

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

DEPARTMENTAL REGULATION	NUMBER: DR 4300-003
SUBJECT: Equal Opportunity Public Notification Policy	DATE: October 17, 2019
OPI: Office of the Assistant Secretary for Civil Rights	EXPIRATION DATE: October 17, 2024

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1. PURPOSE

- a. This Departmental Regulation (DR) establishes the United States Department of Agriculture’s (USDA) policy for ensuring positive and continuing notification of its equal opportunity policy to the public and USDA employees.
- b. This DR is also designed to enhance customer awareness of the USDA Non-Discrimination policy and other pertinent information ensuring broad dissemination of the policy to the public.

<p>The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.</p>
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2. SCOPE

This DR applies to all programs and activities conducted in whole, in part, or assisted by USDA, its Mission Areas, agencies, and staff offices.

3. SPECIAL INSTRUCTIONS/CANCELLATIONS

- a. This regulation replaces DR 4300-003, *Equal Opportunity Public Notification Policy*, dated June 2, 2015.
- b. This policy is effective immediately and remains in effect until it is either superseded or expires.
- c. All Mission Areas, agencies, and staff offices shall align their equal opportunity public notification policies and procedures with this DR within 6 months of the publication date.

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. (Not all prohibited bases apply to all programs)

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's program or activity, in English and other languages appropriate to the local population, and in alternative means of communication (e.g., Braille, large print, and audiotape). All communication posted on a website must comply with [Section 508](#) of the *Rehabilitation Act of 1973*, as amended;

- 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; and
- d. To prohibit USDA employee participation in any public meeting if it is known that in such meetings 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. NON-DISCRIMINATION STATEMENT

- a. The [*Non-Discrimination Statement*](#) provided below must be posted in all USDA Mission Areas, agencies, and staff offices and included on all materials produced by USDA for public information, public education, or public distribution.
- b. The statement must 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).
- c. All communication posted on a website must comply with Section 508 and with all applicable Federal civil rights laws, regulations, Executive Orders, and USDA regulations and policies.

USDA's Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, USDA, its Mission Areas, agencies, staff offices, 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.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720-2600 (voice and TTY); or the Federal Relay Service at (800) 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 online at <https://www.ocio.usda.gov/document/ad-3027>, from any USDA office, by calling (866) 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 alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
- (2) Fax: (833) 256-1665 or (202) 690-7442; or
- (3) Email: program.intake@usda.gov

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

d. Exceptions to Including the Full USDA Non-Discrimination Statement.

- (1) If the size of the material is too small to include the full statement provided above, the material must, 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.”

- (2) 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.”

Where appropriate, a recipient may state:

“This institution is an equal opportunity provider.”

6. RECIPIENT REQUIREMENTS

- a. All prohibited bases do not apply to all programs. The specific bases for Federally assisted programs can be found at Appendix D for Assisted Programs and Appendix E for the Supplemental Nutrition Assistance Program (SNAP) and the Food Distribution Program on Indian Reservations (FDPIR) programs.
- b. In accordance with section 6(a), above, the applicable Non-Discrimination Statement for recipients must be included on all print and non-print materials, including, but not limited to, audio, video, website, brochures, newsletters, and by-laws. 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 font size as the main text:

“This institution is an equal opportunity provider.”
- c. Recipients are required to notify applicants with disabilities and limited English proficiency (LEP) persons of their right to free language assistance and accommodations and to provide these services upon request.

7. AND JUSTICE FOR ALL POSTERS

- a. The USDA “[And Justice for All](#)” posters will be the primary method utilized to inform customers of their rights. The “And Justice for All” posters 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” posters: Form [AD-475-A](#) is the poster that applies to assisted programs; Form [AD-475-B](#) is the poster that applies to both the Food and Nutrition Service SNAP and FDPIR programs; and Form [AD-475-C](#) is the poster that applies to conducted programs. Please see Appendices D, E, and F for additional information on each of these posters.
- b. If the material is too small to permit the full Non-Discrimination Statement to be included, the material will, at a minimum, include the alternative statement described in Section 5.d(1), 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, as described in Section 5.d(2); and
- c. Sound judgement will be applied as to the need for the statement in specific situations. Questions about the appropriateness of including the statement may be referred to OASCR for policy guidance.
- d. All “And Justice for All” posters must be printed at 11” width x 17” height. The minimum text size to be used on the posters is 14 point. Mission Area, agency, and staff office officials can obtain “And Justice for All” posters by contacting the Office of

Communications. Recipients must contact the sponsoring Mission Area, agency, or staff office Civil Rights Division to obtain “And Justice for All” posters.

