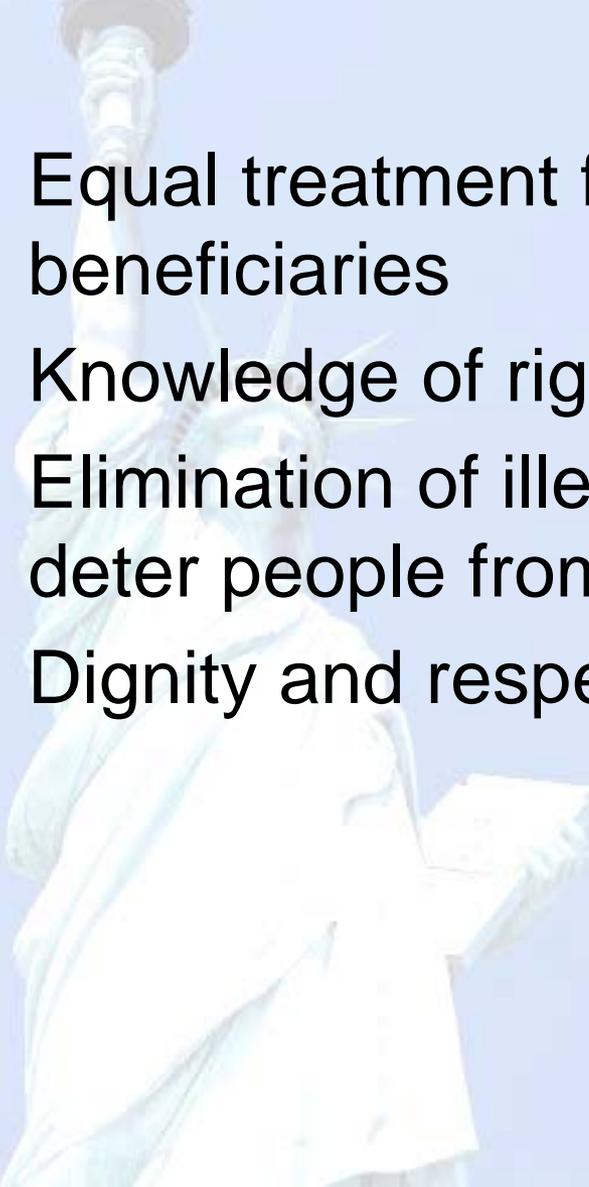


The Statue of Liberty is shown in a light blue, semi-transparent style on the left side of the slide. It is holding a torch in its right hand and a tablet in its left. The background is split vertically into a light blue left half and a white right half.

Civil Rights Requirements

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

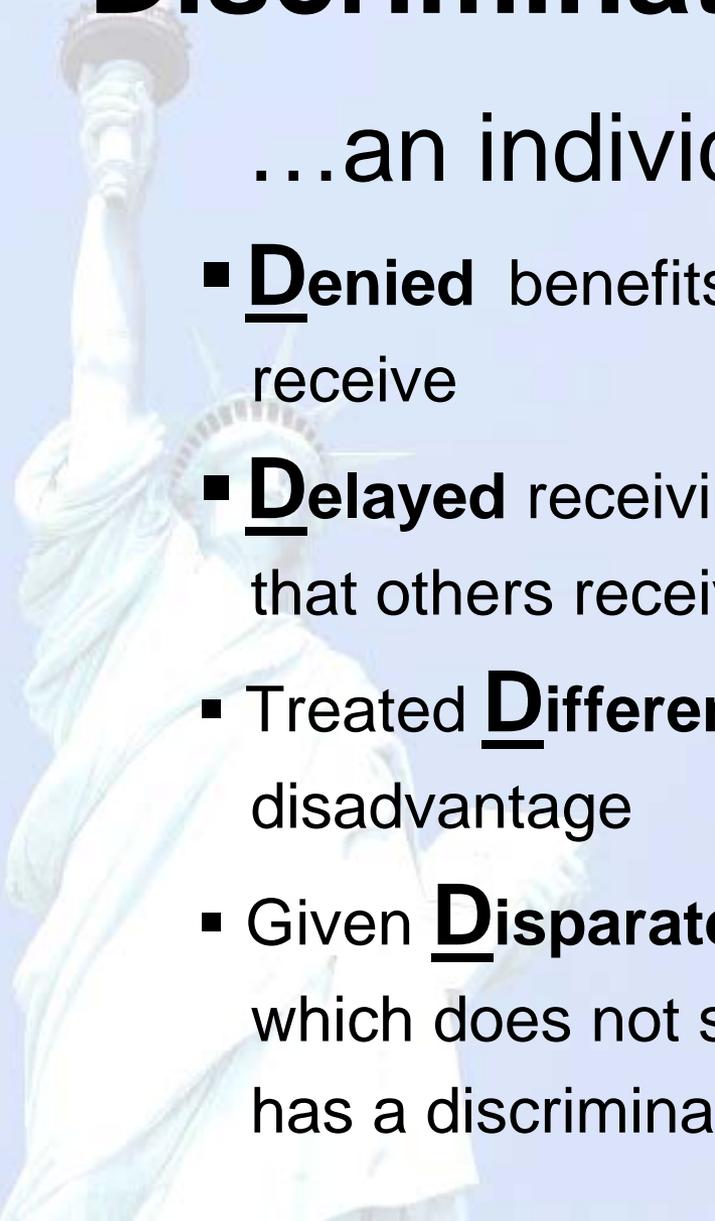
What is Discrimination?

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.

