.
- (1.3) Understand Grantee obligations to adhere to the civil rights requirements, including compliance reviews.

Foundational Civil Rights Laws

Title VI of the Civil Rights Act of 1964

Section 504 of the Rehabilitation Act of 1973 & The Americans with Disability Act of 1990, as Amended

The Age Discrimination Act of 1975

The Civil Rights Act of 1968

Title VI of the Civil Rights Act of 1964

What are the Grantee's responsibilities?

What are the protected bases?

What are my responsibilities as a Grantee of Federal financial assistance under Title VI and related statutes?

- Sign the RD Assurance Agreement (RD Form 400-4).
- Maintain demographics on applicants and participants in the program (Intended Beneficiaries).
- Provide Agency posters and information about the program to the public.
- Conduct outreach to all program eligible populations in the service area.
- Provide services to applicants and participants with language barriers (LEP) free of charge.
- Ensure the program does not discriminate based on race, color, or national origin.
- Cooperate with Agency oversight and reviews.

Understanding Terminology

What is a Recipient, Grantee, or Borrower?

 A non-Federal entity that receives Federal financial assistance from USDA Rural Development to develop, deliver, or provide a benefit or service to intended beneficiaries.

What is an Intended Beneficiary?

 A person or group of persons with an entitlement to apply, receive, or enjoy the benefits, services, resources, and participation in RDfunded activities and programs.

What are Civil Rights Requirements?

 Requirements designed to ensure that Federal funds are used in a nondiscriminatory manner.

What is a Disability?

 A condition which substantially limits one or more of a person's major life activities.

What is a Major Life Activity?

 Examples include but are not limited to functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, and working

What Can Intended Beneficiaries Expect?

- Eligibility based on program requirements without regard to race, color, or national origin.
- Receive program benefits and services without regard to race, color, or national origin.
- Have an opportunity to fully participate in all program benefits and services without regard to the race, color, or national origin.
- To be treated fairly and equitably without regard to race, color, or national origin.
- Have the right to file a compliant or grievance with <u>USDA Office of the Assistant Secretary for Civil Rights</u> (OASCR).

<u>Understanding and Abiding by Title VI of the Civil Rights</u> <u>Act of 1964 (youtube.com)</u>

Assurances

Signed Assurance Agreement (400-4)

(Rev. 08-22)

ASSURANCE AGREEMENT

(Under Title VI, Civil Rights Act of 1964)

he	
	(name of recipient)
	(nddrass)

As a condition of receipt of Federal financial assistance, you acknowledge and agree that you must comply (and require any subgrantees, subrecipients, contractors, successors, transferees, and assignees to comply) with applicable provisions of national

laws and policies prohibiting discrimination, including but not limited to:

1. Title VI of the Civil Rights Act of 1964, as amended, which prohibits you from discriminating on the basis of race, color, or national origin (42 U.S.C. 2000d et seq.), and 7 CFR Part 15, 7 CFR 1901, Subpart E.

As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service) guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs [in accordance with USDA RD LEP Guidance for RD Funded (Assisted) Programs]. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. You are encouraged to consider the need for language services for LEP persons served or encountered both in developing your budgets and in conducting your programs and activities. For assistance and information regarding your LEP obligations, go to http://www.lep.gov;

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating on the basis of sex in education programs or activities (20 U.S.C. 1681 et seq.)[as implemented by 7 CFR Part 15, 7 CFR 1901, Subpart E];
- 3. The Age Discrimination Act of 1975, as amended, which prohibits you from discriminating on the basis of age (42 U.S.C. 6101 et seq.) [as implemented by 7 CFR Part 15, 7 CFR 1901, Subpart E];
- 4. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits you from discriminating on the basis of disability (29 U.S.C. 794) [as implemented by 7 CFR Part 15, 7 CFR Part 15b, 7 CFR 1901, Subpart E];
- 5. Title VIII of the Civil Rights Act, which prohibits you from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 CFR part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units, i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators) be designed and constructed with certain accessible features, see 24 CFR Part 100.201; and
- 6. Titles II and III of the Americans with Disabilities Act, which prohibit you from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and 7 CFR Part 15, 7 CFR Part 15b, 7 CFR 1901, Subpart E.

According to the Paperwork Reduction Act of 1925, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid CMB control number for this information collection is 0575-0201 and 0575-0208, which expire 381/2026. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information. Al sources to the collection of information, any questions on this burden can be sent to LCBLTRespectively acts.

