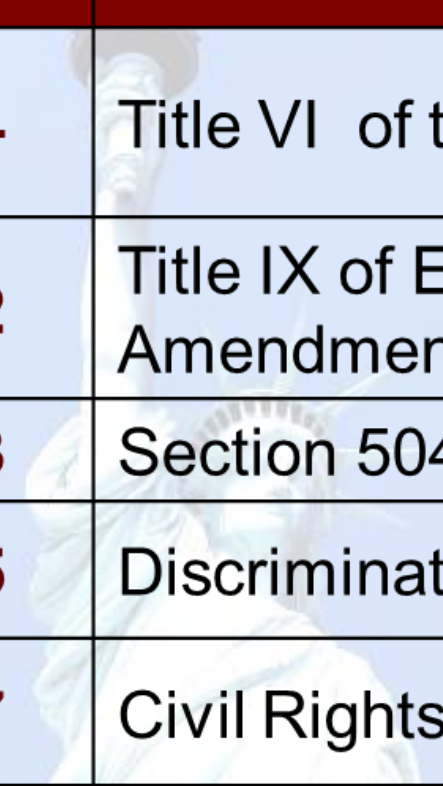


Civil Rights Training for Providers

**Child and Adult Center Food Program (CACFP/At-Risk)
Summer Food Service Program (SFSP)**

(revised 10/2021)



YEAR	ANTI-DISCRIMINATION LAW	PROTECTED CLASS
1964	Title VI of the Civil Rights Act	Race, Color, National Origin
1972	Title IX of Education Amendments	Sex
1973	Section 504 of Rehab. Act	Disability
1975	Discrimination Act	Age
1987	Civil Rights Restoration Act	

Civil Rights Law



Goals of Civil Rights

- Equal treatment for all applicants and beneficiaries
- Knowledge of rights and responsibilities
- Elimination of illegal barriers that prevent or deter people from receiving benefits
- Dignity and respect for all

What is Discrimination?



The act of distinguishing one person or group of persons from other, either intentionally, by neglect, or by the effect of actions or lack of actions based on their protected classes.

What Is a Protected Class?



Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order.

- Race
- Color
- National Origin
- Sex
- Age
- Disability

Six Protected Classes

Discrimination = Four D's

...an individual or group that is:

- **Denied** benefits or services that others receive
- **Delayed** receiving benefits or services that others receive
- Treated **Differently** than others to their disadvantage
- Given **Disparate** treatment something which does not seem discriminatory, but has a discriminatory impact in practice

Examples of Discrimination



- ◆ Refuse a participant's enrollment based on disability
- ◆ Failure to provide reasonable accommodations to disabled individuals
- ◆ Serving meals at a time, place, or manner that is discriminatory
- ◆ Selectively distributing applications and income forms
- ◆ Failure to provide the same eligibility criteria to all participants
- ◆ Failure to provide foreign language materials regarding CACFP

A faint, light blue image of the Statue of Liberty is visible in the background on the left side of the slide.

Components of Civil Rights Compliance

- ◆ Public Notification System
- ◆ Outreach and Education
- ◆ Data Collection
- ◆ Reasonable Accommodations
- ◆ Language Assistance
- ◆ Civil Rights Complaint Procedures
- ◆ Conflict Resolution

Equal Access

A faded, light-colored image of the Statue of Liberty is visible in the background on the left side of the slide. The statue is shown from the waist up, holding the torch in her right hand and the tablet in her left. The background is split into a light blue upper half and a light gray lower half.

- All participants who attend must be provided equal access to the benefits of the CACFP.
- To withhold the program from any eligible age group is *age* discrimination.

Public Notification

Must include information on:

- Eligibility
- Benefits & Services (i.e. free or reduced price meals)
- Program availability
- Applicant rights and responsibilities
- Procedures for filing a complaint
- Non-discrimination policies
- Any programmatic changes (i.e. changing location of a meal site)

Methods of Public Notification

- **Public Release – Issued by State Agency**
 - Inform the general public that your agency sponsors the CACFP and that meals are provided at no separate charge.
- **Post “And Justice for All” Poster (required)**
 - Includes the USDA’s required nondiscrimination statement and lists the USDA contact information for filing a complaint of discrimination.
- **Other methods of public notification (optional):**
 - Bulletins
 - Letters/Leaflets/Brochures
 - Internet/Computer-based Applications

“And Justice for All” Poster

- All agencies participating in Child Nutrition Programs must display the USDA’s non-discrimination poster in a prominent area where participants and potential participants have access
 - Examples: cafeteria/food service area, office, centrally located bulletin board for parents to see
- Must be posted at every site
- Must be 11” x 17” format



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, 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:

mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

fax:
(202) 690-7442 or (202) 690-7442;

Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, edad, discapacidad, venganza o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles (no todos los principios de prohibición aplican a todos los programas).