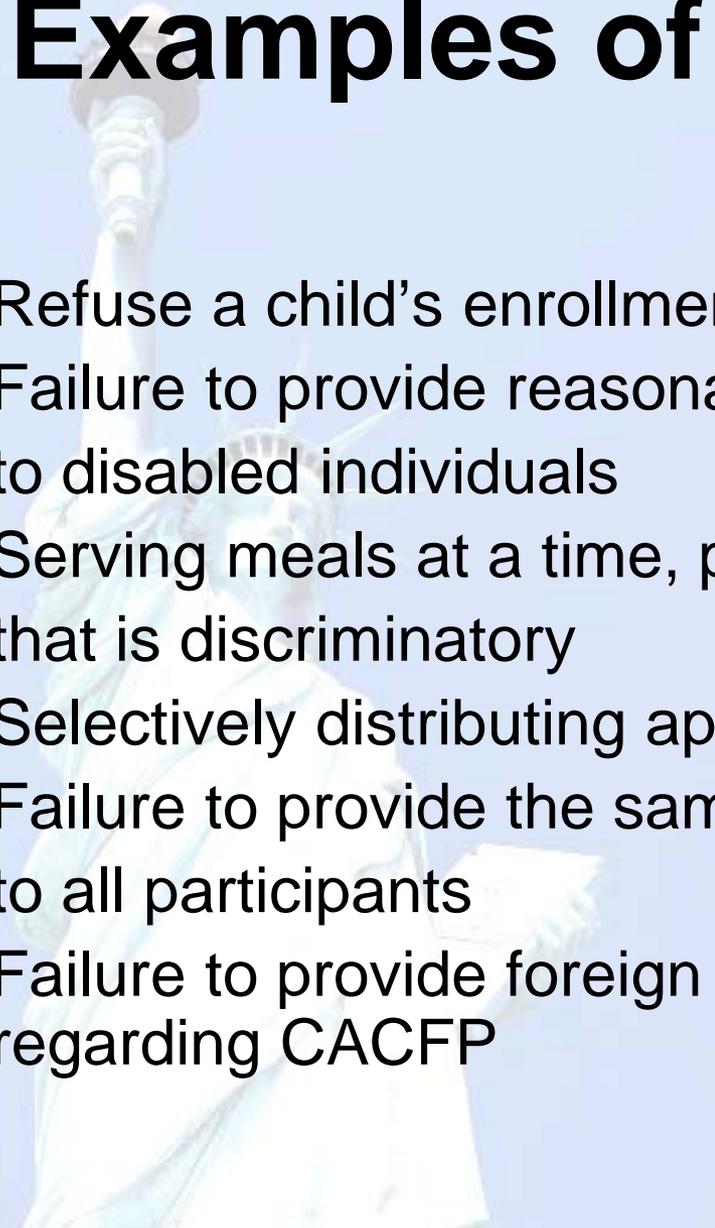
Discrimination = Four D's



...an individual or group is:

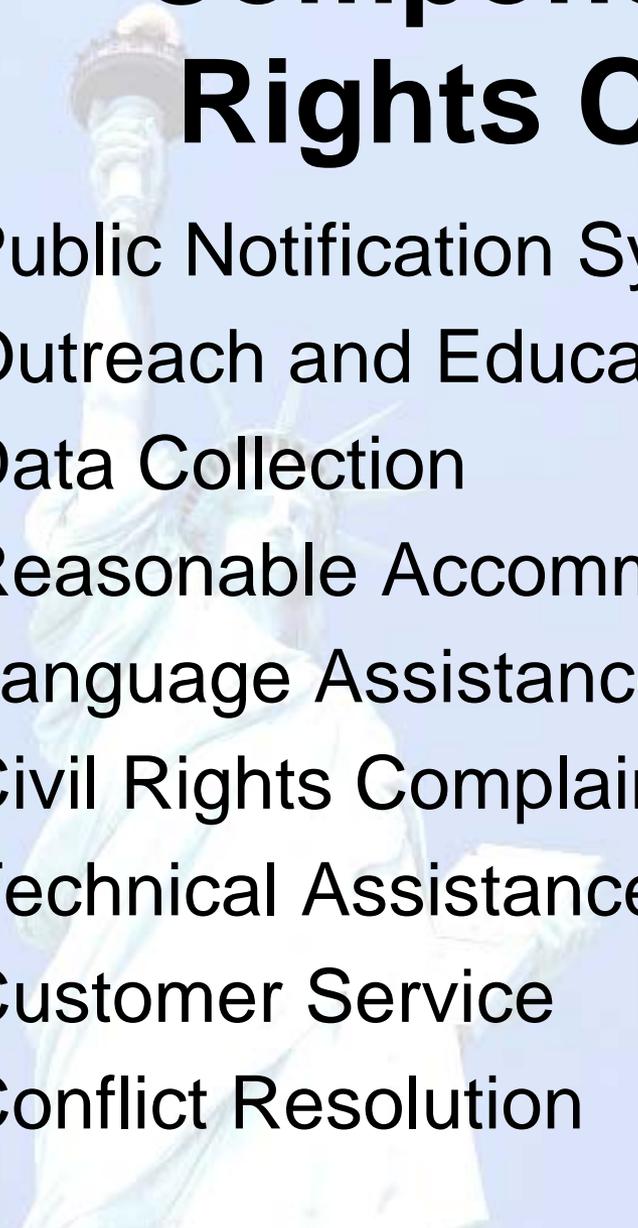
- **Denied** benefits or services that others receive
- **Delayed** receiving benefits or services that others receive
- Treated **Differently** than others to their disadvantage
- Given **Disparate** treatment something which does not seem discriminatory, but has a discriminatory impact in practice

