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

CACFP Civil Rights Training - PowerPoint and Handout 1

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.

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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

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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

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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

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Equal Access

- 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.
- Child Care/Emergency Shelter Sites: Infants must be offered infant formula and food at the child care center, and parents cannot be asked or required to supply these items.

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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
- Must be posted at every site
- Must be 11" x 17" format

DPI provides posters to centers free of charge. To order posters, contact your assigned Consultant.

Staff Directory/Map: http://dpi.wi.gov/community-nutrition/cacfp/map

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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:** DPI annually issues a statewide media release for all participating agencies.

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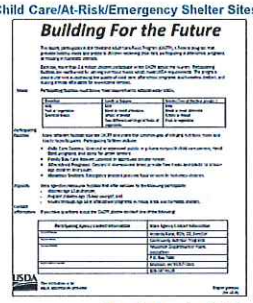
Public Notification System

Child Care/At-Risk/Emergency Shelter Sites



Adult Care Sites

Located under Guidance Memo 8 on website
http://dpi.wi.gov/community-nutrition/cacfp/guidance-memo

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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.

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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.

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Required Non-Discrimination Statement Language (Cont'd)

Guidance Memorandum 8

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.

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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:

10/15 Revision:

"This institution is an equal opportunity provider."

→"Copy to Paste" document available under Guidance Memo 8 on website:
http://dpi.wi.gov/community-nutrition/cacfp/guidance-memo

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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

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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

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Obtain ethnic/racial 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 ethnic/racial data.

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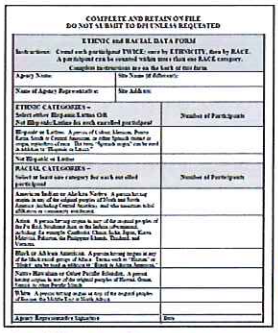
Ethnic and Racial Data Form


COMPLETE AND RETAIN ON FILE
DO NOT SUBMIT TO DPI UNLESS REQUESTED

ETHNIC and RACIAL DATA FORM

Instructions: Count each participant TWICE: once by ETHNICITY, then by RACE. A participant can be counted within more than one RACE category. Complete instructions are on the back of this form.

Agency Name	Site Name (if different)
Name of Agency Representative	Site Address
ETHNIC CATEGORIES – Select either Hispanic/Latino OR Not Hispanic/Latino for each enrolled participant	Number of Participants
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 – Select at least one category for each not ethnic participant	Number of Participants
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.	
Agency Representative Signature	Date

Located under Guidance Memo 8 on website ↓

http://dpi.wi.gov/community-nutrition/cacfp/guidance-memo

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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 3 years plus the current program year
  - Identify all sources of information used

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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.

For more information, visit:
http://www.fas.usda.gov/about-fas/civil-rights/alternative-dispute-resolution-adr-program

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Reasonable Accommodation of Persons with Disabilities

Providing Menu Item Substitutions

- **USDA regulations require centers to reasonably accommodate participants whose disabilities restrict their diets by providing substitutions or modifications for their meals 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 participant's disability, identify how it limits one of the major life activities, specify foods the participant cannot have and the foods to be substituted.
- **Generally, participants with food allergies or intolerances do not have a disability. The center may provide substitutions under these circumstances, but is not required to.**
  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.

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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

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Limited English Proficiency (LEP)

- See www.lep.gov for more information and resources
- Documents translated in Spanish and Hmong (Wisconsin specific forms):
  http://dpi.wi.gov/community-nutrition/cacfp/translations
- Household-Size Income Statement Forms in other languages (USDA Forms):
  http://www.fns.usda.gov/cacfp/meal-benefit-income-eligibility

Please Note: the document includes the various forms for all CACFP components; identify the appropriate form within the English document first to know which of the translated documents to give the households.

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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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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 either of the following offices to register a complaint:

USDA- Office of the Assistant Secretary for Civil Rights: Refer to slide 14 for the address, fax number, and email address.

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

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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 WI DPI 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 (slide 28 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

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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

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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 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

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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).

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Understanding Differences: Respectful Language

Put the person first

- Example: USE "person with a disability", NOT "disabled person"

Use culturally sensitive language

- Example: USE "Asian", NOT "Oriental"

Use inclusive/respectful terms

- Example: USE "chair", NOT "chairman"

The Side Road **– Business Communication:**
http://www.sideroad.com/Business_Communication/politically-correct-language.html

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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?

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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

Child Care/At-Risk/Emergency Shelter Centers Only:

- ☐ Post and/or distribute the *Building for the Future* flier to all families
- ☐ Distribute the Infant Meal Notification form to families of all newly enrolling infants

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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 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

CACFP Civil Rights Training - PowerPoint and Handout

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