La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (202) 720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD 3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en cualquier oficina del USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

correo postal:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; o

fax:
(202) 690-7442; o

Public Notification System

- All organizations participating in the CACFP must provide informational materials in the appropriate translation concerning the availability and nutritional benefits of the program
- **News Media Release:** Required to be done for all participating in the CACFP.

Outreach and Education



- ◆ You want to reach as many potential participants as possible.
- ◆ You want to ensure program access.
- ◆ You need to pay attention to under-represented groups.
- ◆ Include the required nondiscrimination statement on all appropriate FNS and agency publications, web sites, posters, and informational materials.
- ◆ When using graphics, reflect diversity and inclusion.

Required Non-
Discrimination
Statement
Language
Guidance
Memorandum 8

Non-Discrimination Statement – 10/15 Revision

- 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, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

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 Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

Continue to next slide for the required complaint filing procedure that goes with this non-discrimination statement.

Required Non-Discrimination Statement Language
(Cont'd)
Guidance Memorandum 8

16

Complaint Filing Procedure – 10/15 Revision

To file a program complaint of discrimination, 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

This institution is an equal opportunity provider.

This complaint filing procedure must be included with the USDA non-discrimination statement on previous slide.

Required Non-Discrimination
Statement
Language

↳

Required Non-Discrimination
Statement Language

If the material or document is too small to permit the full statement (previous 2 slides) to be included, the material **MUST**, at a minimum, include:

17

“This institution is an equal opportunity provider.”

Collecting and Recording Participation Data

- Ethnic/Racial data is used to determine how effectively your program is reaching potentially eligible participants and where outreach may be needed.
- Establish a system to collect ethnic and racial data on an annual basis
- Program applicants may not be required to furnish ethnicity and race
 - You may inform the household, however, that collection of this information is strictly for statistical reporting and has no influence on eligibility determination for the program.
- Data collectors may not second guess, change, or challenge a self-declaration of ethnicity/race made by a participant unless such declarations are blatantly false

Data Collecting and Reporting

Collect ethnic data first, then racial data

1. **Ethnicity categories:**

- Hispanic or Latino
- Non-Hispanic or Non-Latino

2. **Racial categories (instructions should specify “mark one or more”)**

- American Indian or Alaskan Native
- Asian
- Black or African American
- Native Hawaiian or other Pacific Islander
- White

Obtain ethnic/racial data through

- **Voluntary self-identification or self-reporting (*preferred method*)**

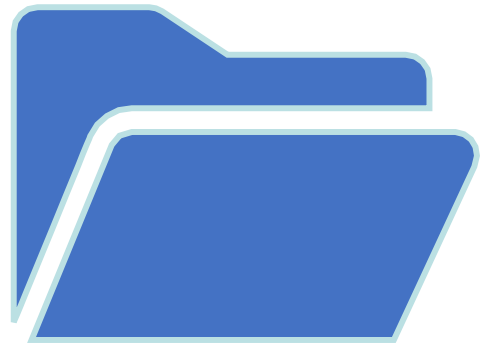
Income Statement:

The Income Statement form completed by each household annually has a section for the household to identify their ethnic and racial data (households are not required to complete this)

- **If a household does not provide racial/ethnic information, you may use one of the following methods:**
 - Visual identification by a center official
 - Personal knowledge, records or other documentation your agency possesses that identifies household ethnic/racial data.

Data Management

- **Collection systems must ensure that data collected/retained are:**
 - Collected and retained by each program site
 - Kept secure and confidential
 - Submitted, if requested, Headquarters Offices
 - Kept on file for 5 years plus the current program year
 - Identify all sources of information used



Reasonable Accommodations for Persons with Disabilities

22

Providing Food Substitutions

A disability is defined as any physical or mental impairment substantially limiting one or more “major life activities”, including digestion.

This includes food allergies and intolerances.