Examples of Discrimination



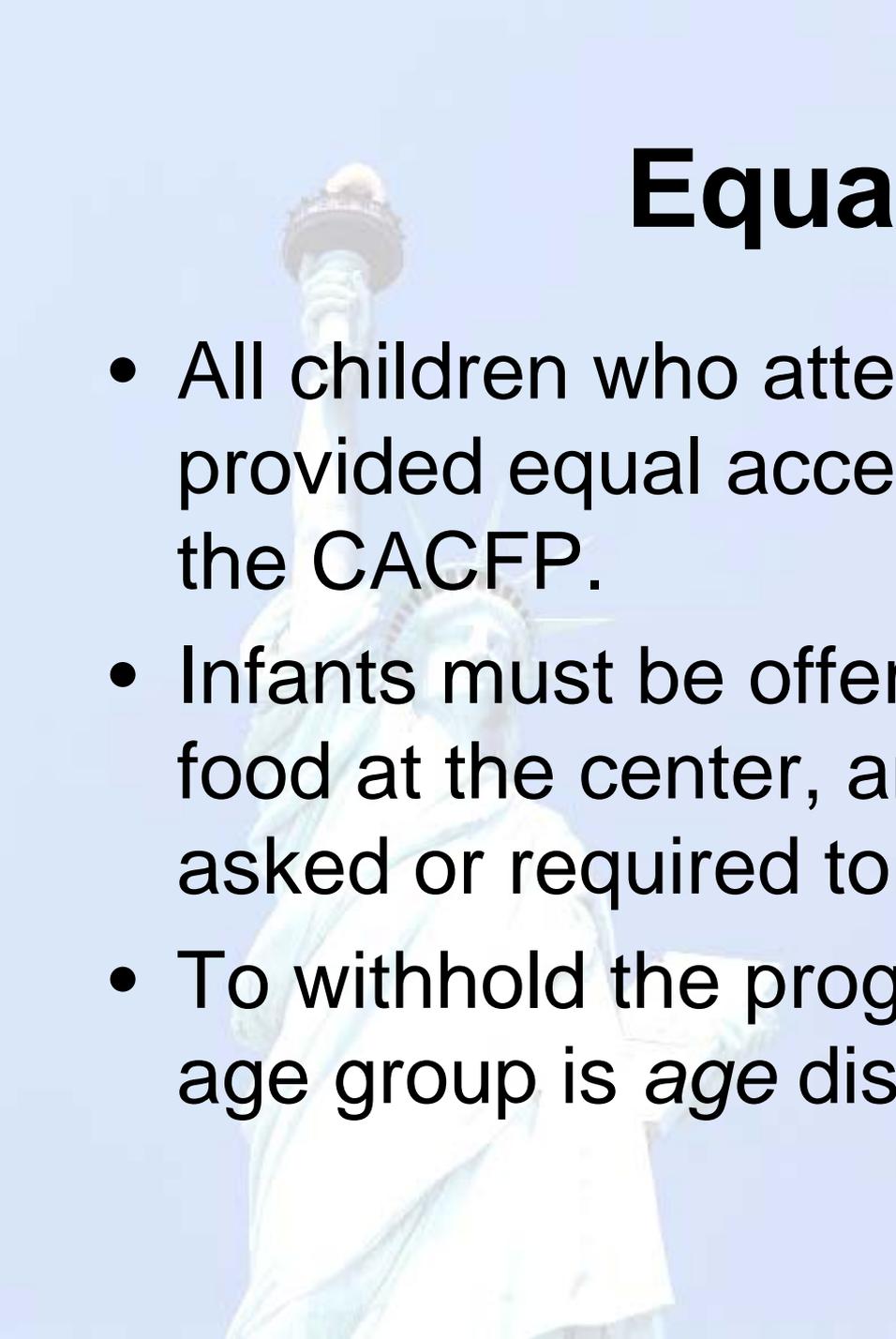
- ◆ Refuse a child's enrollment based on disability
- ◆ Failure to provide reasonable accommodations to disabled individuals
- ◆ Serving meals at a time, place, or manner that is discriminatory
- ◆ Selectively distributing applications and income forms
- ◆ Failure to provide the same eligibility criteria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

