

United States  
Department of  
Agriculture

Food Safety  
and Inspection  
Service

FSIS Directive  
1520.1

# CIVIL RIGHTS COMPLIANCE AND ENFORCEMENT

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UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
WASHINGTON, DC

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<b>FSIS DIRECTIVE</b>	1520.1	9/19/86
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**CIVIL RIGHTS COMPLIANCE AND ENFORCEMENT**

**PART ONE -- BASIC PROVISIONS**

**I. PURPOSE**

This directive:

A. Establishes FSIS policy for nondiscrimination on the basis of race, religion, color, national origin, age, sex, or handicap in the administration of all FSIS programs and services.

B. Establishes FSIS civil rights policies for those State agencies participating in cooperative meat and/or poultry inspection programs and receiving annual allocations from FSIS to administer such programs.

C. Delegates specific responsibilities within FSIS necessary to assure compliance with the laws and regulations listed in paragraph VIII.

**II. (RESERVED)**

**III. (RESERVED)**

**IV. APPLICABILITY**

The Civil Rights Program applies to FSIS as follows:

A. **Indirect Assistance Program.** Inspection service approved and provided by a State agency that receives funding and technical assistance from FSIS.

B. **Direct Assistance Program.** Inspection programs and services approved and provided by FSIS..

**V. AUTHORITY**

A. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d to 2000d-6, which prohibits discrimination based on race, color, or national origin.

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**DISTRIBUTION:** Office of the Administrator  
Personnel Division ; POB;  
Regional Offices; R&E; ABB

**OPI:** Equal Opportunity and Civil Rights Staff

B. Executive Order 11764, 3A CFR 124 (1974 Compilation), reprinted in 42 U.S.C. 2000d-1 annotated (Supplement V 1975).

C. Executive Order 12250 (45 FR 72995, November 4, 1980 (3 CFR, 1980 Compilation, p. 298)), Coordination and Enforcement of Nondiscrimination Provision, empowers the Attorney General to coordinate the implementation and enforcement by executive agencies of Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973. '

D. USDA Regulations implementing Title VI of the Civil Rights Act of 1964, 7 CFR 15 Subparts A, B, and C. (Subpart A covers the Indirect Assistance Program which prohibits discrimination on the basis of race, color, and national origin. Subpart B covers the Direct Assistance Program which prohibits discrimination based on race, color, national origin, religion, and sex.)

E. Department of Justice Guidelines for the Enforcement of Title VI, Civil Rights Act of 1964, 28 CFR 50.3.

F. Department of Justice Regulations for the coordination of enforcement of nondiscrimination in federally assisted programs under Title VI of the Civil Rights Act of 1964, 28 CFR 42.401 to 42,415.

G. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), which prohibits discrimination based on handicap in the Indirect and Direct Assistance Programs.

H. Age Discrimination Act of 1975 (Public Law 94-135), which prohibits discrimination based on age in the Indirect and Direct Assistance Programs.

I. Single Audit Act of 1984 (Public Law 98-502), which promotes the efficient and effective use of resources.

## VI. **FORMS AND ABBREVIATIONS**

The following will appear in their shortened form in this directive:

DOJ	Department of Justice
EO/CR	Equal Opportunity and Civil Rights Staff
MPIO	Meat and Poultry Inspection Operations
OAE	Office of Advocacy and Enterprise
DIG	Office of Inspector General
OMB	Office of Management and Budget

## VII. **POLICY**

To ensure nondiscrimination in all aspects of FSIS programs and services without regard to race, color, national origin, age, religion, sex, or handicap.

## VIII. **RESPONSIBILITIES**

A. **The Associate Director, OAE**, is assigned staff responsibility for the development, implementation, and coordination of all aspects of USDA's Civil Rights Program.

B. **The Administrator, FSIS**, is responsible for implementing and maintaining a comprehensive Civil Rights Program that ensures nondiscrimination and compliance in all FSIS programs and activities. The Administrator delegates the following responsibilities:

1. **Deputy Administrators** will:

- a. Continually review programs to ensure conformance with rules, regulations, and adherence to FSIS policies covering nondiscrimination.
- b. Ensure that all decisions pertaining to inspection or import services including the approval of facilities, blueprints, and labels are based on nondiscriminatory factors.
- c. Ensure that all supervisory personnel with civil rights responsibilities are trained in program requirements.
- d. Direct the conduct of preliminary inquiries for discrimination complaints.

