

**Community Action Partnership of  
San Bernardino County  
FOOD BANK PROGRAM**

**Civil Rights and Complaint Procedures  
for the  
Emergency Food Assistance Program  
(EFAP)**

## Table of Contents

Introduction .....	1
Civil Rights Compliance in the Emergency Food Assistance Program.....	1
Public Notification and Grassroots Efforts .....	3
Protected Racial and Ethnic Categories in the Child Nutrition Programs .....	4
Discriminatory Behavior .....	5
Where to File a Complaint.....	5
Terminology Key .....	6

## Introduction

Community Action Partnership of San Bernardino County (CAPSBC) Food Bank provides Civil Rights Training and Complaint Procedures to help agencies comply with the U.S. Department of Agriculture (USDA) Emergency Food Assistance Program (EFAP) regulations, as required by the Food and Nutrition Service (FNS) Instruction 113-1.

The requirements contained in the procedures apply to all programs and activities receiving federal financial assistance including the EFAP program, whether those programs and activities are federally funded in whole or in part (FNS Instruction 113-1, Page 3). Thus, when a state agency, local agency, or any other subrecipient agrees to administer the EFAP program services and benefits, they enter into a contractual agreement (i.e., federal/state agency agreement or a state agency/local agency agreement) to adhere to all laws, regulations, instructions, policies, and guidance related to nondiscrimination in program delivery (FNS Instruction 113-1, Page 4[C]).

## Civil Rights Compliance in the Emergency Food Assistance Program (EFAP)

Each state agency, local agency, or any other subrecipient must ensure that it performs certain duties to both prevent and resolve all complaints related to programs and civil rights. Each site **must** appoint a Civil Rights Coordinator to perform these duties. These duties include:

- Providing the name of the Civil Rights Coordinator
- Providing mandatory civil rights training to all staff annually
- Implementing procedures to determine and process civil rights complaints
- Implementing procedures to determine and process program related complaints
- Notifying the public, participants, and potential participants, upon request, of information about program requirements and the procedures for filing a complaint in English and/or in the appropriate language for persons with limited English proficiency
- Ensuring that the public, participants, and potential participants are notified that a complaint can be filed anonymously or by a third party
- Ensuring that participants with disabilities are not excluded from enjoying the benefits or services due to inaccessibility of facilities. Every part of a facility must be accessible to and usable by persons with disabilities
- The most current version of the federal nondiscrimination statement in a

prominent location in all public information releases, publications, and on posters concerning EFAP program activities

- Displaying **And Justice For All** posters in areas visible to program recipients, such as the food distribution area and food service area
- Sending a public release announcing the availability of EFAP and/or changes in the programs to public media and community/grassroots organizations
- Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency
- Establishing participation procedures that do not restrict enrollment of minority persons or persons with disabilities. This includes preventing staff from incorrectly denying applications of minority persons and persons with disabilities, and ultimately ensuring that minority persons and participants with disabilities have equal access to all programs

Additionally, in order to meet federal civil rights requirements for the USDA, each CAPSBC partner site is to maintain a complaint log and work with the appropriate people to resolve the complaint.

The complaint as well as the complaint log must include, at a minimum, the following information:

- The name, address, and phone number or other means of contacting the complainant, such as an e-mail address (if not anonymous)
- The specific location and name of the entity delivering benefits
- The nature of the complaint or action that led to the charges being filed

If the nature of the complaint alleges discrimination, the CAPSBC recommends that the Civil Rights Coordinator collect the following information and forward to CAPSBC:

- The basis on which the complainant feels that discrimination occurred. In order to be considered a discrimination complaint, the complainant must feel discriminated against based on one or more of the protected classes
- The names, titles, and if known, addresses of persons who may have knowledge of the discriminatory action or situation
- The date(s) that the alleged discrimination occurred, or the duration of such action

- Forward all allegations of discrimination to Community Action Partnership of San Bernardino County Food Bank.

Try to be as detailed as possible when logging information about the complaint. This will help resolve the situation in a more efficient manner.