Grantee's Requirements

Grantees under the assurance agreement (RD 400-4) must:

- Cooperate with any compliance review or complaint investigation conducted by Rural Development.
- Must provide RD with access to records, facilities, personnel, etc., as necessary and required by civil rights laws.
- Must keep records and submit them to RD when necessary to determine compliance or noncompliance (this could be for a pre- or post-award compliance review).
- Must comply with all other reporting, data collection, and evaluation requirements prescribed by law and detailed in program guidance.
- Make the Assurance Agreement available to participants, beneficiaries, and other interested persons informing them of the protections assured them against discrimination.
- It is the recipient/grantee's responsibility to provide information to RD regarding noncompliance findings, discrimination complaints, and civil rights lawsuits.

Data Collection

- Grantees must collect the data and demographics by race, color, and national origin and be able to demonstrate compliance with any eligibility component.
- Applicants (current applicants prior to obligation of funds)
- Current Participants (the applicants that were selected and will be served)
- Participants from previous compliance review (the awardees selected and served)
- Board of Directors if integral to the Federally assisted programs.



What is your race and/or ethnicity? Select all that apply. ☐ American Indian or Alaska Native For example, Navajo Nation, Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, Native Village of Barrow Inupiat Traditional Government, Nome Eskimo Community, Aztec, Maya, etc. □ Asian For example, Chinese, Asian Indian, Filipino, Vietnamese, Korean, Japanese, etc. □ Black or African American For example, African American, Jamaican, Haitian, Nigerian, Ethiopian, Somali, etc. ☐ Hispanic or Latino For example, Mexican, Puerto Rican, Salvadoran, Cuban, Dominican, Guatemalan, etc. ☐ Middle Eastern or North African For example, Lebanese, Iranian, Egyptian, Syrian, Iraqi, Israeli, etc. ☐ Native Hawaiian or Pacific Islander For example, Native Hawaiian, Samoan, Chamorro, Tongan, Fijian, Marshallese, etc. □ White For example, English, German, Irish, Italian, Polish, Scottish, etc.

Date Collection Demographics

Federal Register - Revisions
to OMB's Statistical Policy
Directive No. 15: Standards
for Maintaining, Collecting,
and Presenting Federal Data
on Race and Ethnicity

Grantee Marketing and Outreach

A Grantee's marketing and outreach efforts should help increase program awareness and strengthen the program. Marketing and outreach strategies must be designed to reach and resonate with a specific target audiences, and those intended to be served by the RD-assisted program.

- Grantees should be aware of the demographic representations within their service area.
- Grantees letterhead, pamphlets, brochures, newspaper ads or other marketing and outreach material should have reference to equal opportunity.
- Grantees websites may also provide a means to access program benefits and services.
- Grantees waiting lists could be included in assessing equitable marketing and outreach.

 Other non-discrimination regulations that apply to outreach and postings:
- DR 4300-003 (Public Notification Policy)

Grantee requirements for the non-discrimination statement.

The applicable nondiscrimination statement for Grantees must be included on all print and non-print materials, including, but not limited to, audio, video, websites, brochures, newsletters, by-laws, etc.

- The statement must be made available in English, and in other languages appropriate to the local population served or directly affected by any USDA program or activity, and in alternative means of communication (e.g., Braille, large print, audiotape).
- If the size of the material is too small to include the full statement, the material must, at a minimum, include the following statement in print in the same size as the text: Where appropriate, a recipient may state:
 - "This institution is an equal opportunity provider."
- Similarly, when an audio or video presentation does not reasonably lend itself to include the full statement, "This institution is an equal opportunity provider."





Posters for Compliance Reviews

- AND JUSTICE FOR ALL

 required for all projects.
- <u>LEP I Speak Card</u> for evidence of providing meaningful access to LEP individuals – noting services are Free of Charge.
- Know Your Rights
 (replaced EEO Posters) required when a primary
 object of the Federal
 financial assistance is to
 provide employment.
 The primary objective of
 Business programs is to
 provide jobs.
- This poster is also required to be given to the contractor on federally financed

contracts in excess of \$10,000. This is applicable to all programs. The poster will be posted in a conspicuous location at the construction site of the contractor and subcontractors.

