

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250

DEPARTMENTAL REGULATION	Number: 4300-003
SUBJECT: Equal Opportunity Public Notification Policy	DATE: June 2, 2015
	OPI: Office of the Assistant Secretary for Civil Rights

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1. PURPOSE

This regulation establishes the policy for ensuring positive and continuing notification of the U.S. Department of Agriculture's (USDA) equal opportunity policy to the public and USDA employees. Additionally, this regulation enhances customer awareness of the USDA nondiscrimination policy and other pertinent information ensuring broad dissemination of the policy to the public.

2. SCOPE

This regulation applies to all programs and activities conducted in whole or in part, or assisted by the USDA, its Agencies, and instrumentalities.

3. SPECIAL INSTRUCTION/CANCELLATION

This regulation replaces Departmental Regulation (DR) 4300-3, dated November 16, 1999.

4. POLICY

It is the policy of USDA:

- a. That no person shall be discriminated against on the basis of 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, reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA.

This policy will be communicated to the public through all appropriate USDA public information channels and to the local population served or directly affected by a recipient program or activity, in English and other languages appropriate to the local population, and in alternative means of communication (e.g., Braille, large print, audiotape, etc.). All communication posted on a website must comply with Section 508 of the Rehabilitation Act of 1973, as amended (Section 508).

- b. To ensure that its outreach activities encompass protected groups, underrepresented and underserved populations, Tribal communities, Socially Disadvantaged, Beginning and Limited Resource Farmers and Ranchers, Veteran Farmers, 1890 Historically Black Colleges and Universities, 1994 Land Grant Institutions, Hispanic Serving Institutions, Tribal Colleges and Universities, institutions serving Asian American and Pacific Islanders, and institutions serving individuals with disabilities through dissemination of public notifications.
- c. To use positive examples of program participation by all protected groups in all forms of visual, print, electronic, and audio public information materials.
- d. To prohibit USDA employee(s) participation in any public meeting if it is known that in such meeting(s) customers have been or will be illegally discriminated against, based on Federal laws or regulations, because of their 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, reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA.

5. AUTHORITIES

- a. Title VI of the Civil Rights Act of 1964.
- b. Americans with Disabilities Act Amendments Act of 2008.
- c. Food Stamp Act of 1977.
- d. Americans with Disabilities Act of 1990.
- e. Section 307 of the Civil Service Reform Act of 1978.
- f. Regulation B, of the Equal Credit Opportunity Act of 1977.
- g. The Age Discrimination Act of 1975.
- h. Sections 504 and 508 of the Rehabilitation Act of 1973.
- i. Title IX of the Education Amendments of 1972.
- j. 7 C.F.R. Part 15, Nondiscrimination.
- k. 7 C.F.R. Part 16, Equal Opportunity for Religious Organizations.
- l. 28 C.F.R. 42.401 et seq., U.S. Department of Justice Guidelines for Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs.
- m. Civil Rights Restoration Act of 1987.
- n. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, August 11, 2000.
- o. The Annual Civil Rights Policy Statement published by the Secretary of Agriculture.

6. DEFINITIONS

- a. **Agency.** A major program organizational unit of the USDA with delegated authorities to deliver programs, activities, benefits, and services. Heads of Agencies receive their delegated authorities as prescribed in 7 C.F.R. Part 2. The term "Agency" does not include Departmental Administration or Departmental Offices.
- b. **Beneficiary.** A person or group of persons with an entitlement to receive or utilize the benefits, services, resources, and information, or participate in activities and programs conducted or funded in whole or in part by USDA.
- c. **Complaint.** A written statement (except as provided below) that contains the complainant's name and address and describes an Agency's alleged discriminatory

action in sufficient detail to inform the Office of the Assistant Secretary for Civil Rights (OASCR) of the nature and date of an alleged civil rights violation. The statement must be signed by the complainant(s) or someone authorized to sign on behalf of the complainant(s). The complaint does not need to be written or signed if it is submitted in an alternate format to accommodate the complaint filing needs of a person who has a Limited English Proficiency (LEP), a disability, or other special need.