Sub-recipient agencies are encouraged to use customer service and their best efforts to resolve a potential complaint prior to escalation. However, despite these efforts, a person may feel that they have been subject to discrimination. Everyone has the right to file a discrimination complaint, and everyone at CAPSBC Food Bank and the sub-recipient agency needs to know the process if someone wants to file a complaint.

## **Nondiscrimination Statement**

As mentioned, agencies must include the most current version of the federal nondiscrimination statement in a prominent location in all public information releases, publications, and on posters concerning nutrition program activities. The current nondiscrimination statement can be found at the USDA's Civil Rights Web page: <http://www.fns.usda.gov/fns-nondiscrimination-statement>

The USDA prohibits discrimination in all its programs and activities for protected classes including race, color, national origin, sex, age, religion, or disability.

## **Public Notification and Grassroots Efforts**

All EFAP programs must include a public notification system or grassroots effort. The purpose of this system is to inform applicants, participants, and potentially eligible persons of program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint.

Particularly, the focus of the grassroots effort should be to target underserved populations and inform them of the availability of EFAP. Certain organizations can help. A grassroots organization is any organization at the local level that interacts directly with eligible or potentially eligible participants or beneficiaries, such as an advocacy organization, community action program, civic organization, migrant group, religious organization, neighborhood council, or other similar group.

Agencies should consider the following methods of communication when informing the public of available EFAP: Internet, newspaper articles, radio or television announcements, flyers, or any other vehicle of communication deemed necessary to reach the intended recipients.

## **Discriminatory Behavior**

Discriminatory behavior can sometimes be difficult to determine; therefore, it is important to keep in mind the protected classes for the CNPs when addressing potential discrimination. The following are general examples of prohibited discriminatory behavior to help agencies and Complaint Coordinators have a clearer understanding.

- Denying an individual or household the opportunity to apply for EFAP program benefits or services on the basis of race, color, national origin, sex, age, or disability. CalWORKs and the Food Distribution Program on Indian Reservations (FDPIR) also prohibit discrimination on the basis of religion and political beliefs.
- Providing EFAP program services or benefits in a different manner on the basis of race, color, national origin, sex, age, or disability, religion, unless the difference is necessary to comply with nondiscrimination requirements, such as disability accommodations (this includes providing disability accommodations which physical assistance).
- Selecting EFAP program sites or facilities in a manner that denies an individual access to EFAP program benefits, assistance, or services on the basis of race, color, national origin, sex, age, religion, or disability.

## **Where to File a Complaint**

To file a program or Civil Rights complaint, please contact the agency listed below:

Community Action Partnership of San Bernardino County  
Food Bank Program  
696 S. Tippecanoe  
San Bernardino, CA 92408  
909-723-1581  
Email: [foodbank@capsbc.org](mailto:foodbank@capsbc.org)  
Fax: (909) 723-1589

## **Note: CAPSBC will investigate and process complaints alleging discrimination.**

All program and Civil Rights complaints filed with CAPSBC are attempted to be resolved at the agency level. CAPSBC logs the complaint, then escalates to the appropriate state agency, and tracks it through resolution. CAPSBC, EFAP, and the USDA reserve the right to conduct unannounced site visits to determine the validity of all allegations.

### **Terminology Key**

<b>Complainant</b>	Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a complaint
<b>Complaint</b>	A written or verbal statement alleging a violation of a federal or state law or regulation, which may include an allegation of unlawful discrimination
<b>Complaint Coordinator</b>	A staff member who is responsible for tracking all program complaints until resolution
<b>Discrimination</b>	The act of making a distinction in favor of, or against a person, intentionally or unintentionally, with policies, procedures, attitudes, and practices that denies equal access or limits services and benefits to those who are eligible
<b>Discrimination Complaint</b>	A complaint alleging discrimination based on race, color, national origin, sex, age, or disability
<b>Program Complaint</b>	A complaint alleging violation of federal or state laws or regulations concerning the program(s)