- Programs are **required** to reasonably accommodate participants whose disabilities restrict their diets by providing substitutions or modifications for their meals, when supported by a proper medical statement

The medical statement must:

- (1) Be from a licensed healthcare professional authorized to write medical prescriptions
*These are:
Licensed Physicians; Physician Assistants; and Advanced Practice Nurse Prescribers (APNP)*
- (2) Include how to accommodate it, what foods must be omitted, and what foods to provide as substitutions

Limited English Proficiency (LEP)

Definition:

- ◆ Individuals who do not speak English as their primary language and have limited ability to read, speak, write, or understand English.
- ◆ Recipients of Federal financial assistance have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with LEP.

Limited English Proficiency (LEP)

- ◆ Participants should not be used as interpreters.
- ◆ Volunteers may be used, but make sure they understand interpreter ethics – particularly confidentiality!
 - Example: Staff with Spanish language skills could assist a household in completing an application but would need to be trained on the importance of keeping all information received from the household confidential

A shortage of resources does not eliminate the translation requirement

Suggestions:

- **Share resources to save money**
 - Use interpreter from another area
 - Train bilingual staff to be interpreters
 - Contact grassroots organizations to discuss translation or assistance from within the community

- **Language line phone services may be available for a subscription fee through your local telephone service provider**

Right to File a Complaint

Any person who believes he or she or someone he/she knows has been discriminated against based on Federal protected classes (i.e. National origin, race, etc.) has a right to file a complaint within **180 days** of the alleged discriminatory action.

- Complainants should complete the *USDA Program Discrimination Complaint Form*:
http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf
- Complainants may contact both of the following offices to register a complaint:

USDA- Office of the Assistant Secretary for Civil Rights: Refer to slide 16 for the address, fax number, and email address.

AR Department of Human Services: Division of Child Care and Early Childhood Education , Health and Nutrition Unit , 700 Main Street | Little Rock, AR 72201, Phone: (501) 320-8869, Fax: (501) 682 - 2334

Handling Civil Rights Complaints



- ◆ Complaints can be written or verbal
- ◆ Anonymous complaints should be handled as any other complaint
- ◆ Sponsors can give complainants a *Civil Rights Complaint Form* to complete (slide 24 has web link)
- ◆ Document all potential complaints in a *Civil Rights Complaint Log*
- ◆ Have a central location where the *Civil Rights Complaint Forms* and *Civil Rights Complaint Log* will be kept

The following information should be included in a Civil Rights Complaint

- ◆ Name, address, phone number of complainant, if provided (not required)
- ◆ Specific name and location of entity delivering the benefit or service
- ◆ The nature of the incident, action, or method of administration that led the complainant to feel discriminated against

The following information should be included in a Civil Rights Complaint (Continued)

- ◆ The basis on which the complainant feels discrimination exists (race, color, national origin, sex, age, or disability)
- ◆ The names, titles, and business addresses of persons who may have knowledge of the discriminatory action
- ◆ The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions

Civil Rights Training for Agency Staff

- ◆ All staff who work with the CACFP must receive training on all aspects of civil rights compliance annually
- ◆ Topics:
 - What is Discrimination?
 - Collecting/recording racial/ethnic data
 - Where to display posters
 - What is a Civil Rights complaint
 - How to handle a Civil Rights complaint
- ◆ Retain training records of the people who received civil rights training



Civil Rights “Must Do List”

- ❑ Provide the CACFP in a nondiscriminatory manner
- ❑ Must offer meals to all participants in care and provide meal substitutions to participants with disabilities
- ❑ Prominently display the “*And Justice for All*” poster
- ❑ Non-discrimination statement & complaint filing procedure must be on all printed materials available to the public which mention USDA and/or CACFP, including websites
- ❑ Annually complete the Ethnic and Racial Data Form
- ❑ Post and/or distribute the *Building for the Future* flier to all families

Civil Rights “Must Do List”

- Provide informational materials in the appropriate translation concerning the availability and nutritional benefits of the CACFP
- Train staff annually on Civil Rights and provide documentation of completion (certificate or sign-in sheet)
- Develop & fully implement your Civil Rights Complaint Procedure
- Make available to all staff: Civil Rights complaint procedure
- After reporting a complaint to the USDA, refer all Civil Rights complaints to AR DHS HNU as well



**Thank you for
attending the Civil
Rights Training!!**