



Civil Rights Requirements



NUTRITION PROGRAM, INC.

3145 Hickory Hill Road, Suite 103B | Memphis TN 38115

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



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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.



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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
- Disability
- Age



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Discrimination = Four D's

...an individual or group 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 child'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

Components of Civil Rights Compliance

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

Equal Access

- All children who attend a day care must be provided equal access to the benefits of the CACFP.
- Infants must be offered infant formula and food at the center, and parents cannot be asked or required to supply these items.
- To withhold the program from any eligible age group is *age* discrimination.

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Public Notification

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 (required)**
 - 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 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, parent bulletin board
- Must be posted at every site
- Must be 11” x 17” format



Obtaining “And Justice For All”

Posters

- **"And Justice for All"** poster is available to download from the USDA website for temporary use

(<http://www.rma.usda.gov/aboutrma/civilrights/poster.html>)

- TDHS provides posters to centers free of charge. To order posters for permanent use, contact your assigned Consultant.



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
 - ♦ Annually submit to local news media outlet (newspaper)
 - ♦ Keep copy on file stating where and when submitted

Public Notification System

- Parental Notification (“Building for the Future) Flier (newly revised 6-10)

Building For the Future

This day care facility participates in the Child and Adult Care Food Program (CACFP), a Federal program that provides healthy meals and snacks to children receiving day care.

Each day more than 2.6 million children participate in CACFP at day care homes and centers across the country. Providers are reimbursed for serving nutritious meals which meet USDA requirements. The program plays a vital role in improving the quality of day care and making it more affordable for low-income families.

Meals CACFP homes and centers follow meal requirements established by USDA.

Breakfast	Lunch or Supper	Snacks (Two of the four groups.)
Milk Fruit or Vegetable Grains or Bread	Milk Meat or meat alternate Grains or bread Two different servings of fruits or vegetables	Milk Meat or meat alternate Grains or bread Fruit or vegetable

Participating Facilities Many different homes and centers operate CACFP and share the common goal of bringing nutritious meals and snacks to participants. Participating facilities include:

- **Child Care Centers:** Licensed or approved public or private nonprofit child care centers, Head Start programs, and some for-profit centers.
- **Family Day Care Homes:** Licensed or approved private homes.
- **After-school Care Programs:** Centers in low-income areas provide free snacks to school-age children and youth.
- **Homeless Shelters:** Emergency shelters provide food services to homeless children.

Eligibility State agencies reimburse facilities that offer non-residential day care to the following children:

- children age 12 and under,
- migrant children age 15 and younger, and
- youth through age 18 in afterschool care programs in needy areas.

Contact Information If you have questions about CACFP, please contact one of the following:

Amanda S. Kane, Director
Community Nutrition Programs
Wisconsin Department of Public Instruction
P.O. Box 7841
Madison, WI 53707-7841
608-267-9129

Your contact info here:

Agency name
AR name
Phone number
Address

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Outreach and Education

Outreach and Education

- ◆ You want to reach as many potential children 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.



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Outreach and Education

Include non-discrimination statement on all materials that mention or imply CACFP and/or USDA programs (including websites)

Required Non-Discrimination Statement Language

Guidance Memorandum #8C (Rev. June 2010)

“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

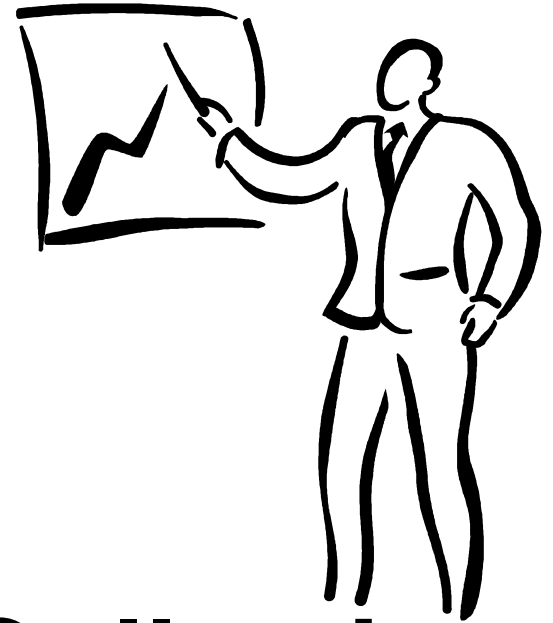
To file a complaint of discrimination, write USDA, Director, Office of Civil Rights (Office of Adjudication), 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). TDD users can contact USDA through local relay or the Federal Relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice users). USDA is an equal opportunity provider and employer.

Required Non-Discrimination Statement Language

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

“This institution is an equal opportunity provider.”

