

## Module III

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.

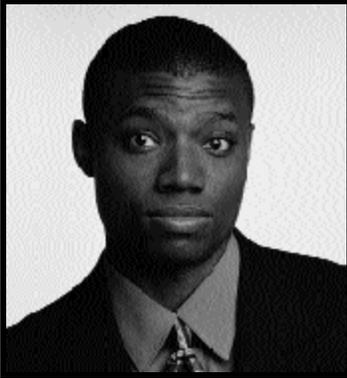
**Objective:** Upon completion of this lesson, you will be able to:

- 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





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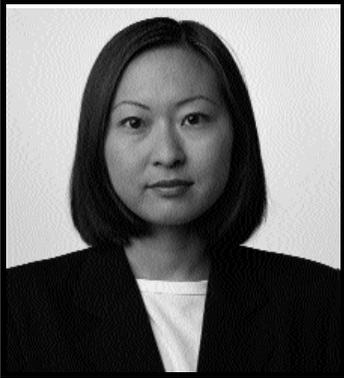
### Prohibited Discrimination in Program Delivery Topic 1: Discrimination Against An Applicant

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.





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

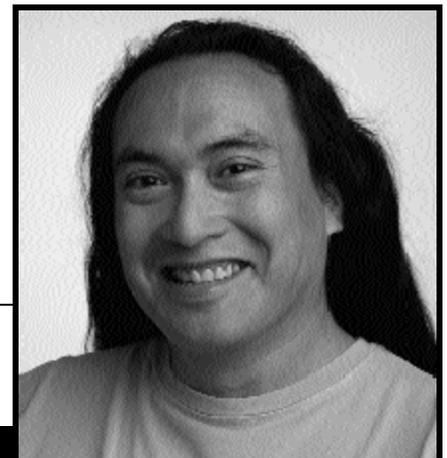
### Example

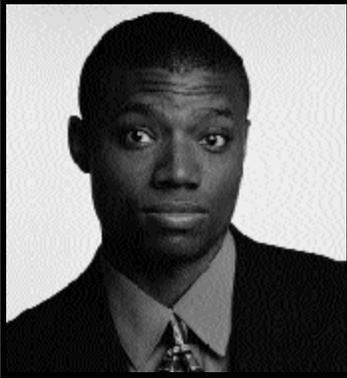
#### *Farm Ownership Loan Program*

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.





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

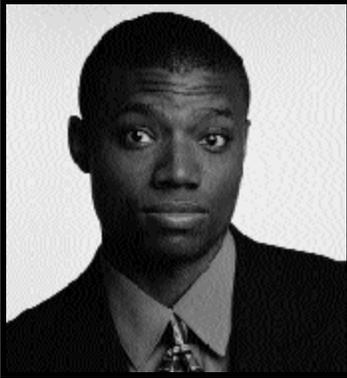
### Exercise

#### *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.





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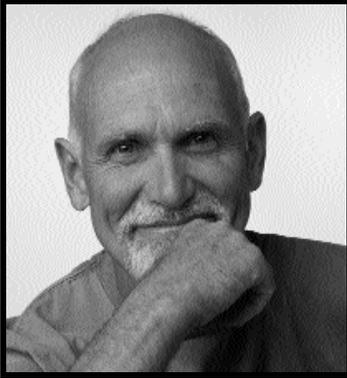
Prohibited Discrimination in Program Delivery  
Topic 1: Discrimination Against An Applicant

### 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.

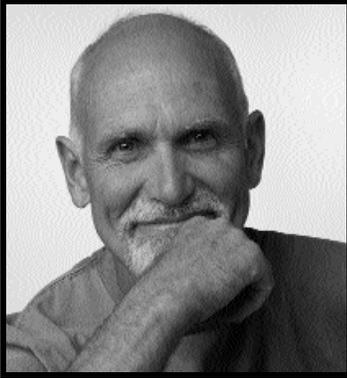
**Example:** Better Housing, Inc. (BHI), is a Hispanic-owned company that provides affordable rental housing in low-income areas of the country. BHI makes an application with the Rural Housing Service, USDA, for a Rural Rental Housing loan to construct four apartment complexes. The Rural Housing Service 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.