2. **Assistant Deputy Administrator, Regional Operations, MPIO**, provides leadership and direction to the regional directors for the administration of the Indirect Assistance Program to State agencies.

3. **Regional Directors, MPIO**, shall:

- a. Ensure that Federal and State programs are operated following FSIS civil rights requirements.
- b. Review annually the Applications for Federal Assistance (Form AD-623) from State agencies to assure that Part V, Assurances, is included.
- c. Provide advice and assistance to State officials on civil rights matters.
- d. Assign and monitor resource allocations and staff years to administer the Civil Rights Program.
- e. Provide information to the EO/CR Staff to meet reporting requirements and to process discrimination complaints.

4. **Director, EO/CR Staff**, shall:

- a. Manage the Civil Rights Program for FSIS and advise the Administrator and other management officials on civil rights matters.

b. Formulate FSIS's plans, policies, and procedures for a nationwide Civil Rights Program.

c. Serve as a liaison with USDA for the Civil Rights Program and coordinate complaints of discrimination and matters of compliance with management officials and OAE.

d. Coordinate the development of reports and specific information requests pertaining to the program.

e. Review instructions for new and revised program regulations to ensure compliance and conformance with FSIS policy on nondiscrimination.

f. Provide assistance to management officials in developing and administering provisions of the civil rights laws, regulations, and this directive.

5. **Director, Information and Legislative Affairs**, shall ensure that FSIS publications, used by the industry, State agencies, and consumers, contain the nondiscrimination statement. (See Part Three, subparagraph I.C.)

## IX. **DEFINITIONS**

### A. **Applicant.**

1. A person, firm, or corporation applying for inspection services.

2. Any State agency which submits an application for FSIS's approval as a condition of eligibility for Federal financial assistance. .

B. **Assurance.** A contractual agreement in which a State legally agrees (enters into a contract) to administer the Federal Assistance program according to the Civil Rights Act of 1964 and as defined in USDA Regulations 7 CFR 15.

C. **Beneficiaries.** Those persons, firms, or corporations to whom program assistance and services are ultimately provided by FSIS or a State agency.

D. **Civil Rights Act and Regulations.** Title VI of the Civil Rights Act of 1964 and other authorities as outlined in paragraph IV.

E. **Complainant.** Any person, firm, or establishment that alleges discrimination in the delivery of inspection services provided by FSIS or a State agency.

F. **Complaint.** A verbal or written allegation which indicates that a FSIS or State inspection program is administered or operated in a manner that results in disparity of treatment or services being provided to persons or a group of persons because of their race, religion, color, national origin, age, sex, or handicap.

G. **Compliance Reviews.** Internal or external evaluations of FSIS and State agencies to determine compliance with civil rights laws and regulations.

H. **Discrimination.** To make any distinction among persons or groups of persons, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, national origin, age, religion, sex, or handicap.

I. **Investigation.** Formal gathering of facts/information by the OAE that will refute or substantiate an allegation of discrimination.

J. **Noncompliance.** The finding that any civil rights requirement as interpreted by this directive has not been satisfied.

K. **Office of Advocacy and Enterprise.** The USDA organizational unit authorized to develop and administer a comprehensive program to assure non-discrimination in all aspects of USDA programs under civil rights laws and regulations.

L. **Post-Award Compliance Review.** A civil rights review that is conducted as a routine part of monitoring to determine civil rights compliance. These may also be special in-depth reviews as determined by the knowledge or identification of civil rights problems.

M. **Pre-Award Compliance Review.** A desk review of a State agency's application for assistance to ensure that the Civil Rights Assurance Statement is attached. The review and approval of the assurance statement must take place before the application is approved.

N. **Preliminary Inquiry.** An informal gathering of information that will refute or substantiate an allegation of discrimination.

O. **Recipient.** Any State agency that receives Federal assistance directly from FSIS and expends those funds to administer a State inspection program.