- FAIR HOUSING
 POSTER Required for all projects where people live (e.g., MFH of 4 or more units on site and in rental offices, assisted living, group homes, etc.).
- If an AFHMP is required, then the Fair Housing poster "Equal Opportunity Housing" poster will be displayed

in a conspicuous location in the sales and rental offices of recipients.

- EQUAL HOUSING LOGO- HUD-934.1 (6"x6") or HUD 934.2 (10"x10"). Blue and black on white. Required.
- Public Display: Same as Fair Housing Poster.
 Also, must be included as part of MFH project sign. Must have words "Equal Housing Opportunity" to be considered complete.

AND JUSTICE FOFALL

In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisel or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (300) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained ordine, at https://www.ascr.usda.gov/sites/defauft/files/USDA-QASCR%200-Complaint-Form-0508-0002-508-11-28-17-Fax2Mail.pdf, from any USDA office, by calling (966) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the "eged discriminatory action in sufficient detail to inform the writ Secretary for Civil Rights (ASCR) about the nature and elleged civil rights violation. The completed AD-3027 we be automitted to USDA by:

onforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Entados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, edad, discapacidad, venganza o represalla por actividades realizadas en el pasado relacionades con los derechos civiles (no todos los principios de prohibición aplican a todos los programas).

La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación afternativos para obtener información sobre el programa (por ejemplo, Braille, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable / administra el programa o con el TARIGET Center del USDA al 1/ 720-2600 (voz y TTY) o comunicarse con el USDA a través d' Servicio Federal de Transmisión de Información al (800) 87/

Para presentar una queja por discriminación en el progreciamente debe completar un formulario AD-3027, Frqueja por discriminación del programa del USDA, or obtener en línea, en https://www.aacc.unda.gov/b/USDA-OASCP%2DP-Complaint-Form-0508-0/17Fax2Mail.pdf, en cualquier oficina del USP 632-9902, o escribiendo una carta diripti debe contener el nombre, la direcció del reclamante, y una descripció del reclamante, y una descripció de Derechos Civiles (paraturaleza y la ferricamente del presenta del programa del presenta de

And Justice for All Poster

RD Form AD-475

10.5 Department of National and Other Development





We Do Business in Accordance With the Federal Fair Housing Law

(The Fair Housing Amendments Act of 1968):

It is Illegal to Discriminate Against Any Person Because of Race, Color, Religion, Sex. Handicap, Familial Status, or National Origin

- In the sale or rental of housing or residential late.
- III in advertising the sale or restal. of housing.
- In the financing of housing

 In the provision of real autole. brokerage services In the appraisal of housing.

Manager, S. C. Switz

■ Blockbunking is also illegal

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S. E. Department of Housing and Gibbs Development Departments de la Principio y el Desarrollo (crisco, de los III. (C).





Nuestras prácticas de negacios cumplos la les federal de equidad en la vivienda

Es ilegal discriminar contra ninguna persona a causa de su raza, color, religión, sexo, discapacidad, situación familiar u origen nacional

- En la venta o el absolior de circiondas o lotos residosciales.
- En la publicidad relacionada conla venta o el alquilor de viviendas.
- En la provisión de servicios. de corredores de bienes
- Fin la tasación de vinintedas
- En la financiación de la vivienda El Las tácticas de intimidación (Blockbusting) tambiés sesdegales.

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U.S. Department of Blooking and Extens Revolupment Assistant Secretary for Fair Shooting and Equal Dypersonly Muchington, D.C., 20400

Fair Housing Poster-English HUD-928.1

Fair Housing Poster-Spanish

Fair Housing Poster-In Other Languages scroll down to 928.1(A-P)

Grantee's LEP Responsibilities

- Grantees/Recipients/Sub-Recipients are required to take reasonable steps to ensure meaningful access to Rural Development assisted programs and services (oral and written).
- Steps include, but are not limited to:
 - Posting signs at intake areas and other entry points, that language services are available free of charge.
 - Stating in outreach documents that language services are available.