- d. **Compliance Review.** A written review of an Agency's compliance with civil rights requirements, to be prepared by OASCR or an Agency and to identify each finding of non-compliance or other civil rights related issue. The review is conducted at the discretion of OASCR or an Agency or if there has been a formal finding of non-compliance.
- e. **Departmental Management.** The Assistant Secretary for Administration (ASA) and all Staff Offices that receive their major delegations from the ASA.
- f. **Federally Conducted Programs and Activities.** Program services, benefits, resources, or information delivered directly to the public by USDA.
- g. **Federally Assisted Programs and Activities.** Programs and Activities of an entity that receives Federal financial assistance. "Assistance" or "benefits" refers to the transfer of money, property, services, or anything of value, the principal purpose of which is to accomplish a public purpose of support or stimulation authorized by Federal statute. Assistance includes, but is not limited to, grants, loans, loan guarantees, scholarships, mortgage loans, insurance, and other types of financial assistance, including cooperative agreements; property, technical assistance, counseling, statistical, and other expert information; and service activities of regulatory Agencies. It does not include the provision of conventional public information services.
- h. **Languages Appropriate to the Local Population.** Languages determined to be consistent with the requirements and guidance provided in Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency; DR-4330-005, Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA; and USDA's Guidance on Services for Persons with LEP in assisted programs.
- i. **LEP Persons.** Persons who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English.
- j. **Materials.** This term includes print (e.g., brochures, newsletters, by-laws, etc.) and non-print (e.g., audio, video, website, etc.) types of communication.
- k. **OASCR.** The office of the civil rights officer for USDA responsible for providing leadership and direction for the fair and equitable treatment of all USDA customers and employees while ensuring the delivery of quality programs and enforcement of civil rights. OASCR has the authority to delegate civil rights functions to heads of

USDA Agencies and offices. OASCR is also responsible for evaluating Agency Heads on their performance of civil rights functions.

- l. Office of Communications. The office that provides leadership, expertise, counsel, and coordination for the development of communication strategies, which are vital to the overall formulation, awareness and acceptance of USDA programs and policies, and serves as the principal USDA contact point for the consistent and timely dissemination of information.
- m. Recipient. Any State, political subdivision of any State, or instrumentality of any State or political subdivision (to include the District of Columbia and any United States territories and possessions), any public or private Agency, institution, organization, or any other entity or individual in any State to whom Federal financial assistance is extended, directly or through another recipient (sub-recipient), including any successor, assignee, or transferee thereof, and excluding any ultimate beneficiary.
- n. Section 508 Compliant. Compliance with the requirements of Section 508 of the Rehabilitation Act ensures that Federal information is accessible to individuals with disabilities, unless an undue burden would be imposed on the USDA or an Agency.

7. NONDISCRIMINATION STATEMENT

The Nondiscrimination Statement set out below shall be posted in all USDA offices and included on all materials produced by USDA and its Agencies for public information, public education, or public distribution. The statement below lists all the prohibited bases for discrimination contained in the USDA Civil Rights Policy Statement. The statement shall be made available in English, 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, etc.). All communication posted on a website must comply with Section 508 and with all applicable civil rights laws, regulations, Executive Orders, and policies.

- a. USDA's 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:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

b. Exceptions to Including the Full USDA Nondiscrimination Statement.

If the size of the material is too small to include the full statement, the material will at a minimum, include the following statement in print in the same size as the text:

“USDA is an equal opportunity provider, employer, and lender.”

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 including the full statement, the presentation will, at a minimum include the following statement, presented in a conspicuous and meaningful manner:

“USDA is an equal opportunity provider, employer, and lender.”

Alternatively, where appropriate, a recipient may state:

“This institution is an equal opportunity provider.”

c. Recipients.

The recipient will post the Nondiscrimination Statement in its entirety containing only those protected bases mandated in applicable Federal law. USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, disability, age, reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

The full Nondiscrimination Statement must be included on all print and non-print materials (including but not limited to, audio, video, website, brochures, newsletters, by-laws, etc.). If the size of the material is too small to include the full statement, the material will at a minimum, include the following statement in print in the same size as the text:

“This institution is an equal opportunity provider.”

Recipients are required to notify applicants with disabilities and LEP persons of their right to free language assistance and accommodations and provide free language assistance and accommodations upon request.

d. And Justice for All Posters.

The USDA poster “And Justice for All” will be the primary method utilized to inform customers of their rights. The poster will be used for this purpose except when appropriate substitutes in outdoor areas are necessary. There are three versions of the “And Justice for All” poster: Form AD-475-A is the poster that displays information relevant to assisted programs; Form AD-475-B is the poster that displays information relevant to Food and Nutrition Service (FNS) SNAP and Food Distribution Program on Indian Reservations (FDPIR) programs; and Form AD-475-C is the poster that displays information relevant to conducted programs. Please see Sections d(1) through d(3) for additional information on each of these posters.

The appropriate (assisted, conducted, or FNS SNAP and FDPIR) “And Justice for All” poster is to be prominently displayed in all offices where there is a USDA presence and where it may be read by customers.

Please note that institutions participating in or administering USDA programs are required to display the appropriate “And Justice for All” poster in their facilities where it can be viewed by customers.