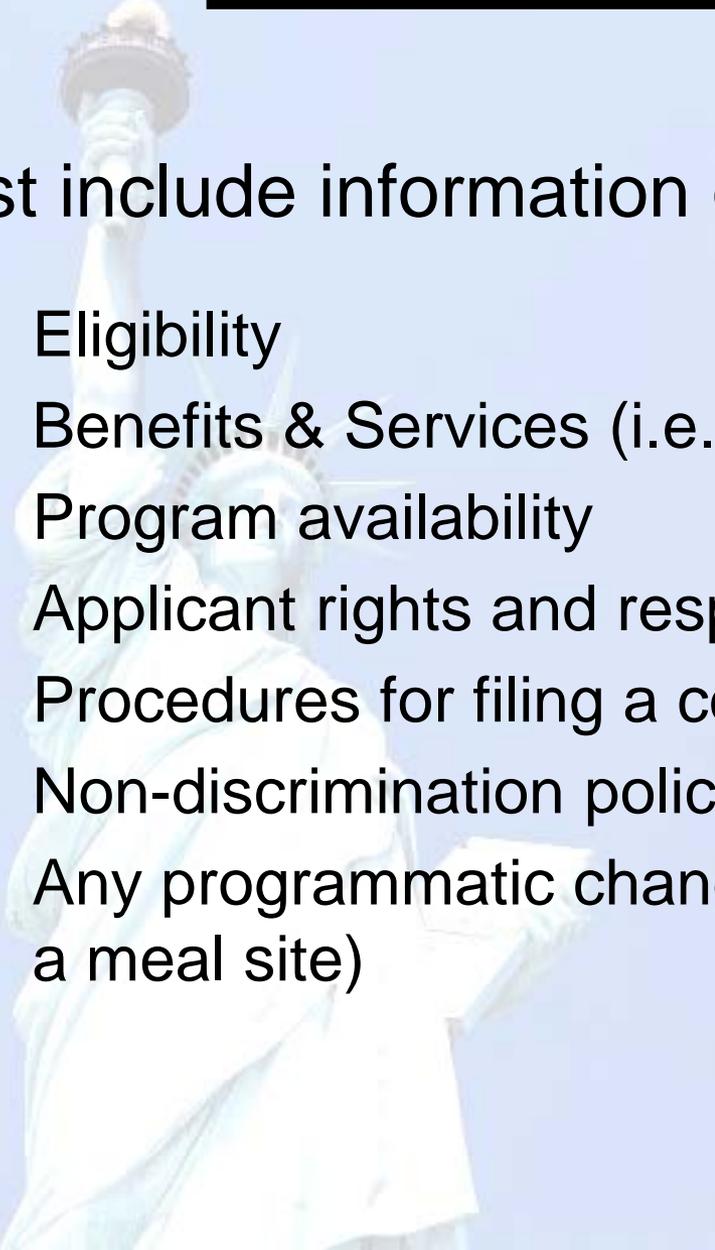


- All children who attend a day care must be provided equal access to the benefits of the CACFP.
- Infants must be offered infant formula and food at the center, and parents cannot be asked or required to supply these items.
- To withhold the program from any eligible age group is *age* discrimination.



Public Notification

Public Notification



Must include information on:

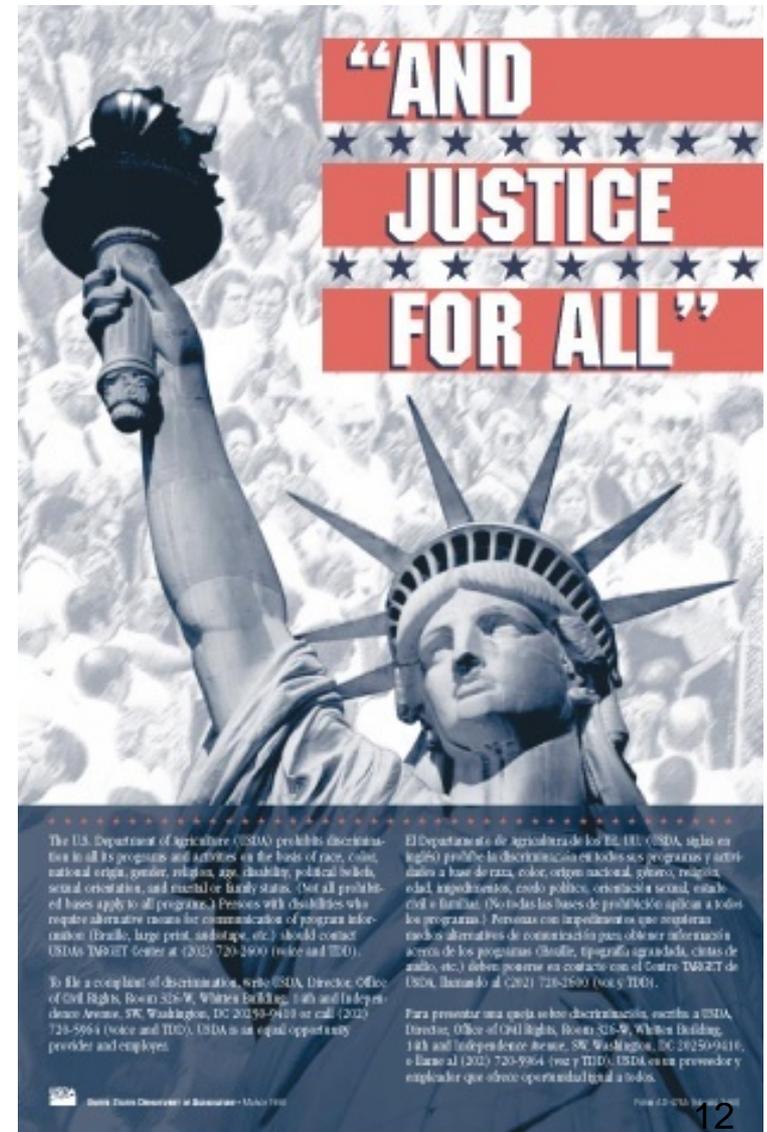
- Eligibility
- Benefits & Services (i.e. free or reduced price meals)
- Program availability
- Applicant rights and responsibilities
- Procedures for filing a complaint
- Non-discrimination policies
- Any programmatic changes (i.e. changing location of a meal site)

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



www.azed.gov/health-nutrition/civil-rights



SEARCH

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HEALTH & NUTRITION SERVICES

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HNS PROGRAMS

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- Memos
- % Free/ Reduced

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Civil Rights

In the operation of the Child Nutrition Programs, no individual in the United States shall solely by reason of his or her race, color, national origin, sex, age, or disability, be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any program or activity that receives financial assistance.