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### Prohibited Discrimination in Program Delivery

#### Topic 2: Discrimination Against a Recipient or Sub-recipient

### Example

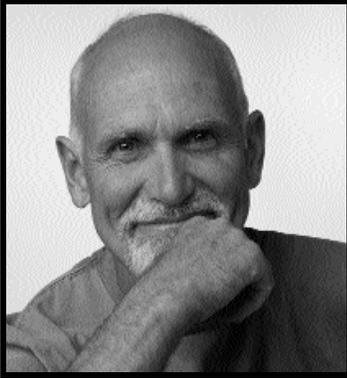
#### *4-H Clubs*

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

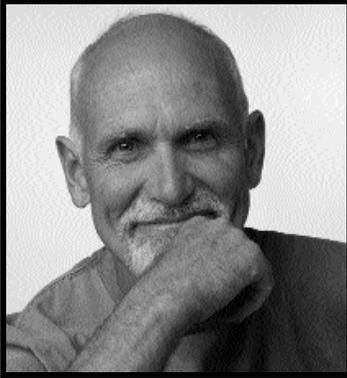
#### *Advertising a USDA Program*

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.





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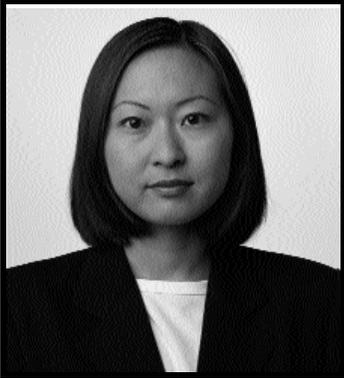
### Prohibited Discrimination in Program Delivery

#### 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

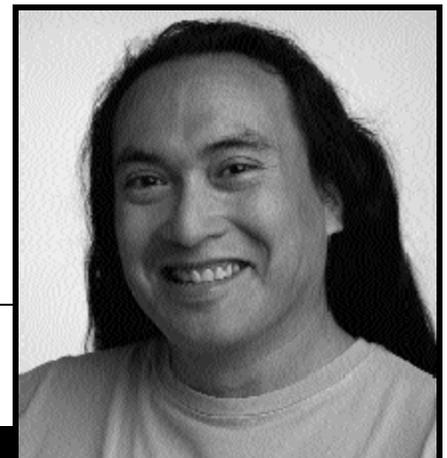
### **Example** (Not a true story)

#### *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.





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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.





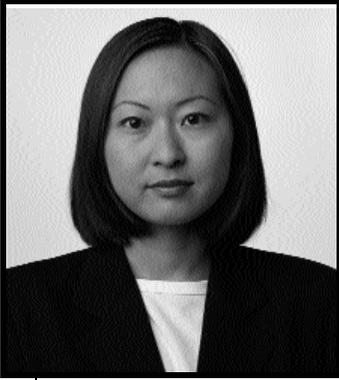
## Lesson B

### 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

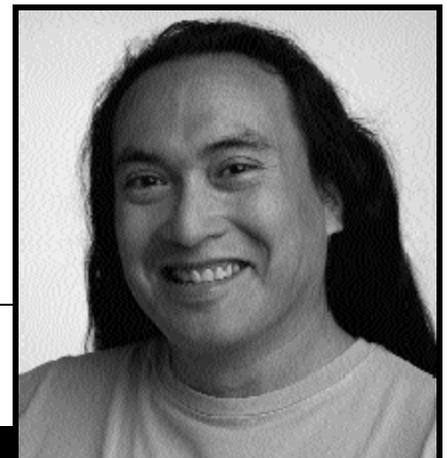
Prohibited Discrimination in Program Delivery  
Topic 4: Discrimination Against a Beneficiary

### 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





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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

