

“This institution is an equal opportunity provider.”



# Civil Rights Compliance In Child Nutrition Programs

Arizona Department of Education  
Health and Nutrition Services

# Civil Rights Mission

Civil Rights Division's mission is to ensure compliance with applicable laws, regulations, and policies for Food and Nutrition Services (FNS) customers and employees regardless of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, protected genetic information, or because all or part of an individual's income is derived from any public assistance program.

# Civil Rights Laws

- **Title VI of the Civil Rights Act of 1964** which prohibits discrimination based on race, color, and national origin in programs and activities receiving Federal financial assistance; and USDA Implementing Regulation 7 CFR Part 15, Subpart A and Subpart C.
- **Title IX of the Education Amendments Act of 1972** which prohibits discrimination based on sex under any education program or activity receiving Federal financial assistance; and USDA Implementing Regulation 7 CFR Part 15 a.
- **Section 504 of the Rehabilitation Act of 1973** which prohibits discrimination based on disability; and USDA Implementing Regulation 7 CFR Part 15 b.

# Civil Rights Laws

- **Age Discrimination Act of 1975** which prohibits discrimination based on age in programs or activities receiving Federal financial assistance.
- **Civil Rights Restoration Act of 1987** Race, color & national origin which clarifies the intent of Congress as it relates to the scope of Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes to ensure nondiscrimination in all programs and activities of a recipient, whether those programs and activities are federally funded or not.
- **Americans with Disabilities Act** (28 CFR Part 35, Title II, Subtitle A) which prohibits discrimination on the basis of disability in all services, programs, and activities provided to the public by State and local governments, except public transportation services.



# What is a Protected Class?

A protected class refers to any person or group of people who have a characteristic for which discrimination is prohibited by law.

# Protected classes in the Child Nutrition Programs include:

- Race
- Color
- National Origin
- Age
- Sex
- Handicap (Disability)

# What is Discrimination?

Discrimination is defined as different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on six protected classes: race, color, national origin, sex, age, or disability.

# Types of Discrimination

- **Disparate Treatment** violation is made when an individual of a protected group is shown to have been singled out and treated less favorably than others similarly situated on the basis of an impermissible criterion under Title VII.
- **Disparate Impacts** are practices that may be considered discriminatory and illegal if they have a disproportionate "**adverse impact**" on members of a minority group.

# Types of Discrimination

- A **Disparate Impact** is unintentional, whereas a **disparate treatment** is an intentional decision to treat people differently based on their race or other protected characteristics.
- **Reprisal/Retaliation:** All laws make it illegal to fire, demote, harass, or otherwise “retaliate” against people because they filed a charge of discrimination.

# 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

# Public Notification

- Prominently display the “And Justice for All” poster.
- Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs.
- Provide appropriate information in alternative formats for persons with disabilities.

# Public Notification

- Include the required nondiscrimination statement on all appropriate FNS and agency publications, web sites, posters and informational materials.
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or related information.

# Public Notification

Material too small to permit the full statement:

“This institution is an equal opportunity provider and employer.”

# Nondiscrimination Statement

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](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](mailto: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).

USDA is an equal opportunity provider and employer.

# Complaints Investigation

**To file a complaint, complainants may write to:**

USDA, Director, Office of Civil Rights  
1400 Independence Avenue SW,  
Washington, D.C. 20250-9410

Phone (800) 795-3272 or (202) 720-5964 (TTY).

# Cultural Knowledge Test

Laughter is a universal symbol of humor.

False.

Laughter, for many people, is a sign of embarrassment symbolizing that they do not know what is being discussed or the answer to an inquiry.



# Customer Service

## PLATINUM RULE

“Treat others the way they want to be treated (or at least be aware of what that is).”

# Food for Thought

In order to reduce the risk of a civil rights discrimination complaint, ask yourself the following questions each time an applicant and/or participant comes to your program.

- Am I treating this person in the same manner I treat others?
- Have I given this person the opportunity to clarify all relevant factors or inconsistencies?
- Have I told this person exactly what information I need to make a determination on the application?
- Have I provided the person with the information he or she needs to make necessary decisions?

# Is this a Civil Rights Complaint?

They may be valid and important, but some are not covered by the rules for Civil Rights complaints.

# **Is this a Civil Rights Complaint?**

## **Situation:**

A complaint is received from a site that someone who came to conduct a review was rude and disrespectful. The complaint states that the reviewer's tone was demeaning and generally unpleasant.

**Is this a civil rights complaint and should it be reported?**

## **Answer:**

Depends. It needs to be investigated to see if the rude behavior was because of a protected class. People can discriminate someone of their own race.

**When in doubt of whether it is a civil rights violation, always provide complaint information.**

# Is this a Civil Rights Complaint?

## **Situation:**

To meet the annual training requirement for site supervisors, the sponsor develops a computer based training program that everyone will be required to complete.

**Is this a civil rights violation and should it be reported?**

## **Answer:**

No.

# Is this a Civil Rights Complaint?

## **Situation:**

A community group approaches a Summer Food Service Program sponsor and asks for a list of Hispanic children so it can provide holiday presents to them.

## **Is this a civil rights violation and should it be reported?**

## **Answer:**

Yes, this is a confidential list and raises issues of national origin.

You can give the name of the organization to providers or have providers sign a waiver. Example: Free/reduced meal benefits. You may receive information that your household might be interested.

# Is this a Civil Rights Complaint?

## **Situation:**

A parent of a child alleges program discrimination by a site and wants to file a complaint. You know that the site does not discriminate.

**Is this a civil rights complaint and should it be reported?**

## **Answer:**

Yes, if discrimination is alleged, you must provide the complaint information.

# Is this a Civil Rights Complaint?

## **Situation:**

A sponsor is very angry that someone filed a frivolous discrimination complaint and took up a lot of her time and made her look bad. She tells her site supervisor to watch out for this “troublemaker.” The next time the person visits, he encounters “attitude” from the co-provider.

**Is this a civil rights violation and should it be reported?**

## **Answer:**

Yes, this is reprisal and retaliation. There is also a confidentiality issue.

# Is this a Civil Rights Complaint?

## **Situation:**

A parent complains about the choices provided during breakfast and demands that gluten-free products be provided for her child.

**Is this a civil rights complaint and should it be reported?**

## **Answer:**

Yes, this relates to civil rights if it is a disability defined by a physician special rule that provides accommodating food when there is a disability.

# Is this a Civil Rights Complaint?

## **Situation:**

A parent contacts the School Food Service Director and says their child is being denied their religious right to be able to eat only vegetarian meals.

**Is this a civil rights complaint and should it be reported?**

## **Answer:**

No. Religion is not a protected class in Child Nutrition Programs under FNS Instruction 113-1 Civil Rights Compliance and Enforcement Nutrition Programs.

It is suggested that the SFA try to work with the complainant and try to accommodate their religious needs.

# Is this a Civil Rights Complaint?

## **Situation:**

A minority high school football player approaches the cafeteria manager and says he isn't getting enough food when he selects a reimbursable meal and would like larger servings.

**Is this a civil rights complaint and should it be reported?**

*Answer on next slide...*

# Is this a Civil Rights Complaint?

## Answer:

No. Just because the student is a minority student does not mean he automatically is considered to be alleging discrimination. He did not state that he was not getting adequate servings because of his minority status. He only wants a larger serving.

If he had said that he was not getting a large enough serving because of his racial/ethnic background, then, yes, it would be a complaint and you would need to report it.



**Questions????**