- [Civil Rights Pre-Award Compliance](#)
- [Civil Rights Compliance for NSLP](#)
- [Civil Rights Compliance Form for RCCI's](#)
- [Civil Rights Pre-Award Compliance \(CACFP\)](#)
- [Civil Rights Compliance Data Collection \(CACFP\)](#)



Hot Topics

Event Registration

Financial Info

FAQ

Civil Rights

Contact Us

Click for a list of

ALL

HNS Conference

The image features a faded, light blue-tinted photograph of the Statue of Liberty on the left side, set against a clear blue sky. The statue is shown from the waist up, holding a torch in its right hand and a tablet in its left. The background is split vertically, with the blue sky on the left and a plain white background on the right.

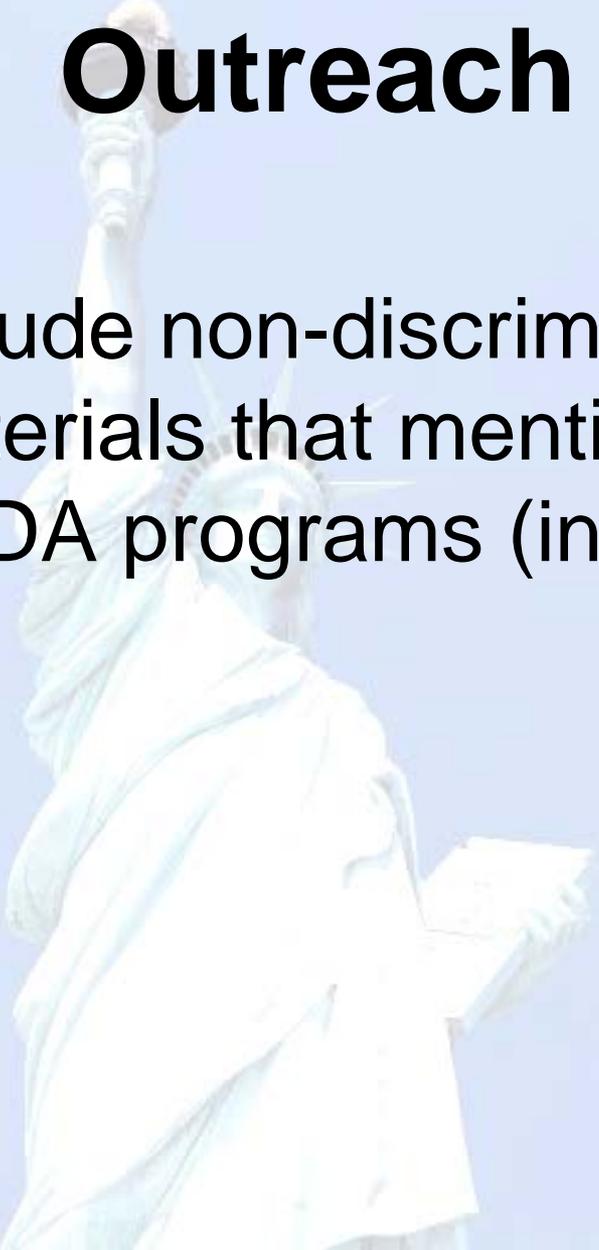
Outreach and Education

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.





A faint, light blue-tinted image of the Statue of Liberty is visible on the left side of the slide, extending from the top to the bottom. The statue is shown from the waist up, holding a torch in her right hand and a tablet in her left. The background is a light blue gradient.

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



The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

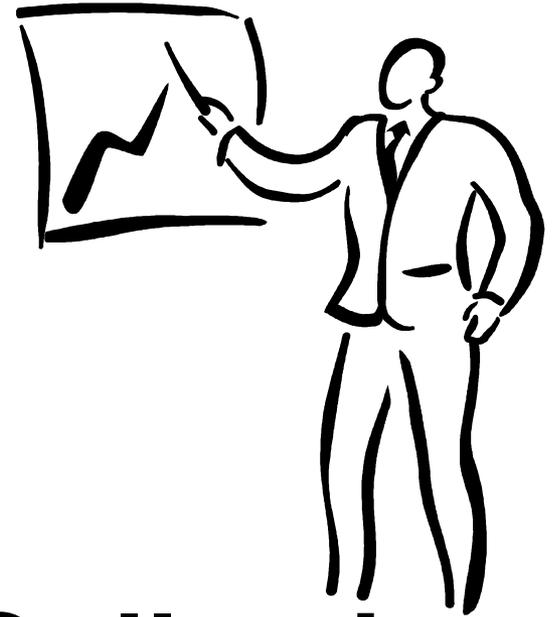
If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866)632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

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 and employer.”



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.

The image shows the Statue of Liberty on the left side, set against a light blue background. The statue is shown from the waist up, holding a torch in her right hand and a tablet in her left. The right side of the image is a plain white background.