CACFP Website - Guidance Memos:
<http://dpi.wi.gov/fns/centermemos.html>



Racial/Ethnic Data Collection



Why do I have to collect racial and ethnic data?

Racial/ethnic data is used to determine how effectively your program is reaching potentially eligible children and where outreach may be needed.

Collecting and Recording Participation Data

- Establish a system to collect racial and ethnic 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 racial/ethnic data through

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

Income application: Household applications that are completed each year and submitted to the center have a section for the household to identify their racial and ethnic data (households are not required to complete this)

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

Racial or Ethnic Data Form

COMPLETE AND RETAIN ON FILE – DO NOT SUBMIT TO THE DPI

RACIAL or ETHNIC DATA FORM

Agency Name: _____

Site Name (if different): _____

Address: _____

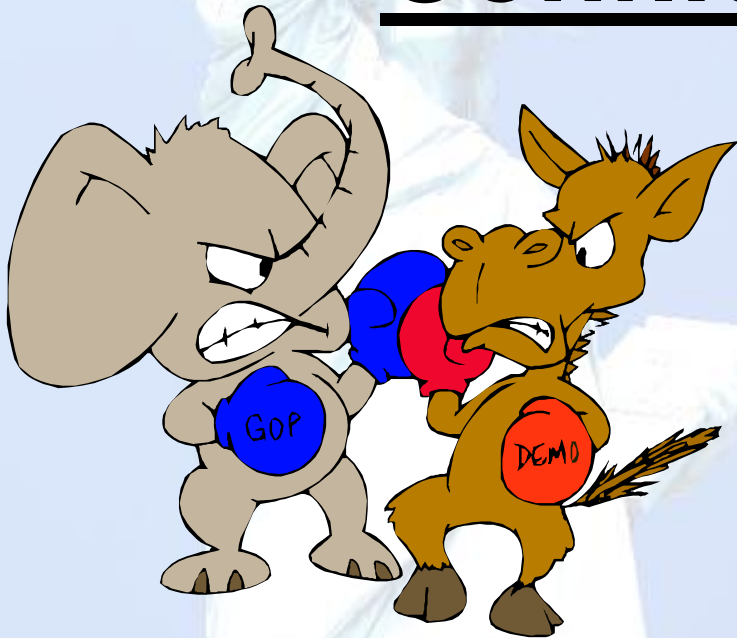
Ethnic Categories	Number of Participating Children
Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino."	
Not Hispanic or Latino	
Racial Categories	
American Indian or Alaskan Native. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.	
Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.	
Black or African American. A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."	
Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.	
White. A person having origins in any of the original peoples of Europe, the Middle East or North Africa.	
Site Supervisor OR Authorized Representative Signature	Date

See Back for Instructions

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, to FNS Regional or Headquarters Offices
 - Kept on file for **5** years plus the current program year
 - Identify all sources of information used

Conflict Resolution



Conflict Resolution

- **The USDA recommends using an Alternative Dispute Resolution (ADR) program**

ADR Definition: use of a neutral third party (usually a person acting as a facilitator) to resolve informally a complaint of discrimination through use of various techniques such as fact finding, mediation, peer panels, facilitation, ombudsman support, or conciliation.

Visit

<http://www.fas.usda.gov/Admin/civilrights/conflictres.asp> for more information.

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Reasonable Accommodation of Persons with Disabilities

Providing Menu Item Substitutions

- **USDA regulations only require substitutions or modifications in CACFP meals for children whose disabilities restrict their diets based on a licensed physician's assessment**
Example: food allergies causing life-threatening anaphylactic reactions
- **Disabilities must be documented by a physician's statement**
Physician statement must: state the name of the child's disability, identify how it limits one of the major life activities, specify foods the child cannot have and the foods to be substituted.
- **Generally, children with food allergies or intolerances do not have a disability. The center may, but is not required to, make food substitutions under these circumstances.**
Example: lactose intolerance, sensitivity to food additives

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Language Assistance

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)

- ◆ Children should not be used as interpreters.
- ◆ Volunteers may be used, but make sure they understand interpreter ethics – particularly confidentiality!
 - Example: Spanish teacher 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

Limited English Proficiency (LEP)

- ◆ Household applications in other languages can be found at:

www.fns.usda.gov/cnd/Care/Translations/Meal_Benefit_Form_Translations.htm

- ****Please note:** Tennessee is in the process of modifying the USDA application slightly to include a signature line for parents and in other languages. Each state has a specific application to collect data. Thus, in the English version and Spanish Version. Go to the USDA website to ensure that you have all necessary information listed.
- Contact your assigned Consultant with questions.
- See www.lep.gov for more information and resources

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**

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Complaint Procedures





Handling Civil Rights Complaints

- Centers are required to develop and implement a written procedure to handle any discrimination complaint that may be received

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 (ie. National origin, race, etc.) has a right to file a complaint within **180 days** of the alleged discriminatory action.

