

<b>DEPARTMENTAL REGULATION</b>		Number: 4300-3
SUBJECT: Equal Opportunity Public Notification Policy	DATE: November 16, 1999	
	OPI: Office of Civil Rights	

1 PURPOSE

This regulation establishes policy for ensuring positive and continuing notification of USDA equal opportunity policy to the public.

2 CANCELLATION

This regulation replaces DR 4300-3 (February 25, 1998). Equal Opportunity Public Notification Policy.

3 SPECIAL INSTRUCTIONS

a The nondiscrimination statements are to be used in the next issuance of publications, immediately after the approval date of this regulation.

b Page 4, Section b (1) and (2) have been modified to delete "USDA and its agencies," and to insert "the recipients."

4 POLICY

It is the policy of the Department of Agriculture:

a That no person shall be discriminated against on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases apply to all programs.) This policy will be communicated to the public through all appropriate USDA public information channels, in English and in languages appropriate to the local population and in alternative means of communication (Braille, large print, audiotape, etc.).

b To reach out in proactive ways to persons who have not participated equally in its programs and activities in the past. This policy will be disseminated to persons through all public contacts.

c Not to participate in any public meeting in which persons are illegally discriminated against because of their race, color, national origin, sex, religion, age, disability, political belief, sexual orientation, or marital or family status.

dTo use positive examples of employment and program participation by minorities, women, and other protected groups in pictures and other visual and audio public information materials.

## 5 AUTHORITY

a Titles VI and VII of the Civil Rights Act of 1964, as Amended (42 U.S.C. 2000d, 2000e-16).

b 28 CFR 42.401 et seq., Department of Justice Guidelines for Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs.

c 7 CFR Part 15, USDA Nondiscrimination Regulations.

d Section 501, 504, and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 701, 794).

e Age Discrimination in Employment Act (29 U.S.C. 633a).

f Section 403 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 (38 U.S.C. 2014).

g Section 307 of the Civil Service Reform Act of 1978 (5 U.S.C. 3112).

h 5 CFR Part 720.

i Title IX of the Education Amendments of 1972, Pub. L. 92-318, as amended.

j Americans With Disabilities Act of 1990 (Pub. L. 101-336).

k Food Stamp Act of 1977, as amended by the Food Stamp Improvement Act of 1994, 7 USC §2011 et seq.

## 6 DEFINITIONS

a Recipient. Any State, political subdivision of any State, or instrumentality of any State or political subdivision; any public or private agency, institution, or organization; or other entity or any individual in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof.

b Beneficiary. The individual who ultimately receives program services or benefits.

c Materials. This term includes print and non-print (audio, video, Internet, etc.) materials.

## 7 DESCRIPTION OF THE NONDISCRIMINATION STATEMENT

a USDA - The nondiscrimination statement set out below shall be posted in all USDA offices and included, in full, on all materials produced by USDA and its agencies for public information, public education, or public distribution, except when the appropriate nondiscrimination statement applicable to recipients is distributed by USDA agencies or posted by recipients. The statement below specifically lists all the prohibited bases for discrimination contained in the USDA Civil Rights Policy Statement. The statement shall be in English and in languages appropriate to the local population, and in alternative means of communication (Braille, large print, audiotape, etc.).

USDA's nondiscrimination statement:

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer."

If the material is too small to permit the full statement to be included, the material will at minimum include the statement, in print size no smaller than the text, that "The USDA is an equal opportunity provider and employer."

b Recipients - The nondiscrimination statement posted by recipients will contain only those bases referred to in applicable Federal law.

(1) The nondiscrimination statement set out below shall be posted in all Food Stamp program recipient offices and included, in full, on all materials regarding such recipients' programs that are produced by the recipients for public information, public education, or public distribution.

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer."

If the material is too small to permit the full statement to be included, the material will at minimum include the statement, in print size no smaller than the text, that "This institution is an equal opportunity provider."

(2) The nondiscrimination statement set out below shall be posted in all other recipient offices (with the exception of Food Stamp program recipients) and included, in full, on all materials regarding such recipients' programs that are produced by the recipients for public information, public education, or public distribution.

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer."

If the material is too small to permit the full statement to be included, the material will at minimum include the statement, in print size no smaller than the text, that "This institution is an equal opportunity provider."

8 RESPONSIBILITIES

a Office of Civil Rights will:

- (1) Provide policy guidance to agencies and recipients upon request and consistent with the findings of the Office of Civil Rights' monitoring activities.
- (2) Provide the necessary format for, and any changes to, the USDA nondiscrimination poster and the nondiscrimination poster to be used by recipients.
- (3) Monitor agency and recipient actions through established review activities for compliance with this policy.

b Office of Communications will:

Review and monitor all public information materials submitted to it for compliance with the policy established in this regulation. Originating offices will be counseled on appropriate remedies when necessary.

c USDA Agencies will:

- (1) Consult with the Office of Civil Rights on the appropriate content of proposals for new or revised nondiscrimination statements.
- (2) As directed by the Office of Civil Rights, include the appropriate nondiscrimination statement, in full, on all materials produced by USDA and its agencies for public information, public education, or public distribution. If the material is too small to permit the full statement to be included, the material will at minimum include the statement, in print size no smaller than the text, the alternative statements described in this departmental regulation. A rule of reason will be applied as to the need for the statement in specific situations. Questions as to the appropriateness of including the statement may be referred to the Office of Civil Rights for policy guidance.
- (3) Ensure through normal review processes that

recipients are complying with public notification requirements.

(4) Ensure through normal distribution and review processes that notices of the USDA nondiscrimination statement are prominently posted in USDA and its agencies' offices. In general, the USDA poster "And Justice For All" will be used for this purpose except for suitable substitutes in outdoor areas where necessary. Units shall post the nondiscrimination statement in languages appropriate to the local population.

(5) Ensure through normal distribution and review processes that notices of the appropriate nondiscrimination statement are prominently posted in recipients' offices. Agencies will be responsible for obtaining and distributing appropriate posters to recipients. Agencies will be responsible for ensuring that the nondiscrimination statement is posted in languages appropriate to the local population.

(6) Establish outreach programs at the local level to ensure that all persons, especially those who previously may not have participated fully, know about the availability of and how to use USDA program services effectively and are encouraged to participate.

(7) Include appropriate references to USDA equal opportunity policy in public speeches and meetings.

(8) Should not agree to participate in meetings with the knowledge that the meetings(s) were convened to avoid compliance with applicable nondiscrimination requirements.

(9) Provide materials in alternative means of communication (Braille, large print, audiotope, etc.) upon request.

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