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

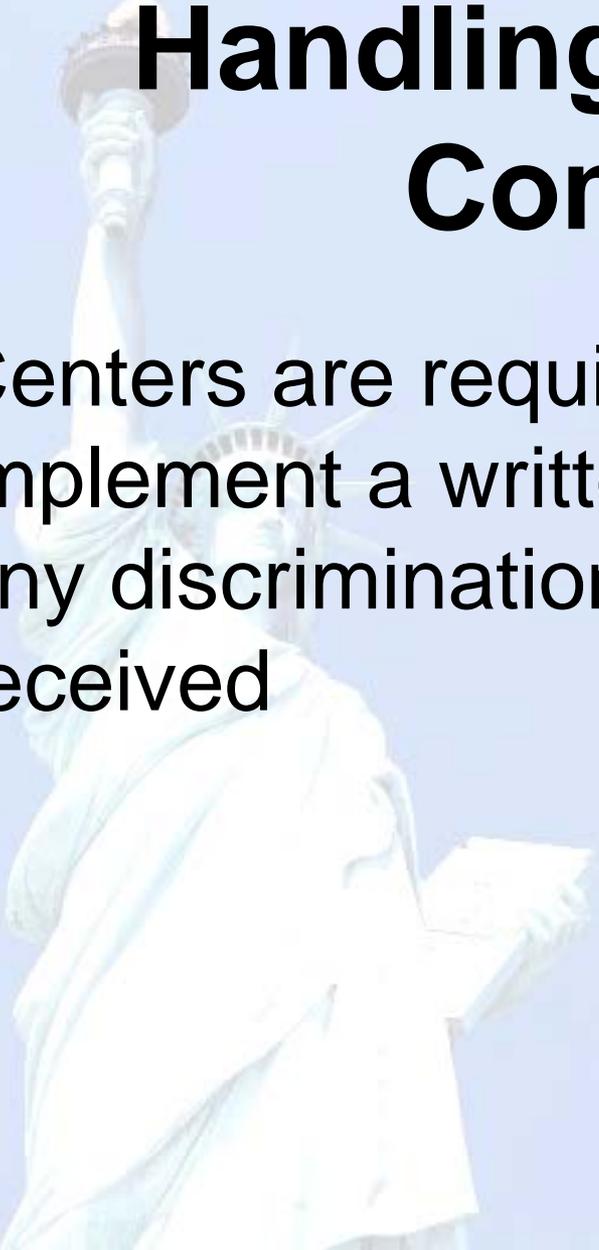
A shortage of resources does not eliminate the translation requirement

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**



Complaint Procedures

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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

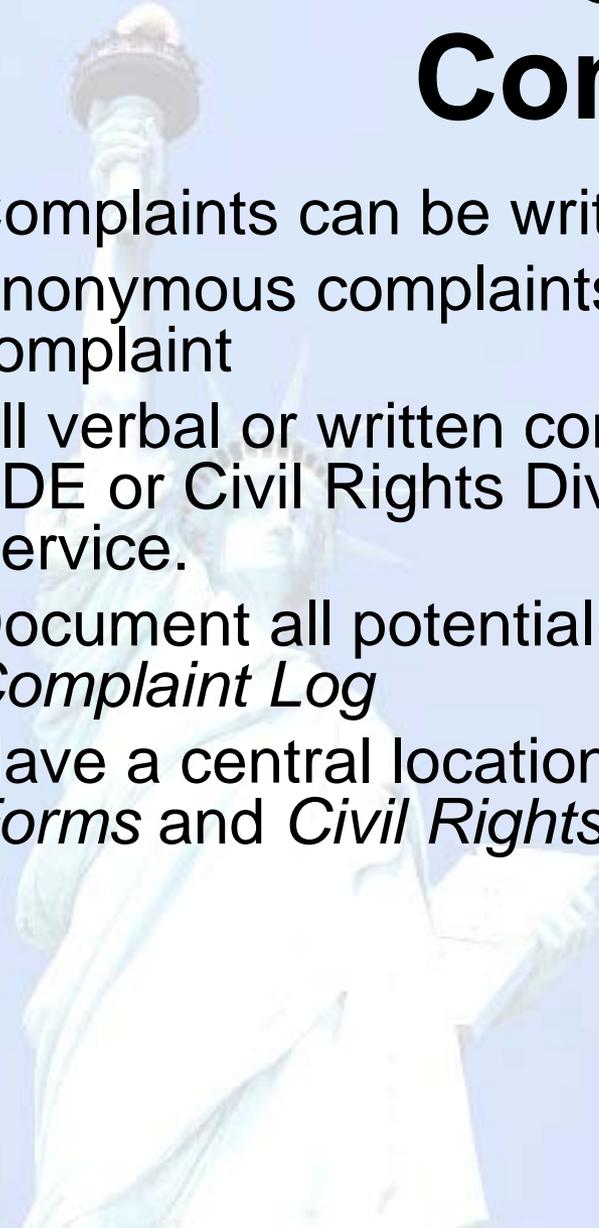
Any person who believes he or she or someone he/she knows has been discriminated against based on Federal protected classes (ie. National origin, race, etc.) has a right to file a complaint within **180 days** of the alleged discriminatory action.