P. **Service Delivery Point.** The place in which FSIS assisted programs and/or services are administered; i.e., State agency or FSIS field office.

Q. **Single Audit Act.** The law that requires OIG audits to cover both a financial and compliance review. The audit includes the examination of all terms and conditions of the Indirect Assistance Program and related laws and regulations.

**PART TWO -- INTERAGENCY COORDINATION AND  
RESPONSIBILITIES**

**I. COORDINATION**

FSIS shall seek interagency coordination of responsibilities for civil rights compliance activities to:

- A. Meet the requirements of the Single Audit Act of 1984.
- B. Avoid duplication of effort by Federal agencies, providing assistance to the same recipients.
- C. Provide for the most efficient use of Agency resources.

**II. DELEGATION**

OIG conducts civil rights compliance reviews as required by the Single Audit Act of 1984 and OMB Circular A-128, Audits of State and Local Governments. The auditor prepares a report summarizing the scope of work performed in regards to testing the compliance of State agencies with terms and conditions of the Federal Assistance Program. Problems or exceptions identified during the audit are referred to the Administrator for resolution.

**PART THREE -- ADMINISTRATION OF DIRECT AND  
INDIRECT ASSISTANCE PROGRAMS**

**I. PUBLIC NOTIFICATION SYSTEM**

FSIS and State agencies shall administer the following program components as required by USDA regulations. The purpose of this system is to inform beneficiaries and applicants of their program rights and responsibilities, the policy of nondiscrimination and the procedure for filing a complaint. The public notification system shall include the following three basic elements:

A. **Program Notification.** FSIS and recipients (State agencies) shall take specific action to inform applicants of their program rights and responsibilities and the steps necessary for participation.

B. **Complaint Information.** Beneficiaries shall be advised at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.

C. **Nondiscrimination Statement.** All information used by FSIS and recipients to inform the public about inspection services shall contain a nondiscrimination statement which reads similar to the following:

**"This is an equal opportunity program. If you believe you have been discriminated against because of race, color, national origin, age, sex, religion or handicap, write immediately to the Secretary of Agriculture, or Administrator, FSIS, Washington, D.C. 20250."**

**II. METHODS OF PUBLIC NOTIFICATION**

FSIS and recipients shall take the following actions to inform the general public about inspection services and applicable civil rights requirements:

A. Prominently display the USDA civil rights poster, "And Justice for All" in FSIS and State offices. Alternative means of providing the nondiscrimination statement and complaint filing information may be used at service delivery points. All alternatives shall be approved by the Director, EO/CR Staff.

B. Inform beneficiaries, applicants, and consumers of new programs or changes in existing programs. This information can be communicated by newspaper articles, radio and television announcements, letters, publications, directives and notices.

C. Include a statement that the program is available without regard to race, color, national origin, age, sex, handicap, or religion on all publications, posters, and informational materials provided to the public. The statement in subparagraph I. C. shall be in a prominent place on each publication and in bold type print.

D. All photographs and other graphics used to provide information pertaining to FSIS or State inspection services shall convey the message of equal opportunity and display beneficiaries of different races, colors, national origins, and both genders.

### III. **COMPLAINTS OF DISCRIMINATION**

See Part Five.

### IV. **DATA COLLECTION AND REPORTING**

The EO/CR staff will determine the need for establishing and maintaining a system to collect racial/ethnic/gender data for beneficiaries and/or applicants. Operating procedures will be approved by the Administrator and communicated to FSIS and State officials if a positive determination is made.

### V. **CIVIL RIGHTS TRAINING**

A. Civil rights training is required for managers, supervisors, and employees with civil rights responsibility. Training is provided on an annual basis as determined by EO/CR Staff. The periodic training is designed as an effective method to develop such qualities as awareness, sensitivity, and objectivity to contribute to the effectiveness of the Agency's Civil Rights Program.

B. Civil rights training will include but not be limited to:

1. Identifying laws, rules, and regulations pertinent to civil rights.
2. Identifying specific actions which may be taken to eliminate discrimination in the delivery of USDA programs/services.
3. Processing and resolving discrimination complaints.
4. Reviewing and monitoring the results of compliance reviews.

C. The EO/CR Staff shall coordinate with regional directors the inclusion of State officials in FSIS sponsored civil rights training.