All “And Justice for All” posters must be displayed in a specific size: 11” width x 17” height. The minimum text size that will be used on the “And Justice for All” posters is 14 point. Agency officials can obtain “And Justice for All” posters by contacting the Office of Communications. However, recipients must contact the sponsoring Agencies’ Civil Rights Division in order to obtain “And Justice for All” posters.

(1) Form AD-475-A Assisted Poster (revised 2014)

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 reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) 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 (800) 877-8339. Additionally, program information is also available in languages other than English.

To file a complaint alleging discrimination, complete the [USDA Program Discrimination Complaint Form](#), AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office or write a letter addressed to USDA and provided 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:

- (a) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (b) fax: (202) 690-7442; or
- (c) email: program.intake@usda.gov.

“This institution is an equal opportunity provider.”

(2) Form AD-475-B SNAP and FDPIR Poster (revised 2014)

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, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity.

To file a complaint alleging discrimination, complete the [USDA Program Discrimination Complaint Form](#), AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html or 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:

- (a) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (b) fax: (202) 690-7442; or
- (c) email: program.intake@usda.gov.

“This institution is an equal opportunity provider.”

(3) Form AD-475-C Conducted Poster (revised 2014)

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, familial/ parental status, income derived from a public assistance program, political beliefs, reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

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, this information is available in languages other than English.

To file a complaint alleging discrimination, please complete the [USDA Program Discrimination Complaint Form](#), AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or 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:

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8. RESPONSIBILITIES

a. OASCR.

OASCR shall provide overall leadership, coordination, and direction in equal opportunity for USDA’s federally assisted and conducted program.

OASCR shall:

- (1) Provide policy guidance to Agencies and recipients upon request consistent with any findings resulting from OASCR’s monitoring of the Agencies’ or recipients’ civil right compliance activities;
- (2) Provide the necessary format for, and any changes to, the USDA nondiscrimination notices and/or posters;
- (3) Authorize in writing any variations to the text of the Nondiscrimination Statement;
- (4) Ensure through its review processes that notices of the current USDA Nondiscrimination Statement are prominently posted in USDA, Staff Offices, Departmental Management, and its Agencies’ offices. In general, the USDA poster "And Justice for All" will be used for this purpose except when appropriate substitutes in outdoor areas are necessary. Units shall post the Nondiscrimination Statement in languages appropriate to the local population likely to be served or likely to be directly affected by a recipient program or activity; and

- (5) Monitor Agency and recipient actions through established review activities for compliance with this policy.

b. Office of Communications.

The Office of Communications shall:

- (1) Review and monitor all pertinent internal USDA materials and public information materials submitted to it for applicable communication requirements;
- (2) Work closely with OASCR to design any required changes to the “And Justice for All” poster;
- (3) Provide printing for Agencies, Staff Offices, and Departmental Management upon request utilizing Form AD-78 “Request for Printing and Binding”;
- (4) Provide the originating communication Agency or office with appropriate revisions when necessary prior to materials being printed, published, or placed on websites; and
- (5) Review all contractor-prepared materials to ensure compliance with the policy and guidance established in this regulation and withhold final approval of deliverables until they are in full compliance.

c. USDA Agencies, Staff Offices and Departmental Management.

USDA Agencies, Staff Offices and Departmental Management (DM) shall:

- (1) Seek approval from OASCR regarding any new or revised Nondiscrimination Statements;
- (2) Post the Nondiscrimination Statement in its entirety 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 alternative statement described in this regulation in print in the same size as the text. Similarly, when an audio or video presentation does not reasonably lend itself to the full statement, the presentation will, at a minimum; include the alternative statement presented in a conspicuous and meaningful manner. 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 OASCR for policy guidance;

- (3) Post the “And Justice For All” posters and the Nondiscrimination Statement on its websites or incorporate a link to the postings found on OASCR’s website;

- (4) Ensure through normal review processes, such as compliance reviews and management evaluations that Agency field offices are complying with public notification requirements;
- (5) Ensure through their review processes that notices of the full 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 likely to be served or likely to be directly affected by a recipient program or activity;
- (6) Establish outreach programs at the local level to ensure that all persons, especially those who previously may not have participated fully, are made aware of the availability of USDA program and services and how to effectively use them, and are encouraged to participate;
- (7) Include appropriate references to the USDA's equal opportunity policy in public speeches and meetings;
- (8) Provide materials in alternative means of communication (e.g., Braille, large print, audiotape, etc.) upon request. Additionally, this information is also available in other languages.
- (9) Ensure all information listed on its websites complies with Section 508; and
- (10) Ensure that the full Nondiscrimination Statement and all other pertinent information are communicated in English, and other languages appropriate to the local population likely to be served or likely to be directly affected by any USDA program or activity.

-END-