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

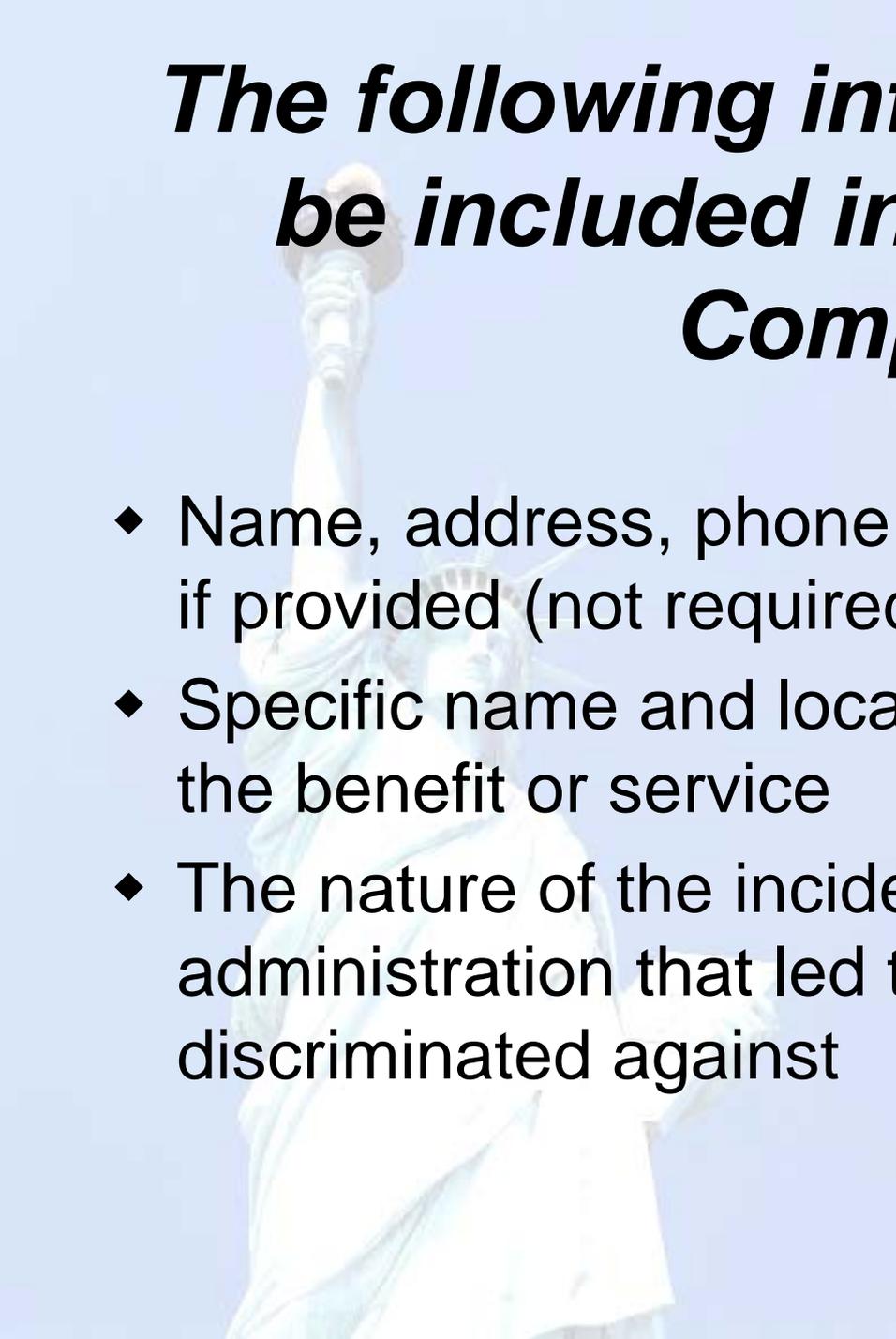
1. USDA: USDA, Director, Office of Civil Rights (Office of Adjudication), 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). TDD users can contact USDA through local relay or the Federal Relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice users).