### VI. **WRITTEN ASSURANCE STATEMENT**

A. To qualify for Federal assistance, applications from State agencies must include a written assurance that the program or facility to receive assistance will:

1. Operate in compliance with Title VI of the Civil Rights Act of 1964 and other applicable laws, regulations, this directive, and
2. Implement nondiscrimination regulations. (See Form AD-623, Part V.)

B. The Civil Rights Assurance Statement has been incorporated in each Federal/State cooperative agreement. This agreement permits authorized USDA personnel to review such records, books, and accounts as needed during normal working hours to ascertain compliance. A sample assurance statement is included in Attachment 3-1.

VII. **ANNUAL IMPLEMENTATION PLAN**

A. **Preparation.** The EO/CR Staff shall prepare the annual implementation plan. The plan shall provide specific information on civil rights compliance activities. The following shall be included in the plan:

1. Sites and dates of internal field reviews.
2. Training of FSIS employees with civil rights responsibility.
3. Staff allocations.

B. **Submission.** The EO/CR Staff will submit the implementation plan to the Administrator for approval. The approved plan shall be submitted to OAE and applicable FSIS officials.

**CIVIL RIGHTS ASSURANCES STATEMENT**  
**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**Food Safety and Inspection Service**

During the performance under this agreement, the Cooperator and/or State Agency agrees to:

Comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), Section 504 of the Rehabilitation Act of 1973 (P. L. 93-112), Age Discrimination Act of 1975 (P.L. 94-135) and all requirements imposed by the regulations of the Department of Agriculture (7 CFR Part 15), Department of Justice (28 CFR Parts 42 and 50) and FSIS directives or regulations issued pursuant to that Act, as amended, and the regulations, to the effect that, no person in the United States shall, on the ground of race, color, national origin, age, or handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the State agency received Federal assistance from the Department; and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

This agreement permits authorized USDA personnel to review such records, books, and accounts as needed during normal working hours to ascertain compliance. .

This assurance is given in consideration of and for the purpose of obtaining any and all allotments of Federal funds or other assistance extended after the date hereof to the recipient by the United States Department of Agriculture for the meat and poultry inspection program. This assurance is binding on the Cooperator and/or State Agency, its successors, transferees, and assignees. It is intended that the United States Department of Agriculture may rely on -this assurance in providing such assistance, and that the United States shall have the right to seek its judicial enforcement.

**PART FOUR -- INTERNAL AND EXTERNAL COMPLIANCE REVIEWS**

**(RESERVED)**

## PART FIVE -- COMPLAINTS OF DISCRIMINATION

### I. GENERAL

A. FSIS shall establish and maintain a system for processing and resolving complaints of discrimination which complies with Departmental regulations. All complaints alleging discrimination on the basis of race, color, religion, national origin, age, sex, or handicap, either written or verbal, shall be processed within the time frames established by the Departmental regulations.

B. Regardless of where the complaint is filed, it must be forwarded immediately to the Director, EO/CR Staff, for submission to OAE. OAE will:

1. Determine how the complaint will be handled.
2. Prepare and issue letters of acknowledgment to the complainants.

C. A preliminary inquiry or an investigation will be conducted on all valid complaints to substantiate or refute the allegations.

### II. PROCEDURE FOR PROCESSING AND RESOLVING COMPLAINTS OF DISCRIMINATION

A. **Right to File a Complaint.** Any applicant or beneficiary of FSIS or State inspection services alleging discrimination based on race, color, religion, national origin, age, sex, or handicap has a right to file a complaint with the Secretary, USDA, or Administrator, FSIS, **within 180 days** of the alleged discriminatory action. Under special circumstances this time limit may be extended by OAE.

B. **Acceptance.** All complaints, written or verbal, shall be accepted and forwarded to the EO/CR Staff. It is necessary that the information be sufficient to determine the identity of the applicant or beneficiary, and indicate the possibility of a violation. Anonymous complaints should be handled as any other complaints. Only the Associate Director, OAE, can reject a complaint because the allegations are not covered by the requirements of Departmental regulations.