- e. The applicable “And Justice for All” posters must be prominently displayed in all offices where there is a USDA presence and where customers can view it.
- f. Please note that institutions participating in or administering USDA programs must display the appropriate “And Justice for All” poster wherever program delivery is being conducted.

8. ROLES AND RESPONSIBILITIES

a. The ASCR will:

- (1) Provide equal opportunity leadership, coordination, and direction for USDA’s federally assisted and conducted programs;
- (2) Provide policy guidance to Mission Areas, agencies, staff offices, and recipients upon request consistent with any findings resulting from ASCR’s monitoring of the Mission Area, agency, staff office, or recipients’ civil right compliance activities;
- (3) Provide the necessary format for, and any changes to, the USDA Non-Discrimination notices and/or posters;
- (4) Authorize in writing any variations to the text of the Non-Discrimination Statement;
- (5) Ensure through its compliance review process that notices of the current USDA Non-Discrimination Statement are prominently posted in USDA Mission Areas, agencies, and staff offices, and in languages appropriate to the local population likely to be served or likely to be directly affected by a recipient’s program or activity; and
- (6) Monitor Mission Area, agency, staff office, and recipient actions through established review activities for compliance with this policy.

b. The Director, Office of Communications will:

- (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” posters;
- (3) Print “And Justice for All” posters for Mission Areas, agencies, and staff offices, upon request utilizing Form [AD-78](#), *Request for Printing and Binding*;

- (4) Review all Mission Area, agency, or staff office requests to ensure the poster language complies with the policy and guidance established in this regulation, and make appropriate revisions when necessary before materials are 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. Mission Area, Agency, and Staff Office Heads will:
- (1) Seek approval from OASCR regarding any new or revised Non-Discrimination Statements;
 - (2) Post the Non-Discrimination Statement in its entirety on all materials produced by USDA and its agencies for public information, public education, or public distribution;
 - (3) Post the “And Justice for All” posters and the Non-Discrimination Statement on its websites or incorporate a link to the postings found on USDA’s website;
 - (4) Ensure through normal review processes that field offices are complying with public notification requirements;
 - (5) Ensure through their review processes that notices of the applicable Non-Discrimination Statement are prominently posted in recipient offices and locations;
 - (6) Obtain and distribute appropriate posters to recipients;
 - (7) Ensure the Non-Discrimination Statement is posted in English and other languages appropriate to the local population likely to be served or likely to be directly affected by a recipient program or activity;
 - (8) Establish outreach programs at the local level to ensure all persons, especially those who previously may not have participated fully, are made aware of the availability of USDA programs and services, how to effectively use them, and to encourage them to participate;
 - (9) Include appropriate references to the USDA’s equal opportunity policy in public speeches and meetings;
 - (10) Provide materials in alternative communication methods (e.g., Braille, large print, American Sign Language, audiotape) upon request. Additionally, this information should be available in other languages, as applicable;

(11) Ensure all information listed on their websites comply with Section 508 requirements; and

9. INQUIRIES

All USDA Mission Areas, agencies, and staff offices shall direct questions and inquiries regarding this DR to the Center for Civil Rights Operations (CCRO) Compliance Division via email at CCROCompliance@usda.gov.

-END-

APPENDIX A

ACRONYMS AND ABBREVIATIONS

AD	Agriculture Department (for Departmental forms use only)
ASCR	Assistant Secretary of Civil Rights
CCRO	Center for Civil Rights Operations
CFR	Code of Federal Regulations
DR	Departmental Regulation
FDPIR	Food Distribution Program on Indian Reservations
LEP	Limited English Proficiency
OASCR	Office of the Assistant Secretary for Civil Rights
OPI	Office of Primary Interest
SNAP	Supplemental Nutrition Assistance Program
TARGET	Technology and Accessible Resources Give Employment Today
TTY	Text Telephone
U.S.C.	United States Code
USDA	United States Department of Agriculture

APPENDIX B

DEFINITIONS

- a. Agency. Organizational units of the Department, other than staff offices as defined below, whose heads report to officials within the Office of the Secretary, Deputy Secretary, Under Secretaries, Assistant Secretaries, and Assistant to the Secretary.
- 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 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 an 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. Federally Conducted Programs and Activities. Program services, benefits, resources, or information delivered directly to the public by USDA.
- f. 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.
- g. 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 4300-005](#), *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.