2. ADE : Director, School Food Programs 1535 W Jefferson Bin #7 Phoenix, Arizona 85007 (602) 542-6208

Handling Civil Rights Complaints

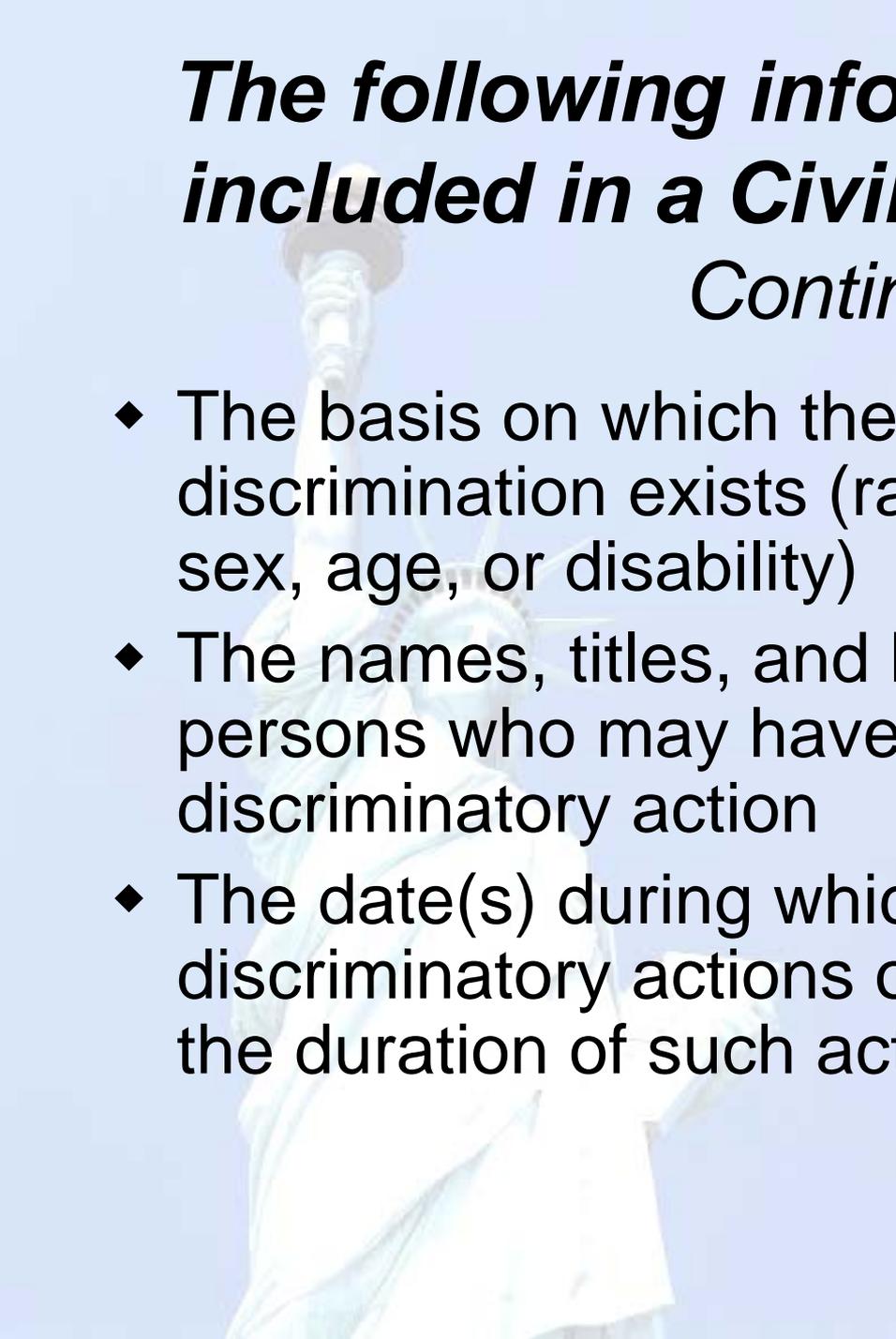


- ◆ Complaints can be written or verbal
- ◆ Anonymous complaints should be handled as any other complaint
- ◆ All verbal or written complaints must be forwarded to the ADE or Civil Rights Division of USDA Food and Nutrition Service.
- ◆ Document all potential complaints in a *Civil Rights Complaint Log*
- ◆ 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

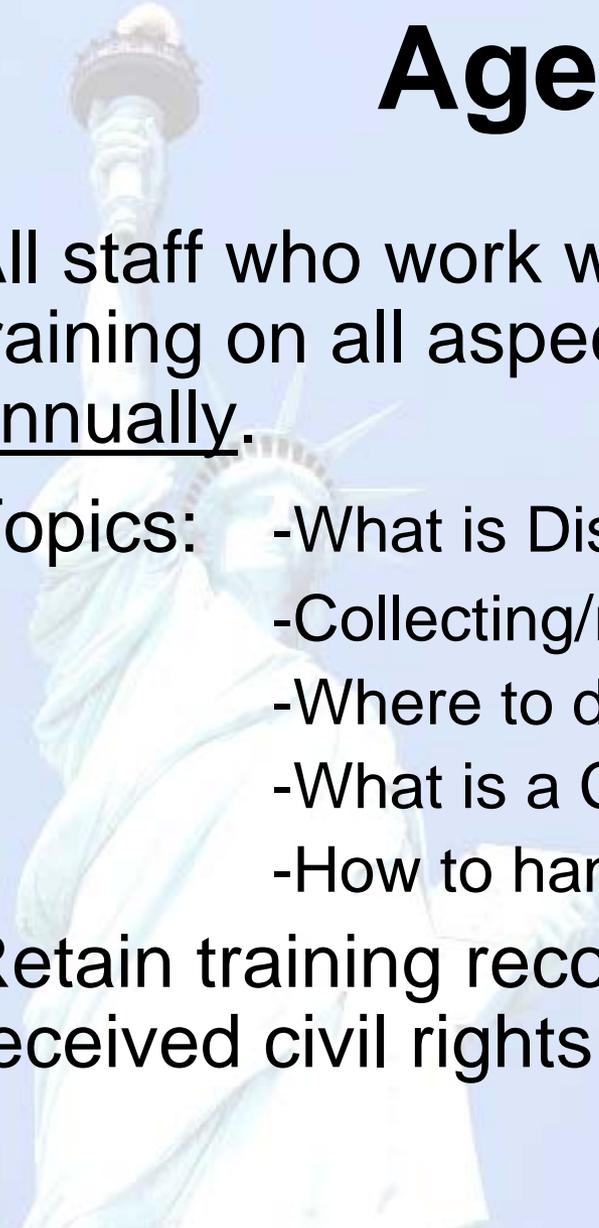


The following information should be included in a Civil Rights Complaint

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

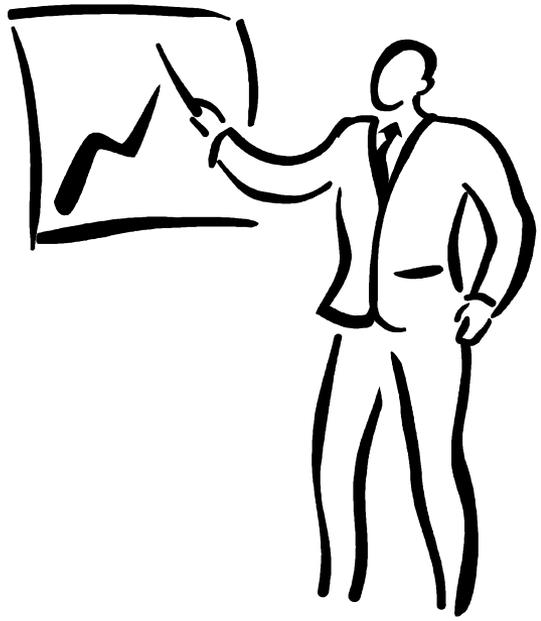
Civil Rights Training for Agency Staff



- ◆ 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.

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).



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

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

Summary: Civil Rights “Must Do List”

- ❑ Annually complete the Civil Rights Data Collection Form
- ❑ 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 ADE or USDA

Questions?

Contact the Civil Rights
Specialist

Ellen Pimental

602-542-6208