C. **Verbal Complaints.** When an applicant or beneficiary alleges discrimination, verbally or through a telephone conversation and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made shall write up the elements of the complaint for the complainant. Every effort should be made to have the complainant provide the following information:

1. Name, address, and telephone number or other means of contacting the complainant.

2. The specific location and name of the FSIS or State official delivering the service or benefit.

3. The nature of the incident or action that led the complainant to feel discrimination was a factor, and an example of the method of administration which is having a disparate effect on the public, potential participants, or participants.

4. The basis on which the complainant feels discrimination exists (race, color, national origin, age, religion, sex, or handicap). See Part One, paragraph V., subparagraphs D. G. and H. for the prohibited basis of discrimination for the Indirect and Direct Assistance Programs.

5. The names, titles, and business addresses of persons who may have knowledge of the discriminatory action.

6. The date(s), during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.

D. **Preliminary Inquiry or Investigation.** OAE determines if an investigation or a preliminary inquiry will be conducted.

1. **Preliminary Inquiry.**

a. **Deputy Administrators and State officials.** shall

(1) Direct a preliminary inquiry on all complaints, within their area of responsibility and referred by OAE, within 30 working days of the OAE request.

(2) Review the written report of the inquiry with respect to the, specific allegations of the complaint and include a summary of all interviews and record examinations.

(3) Submit the report of the inquiry with suggested corrective action or recommendations to the Administrator.

b. **Administrator** shall:

(1) Review and approve the preliminary inquiry report.  
to OAE.

(2) Submit the report to the EO/CR Staff for transmittal

c. **Director, EO/CR Staff** shall:

(1) Submit to OAE, if no finding of discrimination is substantiated, a copy of the preliminary inquiry report, a letter recommending closure, and a proposed closing letter to the complainant with copies to the appropriate Deputy Administrator and/or State official.

(2) Prepare an executive summary of the preliminary inquiry report containing findings and recommended corrective action if the report shows findings of discrimination, noncompliance with civil rights regulations or program deficiencies.

(3) Submit the executive summary and the proposed corrective action through the Administrator to OAE for approval. Forward copies to the appropriate Deputy Administrator and/or State official.

(4) Submit a request, to the appropriate Deputy Administrator and/or State official, that corrective action be taken within 30 days.

(5) Review the corrective action implemented and prepare the closing correspondence if the corrective action is appropriate.

**2. Investigations..**

**a. Associate Director, OAE, will:**

(1) Investigate all complaints of discrimination not referred for preliminary inquiry.

(2) Send the Notice of Investigation to the EO/CR Staff.

(3) Prepare and forward copies of the investigation report to the EO/CR Staff after the investigation is completed.

(4) Determine the adequacy of corrective action to remedy cases of noncompliance.

**b. Director, EO/CR Staff shall:**

(1) Immediately forward a copy of the Notice of Investigation to the appropriate Deputy Administrator and/or State official.

(2) Review and analyze the investigation report to determine whether the report provides evidence of discrimination or civil rights noncompliance.

(3) Submit to CAE, if no finding of discrimination is substantiated, a letter recommending closure and a proposed closing letter to the complainant with copies to the appropriate Deputy Administrator and/or State official. .

(4) Prepare an executive summary of the investigation report containing findings and recommended corrective action if the report shows findings of discrimination, noncompliance with civil rights regulations, or program deficiencies. .

(5) Submit the executive summary and the proposed corrective action through the Administrator to OAE for its approval.

(6) Submit a request, to the appropriate Deputy Administrator and/or State official that corrective action be taken within 30 days.

(7) Review the corrective action implemented and prepare the closing correspondence if the corrective action is appropriate.

E. **Closing Letter to Complainant.** The proposed closing letter is prepared for the signature of the Associate Director, OAE, and should contain the following:

1. A brief description of the allegation(s).
2. The scope of the inquiry or investigation conducted.
3. The facts and information from the inquiry or investigation report which refute or substantiate each allegation.
4. A closing statement summarizing the basis on which the determination was made.

F. **Closing the Complaint File.** OAE is responsible for closure of all Title VI complaint files. Upon receipt of the signed copies of the closure letters, the EO/CR Staff forwards the letter to the appropriate Deputy Administrator and/or State official.



Administrator