- h. Limited English Proficiency (LEP) Persons. Persons who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English.
- i. Materials. This term includes print (e.g., brochures, newsletters, and by-laws) and non-print (e.g., audio, video, and website) types of communication.
- j. Mission Area. A group of agencies with related functions that report to the same Under or Assistant Secretary. Research, Education, and Economics is an example of a Mission Area.
- k. Office of the Assistant Secretary for Civil Rights (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 Mission Areas, agencies, and staff 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; also 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.
- o. Staff Office. A Departmental administrative office, the head of which reports to any official within the Office of the Secretary (OSEC).

APPENDIX C

AUTHORITIES AND REFERENCES

[7 CFR Part 2](#), *Delegations of Authority by the Secretary of Agriculture and General Officers of the Department*

[7 CFR Part 2.24](#), *Agriculture, Delegations of Authority by the Secretary of Agriculture and General Officers of the Department, Delegations of Authority to the Deputy Secretary, Under Secretaries, and Assistant Secretaries, Assistant Secretary for Administration*

[7 CFR Part 15](#), *Nondiscrimination*

[7 CFR Part 16](#), *Equal Opportunity for Religious Organizations*

[12 CFR 1002.1](#), *Equal Credit Opportunity Act of 1977 (Regulation B)*, as amended

[28 CFR 42.401](#) et seq., *Department of Justice, Coordination of Enforcement of Non-discrimination in Federally Assisted Programs*

[Age Discrimination Act of 1975](#)

[Americans with Disabilities Act of 1990](#)

[Americans with Disabilities Act Amendments Act of 2008](#)

[Civil Rights Restoration Act of 1987](#)

[Executive Order 13166](#), *Improving Access to Services for Persons with Limited English Proficiency*, August 11, 2000

[Food Stamp Act of 1977](#)

[Section 504](#), *Rehabilitation Act of 1973*, as amended

[Section 508](#), *Rehabilitation Act of 1973*, as amended

Title IV, Civil Rights Act of 1964, [42 U.S.C. 2000d](#), et seq.

Title IX, Education Amendments of 1972, [20 U.S.C. 1681](#), et seq.

USDA, [AD-78](#), *Request for Printing and Binding*

USDA, [AD-475-A](#), *Assisted Poster*

USDA, [AD-475-B](#), *Supplemental Nutrition Assistance Program (SNAP) and Food Distribution Program on Indian Reservations (FDPIR)*

USDA, [AD-475-C](#), *Conducted Poster*

USDA, [AD-3027](#) *USDA Program Discrimination Complaint Form*

USDA, [DR 4330-005](#), *Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA*

APPENDIX D

AD-475-A: “AND JUSTICE FOR ALL” POSTER LANGUAGE FOR ASSISTED PROGRAMS

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.)

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 (800) 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 online at <https://www.ocio.usda.gov/document/ad-3027>, from any USDA office, by calling (866) 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 alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
- (2) Fax: (833) 256-1665 or (202) 690-7442; or
- (3) Email: program.intake@usda.gov.

“This institution is an equal opportunity provider.”

APPENDIX E

AD-475-B: “AND JUSTICE FOR ALL” POSTER LANGUAGE FOR SNAP AND FDPIR PROGRAMS

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 program discrimination complaint, a complainant should complete a Form [AD-3027](#), *USDA Program Discrimination Complaint Form*, which can be obtained online at <https://www.ocio.usda.gov/document/ad-3027>, from any USDA office, by calling (866) 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 alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
- (2) Fax: (833) 256-1665 or (202) 690-7442; or
- (3) Email: program.intake@usda.gov.

“This institution is an equal opportunity provider.”

APPENDIX F

AD-475-C: “AND JUSTICE FOR ALL” POSTER LANGUAGE FOR CONDUCTED PROGRAMS

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.)

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, audiotope, and American Sign Language) should contact the responsible Mission Area, agency, staff office, or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 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 online at <https://www.ocio.usda.gov/document/ad-3027>, from any USDA office, by calling (866) 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 alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

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