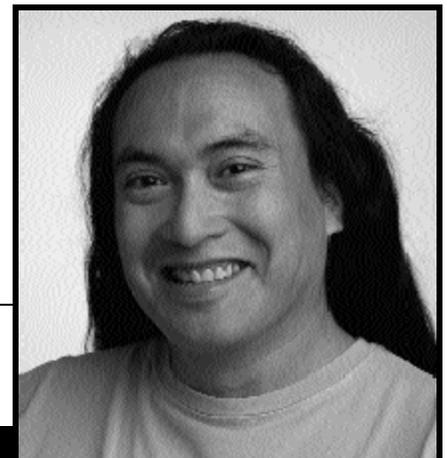
The program complaints procedure for all federally assisted and USDA-conducted programs and activities, requires that you do the following:

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

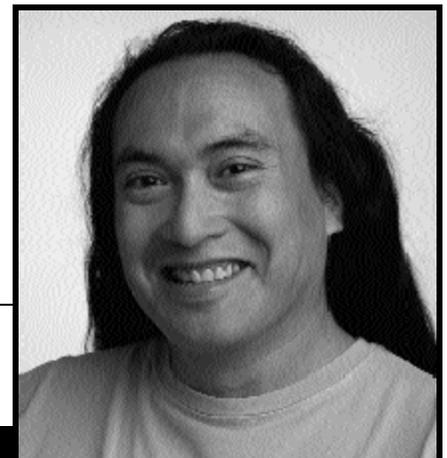
### **Example** (Not a true story)

#### *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.





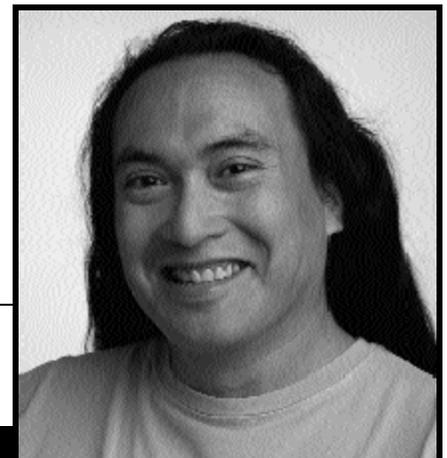
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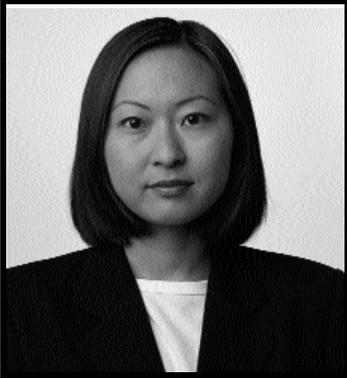
Prohibited Discrimination in Program Delivery  
Topic 6 Complaints - Procedures

### 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.)**

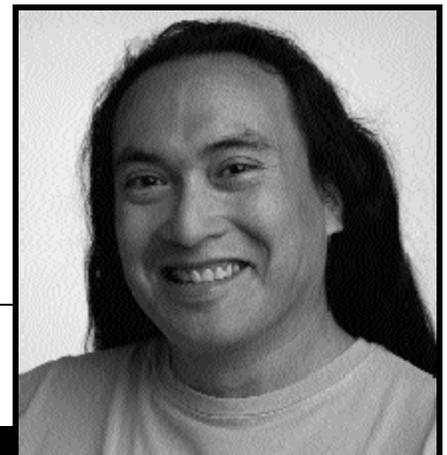
- A. One who submits an application, request or plan that must be approved by USDA as a condition for eligibility for USDA service
- B. One who makes a general inquiry about USDA services
- C. One who submits an application to a primary recipient for program benefits
- D. One who makes a general inquiry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

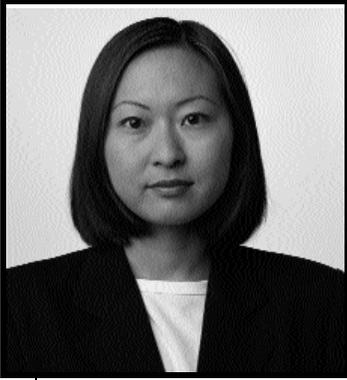
**5. True or False? When individuals or groups believe their civil rights have been violated, either may file a complaint.**

- 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.*