Complete Language Services to Fit Your Needs





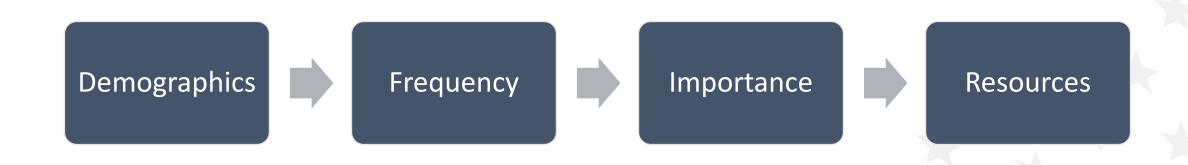


Interpretation



LEP – Four Factor Analysis

Federal Grantees must assess their program and ability to providing language assistance to LEP persons. This should be a balanced assessment taken based on the following four factors:







• Written language services provided under the conditions identified in the table below:

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries AND more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries AND 50 or less in number	Translated written notice of right to receive free oral interpretation of documents
5% or less of the eligible population or beneficiaries AND less than 1,000 in number	No written translation is required

Section 504 of the Rehabilitation Act of 1973, as Amended

What are the Grantees responsibilities?

USDA Regulations State:

Program Accessibility

 "No otherwise qualified person with disabilities shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the U.S. Department of Agriculture.

(7 CFR Part 15B)

 Individuals with disabilities are defined as persons with a physical or mental impairment which substantially limits one or more major life activities.

(Section 504 of the Rehabilitation Act of 1973)

Section 504 and ADA Coverage

- A Recipient that employs 15 or more persons shall designate at least one person to coordinate its efforts to comply with Section 504.
- A Public Body recipient that employs 50 or more persons shall designate at least one person to coordinate its efforts to comply with ADA Title II.



Prohibition Against Disability Discrimination

- Accessible Design Is Good For Everyone!
- https://youtu.be/wBSy7VrGQVU





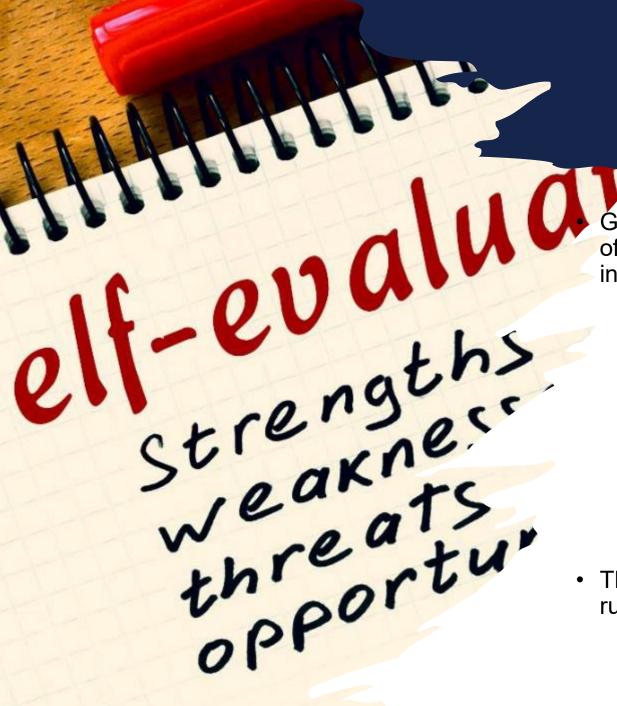
Accessible Communications

- Grantees are responsible for ensuring effective communication with applicants, beneficiaries, and the public.
- The Grantee must adopt and implement procedures that allow interested persons, including those with low vision, that are blind, deaf, and hard of hearing, to obtain information on the location and accessibility of services, activities, and facilities (for example, braille, sign language interpreter, TDD, relay service, etc.).

Grantee Grievance Procedure

- A set of steps to follow when a program beneficiary has a complaint or grievance, regarding their treatment in a Federally funded program.
- The steps must meet timeliness requirements for filing and accepting complaints, hearing process, and a secondary review of the decision.
- Recipients should have persons identified to receive, review, and resolve complaints.
- All grievances filed directly with the Grantee are subject to Agency oversight and monitoring.





Self-Evaluation

Grantees are required to conduct an accessibility evaluation of their programs and services. The Self-Evaluation must include:

- Designated POC.
- Identification of specific areas evaluated for accessibility (policy and physical environment) and a description of any modifications or changes as a result.
- Identify the accessibility standard used in the evaluation.
- Identify disability advocacy groups or others consulted during the evaluation.
- Identify who completed the evaluation.
- The self-evaluation does not expire. It should be viewed as a running record.

Transition Plans

- Transition Plans must be developed when physical barriers must be removed over time.
- Barriers identified for removal in the transition plan should include:
 - Date the barrier was identified.
 - A description of the work necessary to remove the barrier.
 - Estimated costs of removing the barrier.
 - Target date for completion of the removal.
 - Date the barrier was removed.
- Recipients should maintain documentation and digital images as appropriate.
- The Transition Plan does not expire. It should be viewed as a running record of barriers that have been identified and removed throughout the life of the project.