Complainants may contact any of the following offices to register a complaint:

1. USDA: USDA, Director, Office of Civil Rights (Office of Adjudication), 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). TDD users can contact USDA through local relay or the Federal Relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice users).

2. Wisconsin DPI: Director, Community Nutrition Programs, 125 South Webster Street, P.O. Box 7841, Madison, WI 53707-7841, (608)267-9129

Handling Civil Rights Complaints

- ◆ Complaints can be written or verbal
- ◆ Anonymous complaints should be handled as any other complaint
- ◆ All verbal or written complaints must be forwarded to the TDHS or Civil Rights Division of USDA Food and Nutrition Service within three days of receiving a complaint
- ◆ Sponsors must give complainants a *Civil Rights Complaint Form* to complete (Handout)
- ◆ 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

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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

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CIVIL RIGHTS TRAINING

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.

Customer Service





Customer Service

- All participants must be allowed equal opportunities to participate in Child Nutrition programs regardless of race, color, national origin, sex, age, or disability.
- All participants must be treated in the same manner (i.e. seating arrangements, serving lines, services and facilities, assignment of eating periods, methods of selection for application approval processes).

Understanding Differences: Respectful Language

Put the person first

- ❖ Example: USE “person with a disability”, NOT “disabled person”

http://www.kencrest.org/people_first_language.htm?gclid=CPPS9Zu2kpwCFSQeDQodKghFfA

Use culturally sensitive language

- ❖ Example: USE “Asian”, NOT “Oriental”

http://www.sideroad.com/Business_Communication/politically-correct-language.html



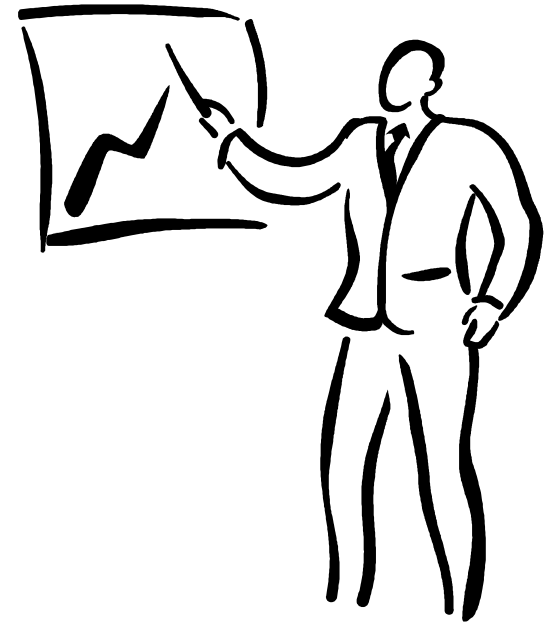
Use inclusive/respectful terms

- ❖ Example: USE “chair”, NOT “chairman”

<http://honolulu.hawaii.edu/intranet/committees/FacDevCom/guidebk/teachtip/inclusiv.htm>

Ask yourself each time you interact with participants...

- How would I want to be addressed?
- Am I treating this person in the same manner I treat others?
- Have I informed this person exactly what information I need to make a determination on the application?
- Have I given this person the opportunity to clarify all relevant factors or inconsistencies and ask questions?
- Have I provided this person with needed information to make necessary decisions?



Civil Rights Summary

Summary: Civil Rights “Must Do List”

- ❑ Provide the CACFP in a nondiscriminatory manner
- ❑ Must offer meals to all children in the day care and meal substitutions to participants with disabilities
- ❑ Distribute the Infant Meal Notification form (or other approved form) to families of all newly enrolling infants

Summary: Civil Rights “Must Do List”

- ❑ Prominently display the “*And Justice for All*” poster
- ❑ Non-discrimination statement must be on all printed materials available to the public which mention USDA and/or CACFP, including websites
- ❑ Distribute the “Building for the Future” flier to all newly enrolling families

Summary: Civil Rights “Must Do List”

- ☐ Annually complete the Civil Rights Data Collection Form
- ☐ Annually submit the News Media Release to the local news media outlet
- ☐ Provide informational materials in the appropriate translation concerning the availability and nutritional benefits of the CACFP

Summary: Civil Rights “Must Do List”

- ☐ Train staff annually on Civil Rights and complete a training form
- ☐ Develop & fully implement your Civil Rights Complaint Procedure
- ☐ Make available to all staff: Civil Rights complaint forms, Civil Rights Log and Civil Rights complaint procedure
- ☐ Refer all Civil Rights complaints to DPI or USDA

Do You Understand Now?