Summary of Accessibility Oversight



- Grantees/Recipient/Borrower is responsible for documenting their efforts pertaining to accessibility.
- Grantees/Recipients are responsible for conducting and documenting the Self-Evaluation.
- Grantees/Recipients are required to develop a Transition Plan for barriers that take time to remove
- The continued existence of barriers, without good faith efforts to remove, may result in a non-compliance finding.

Age Discrimination Act of 1975

What are the Grantees' responsibilities?

What to consider for Age Discrimination Act

Does the Grantee use age as an eligibility factor in determining the delivery of benefits and services to beneficiaries?

Does the Grantee operate a program or activity that permits the use of certain age restrictions, with regard to the elderly or children, necessary to the normal operation of the federally assisted programs and services?

Does the Grantee capture Age demographics in the administration of benefits and services to beneficiaries?

When a Board of Directors are applicable to a Grantee's operations, do the bylaws allow bona fide members to serve on the Board of Directors, regardless of age, through the nomination or election process?

Title VIII of the Act of 1975

What are the Grantee's responsibilities?

Title VIII of the Fair Housing Act of 1968

The Fair Housing Act prohibits any person or entity, whose business includes engaging in residential real estate-related transaction, to discriminate against any person in making loans, grants, or other financial assistance for a unit or dwelling, or which will be secured by a unit or dwelling, because of race, color, religion, sex, national origin, familial status, or disability.

Prohibited practices

- Failing to provide any person in connection with a residential real estate-related transaction, information regarding the availability of loans, grants, or other financial assistance, or providing information that is inaccurate or different from that provided others; and
- The term "residential real estate-related transaction" includes the making or purchasing of loans, grants, or other financial assistance for purchasing, constructing, improving, repairing, or rehabilitating a unit or dwelling, as well as for replacement housing for individual homeowners.

Compliance History

- Are there allegations of discrimination in the past three years?
- Is there a record of discrimination?
- Are there findings of noncompliance, lawsuits, or records of discrimination?



Recipient Annual Training Requirements

- Grantees/recipients who distribute USDA program benefits, are accountable and expected to understand, comply with, and abide by USDA's civil rights policies, procedures, and practices as these pertain to employment and program delivery.
- Grantees/Recipients that are delivering or implementing program services, benefits, or resources, in RD-funded programs are required to complete annual civil rights training related to their specific program or industry.
- Industry specific Continuing Education Units (CEU) are acceptable to demonstrate compliance.
- Today's civil rights training meets the requirement for this year.
- DR 4120-001, Annual Departmental Civil Rights Training, 06/14/16.

Example of Documents for Compliance Reviews

Assurance Agreement, Equal Employment Opportunity Agreement, demographics, bylaws, outreach material, grievance procedures, self-evaluation, transition plans AFHMP, Title IX polices.

Document	
RD 400-4 Recipient Assurance Agreement	
RD 400-1 Equal Employment Opportunity Agreement	
Demographics	
By-Laws	
Outreach Materials (Sample)	
LEP Assessment	
Language Access Plan	
Section 504 Grievance Procedure	
Reasonable Accommodation Policy	
ADA/504 Self Evaluation	
ADA/504 Transition Plan	
Title IX Equity Analysis	
Title IX Policy	
Title IX Grievance Procedure	
Recipient's Title IX Notifications (Sample)	
Recipient's Affirmative Fair Housing Marketing Plan (AFHMP)	

First Point of Contact:

RD Specialist conducting your review.

Regional Civil Rights Contacts:

Northeast Region: Craig Stroman (Team Lead), Ralph DeLeon

cr.pct.northeast@usda.gov

South Region: Robert Harris (Team Lead), Brenda Woolard, Ivelisse Valentin

<u>cr.pct.south@usda.gov</u>

Mid-West Region: Michele Witt (Team Lead), Carmita Collins

<u>cr.pct.midwest@usda.gov</u>

West Region: Elizabeth Messervey (Team Lead), Railly McDaniel, Sy Waldon

<u>cr.pct.west@usda.gov</u>



Q & As



USDA Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

U.S. Mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410

Fax: (202) 690-7442 or (833)-256-1665

Email: program.intake@usda.gov.

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