

## 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, Rev. 7.2022

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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.

## 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
- Nondiscrimination policies
- Any programmatic changes (i.e., changing location of a meal site)

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## 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


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## “And Justice for All” Poster

- All agencies participating in Child Nutrition Programs must display the USDA’s nondiscrimination 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.

➤ Complete this [order form](#) to order additional posters, if needed.



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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

Good nutrition today means a stronger tomorrow!

### Building for the Future with CACFP

This program receives support from the Child and Adult Care Food Program to serve healthy meals to your children.

Meals served here must meet USDA’s nutrition standards.

Questions? Concerns?

Participating Agency Contact Information	State Agency Contact Information
Agency Name	Agency Name
Agency Address	Agency Address
Agency Phone	Agency Phone
Agency Fax	Agency Fax
Agency Email	Agency Email
Agency Website	Agency Website
Agency Contact Person	Agency Contact Person
Agency Contact Title	Agency Contact Title
Agency Contact Phone	Agency Contact Phone
Agency Contact Email	Agency Contact Email

Learn more about CACFP at USDA’s website:  
<https://www.fns.usda.gov/cacfp>

USDA is an equal opportunity provider, employer and lender.  
 USDA prohibits discrimination in all its programs and activities on the basis of race, sex, national origin, age, disability, and religion.

Updated 12/2019 with new look

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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### Nondiscrimination Statement (NDS)

**At a minimum, the full USDA Nondiscrimination Statement (NDS) must be on:**

- Application form(s) for the CACFP
- Notification of eligibility or ineligibility of CACFP
- Notification of adverse action
- Program (Home) webpage (or a link to it)
- Public information, including program literature

The full NDS is on the next slide. Agencies may copy and paste the full NDS from the document available under [Guidance Memo 8](http://dpi.wi.gov/community-nutrition/cacfp/guidance-memo) (<http://dpi.wi.gov/community-nutrition/cacfp/guidance-memo>)

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### Nondiscrimination Statement (5/22 revision)

In accordance with federal civil rights 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 (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, 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 at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-2009-11-26-17-Fox%20Tail.pdf>, 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:

1. **mail:**  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or
2. **fax:**  
(833) 256-1665 or (202) 690-7442; or
3. **email:**  
[program.intake@usda.gov](mailto:program.intake@usda.gov)

This institution is an equal opportunity provider.

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### Nondiscrimination Statement

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:

**“This institution is an equal opportunity provider.”**

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### Collecting and Recording Participation Data

- Race and ethnicity is used to determine how effectively your program is reaching potentially eligible participants and where outreach may be needed.
- Establish a system to collect race and ethnicity data on an annual basis
- Program applicants may not be required to furnish race and ethnicity
  - 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 race and ethnicity made by a participant unless such declarations are blatantly false

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### Data Collecting and Reporting

Collect ethnicity data first, then race data

1. **Ethnicity categories:**
  - Hispanic or Latino
  - Non-Hispanic or Non-Latino
2. **Race 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 Race / Ethnicity Data Through...

**Voluntary self-identification or self-reporting**

USDA issued guidance that visual observation and identification is no longer an allowable practice in obtaining race and ethnicity from CACFP participants

- Household Size-Income Statement (HSIS): The HSIS form completed by each household annually has a section for the household to identify their race and ethnicity data (households are not required to complete this)
- Use other documentation your agency collects that includes identification of participant race and ethnicity data (i.e., program-specific enrollment form)

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## Race and Ethnicity Data Form

**Data may be:**

- **Annually compiled and documented on this sample *Race and Ethnicity Data Form***
- **Collected and maintained within a database for annually compiling into a printed report**

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:  
[Federal Sector Alternative Dispute Resolution | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](https://www.eeoc.gov/federal-sector-alternative-dispute-resolution)

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## Reasonable Accommodations for Persons with Disabilities

### 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 under Wisconsin law. *These are: Licensed Physicians; Physician Assistants; and Advanced Practice Nurse Prescribers (APNP)*
- (2) Include a description of impairment (reason for request) and how to accommodate the impairment (e.g., food(s) to be avoided and recommended substitution(s))

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

**Please Note:** this document includes the various forms for all CACFP components; identify the appropriate form within the English version 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 use Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.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 USDA's Office of the Assistant Secretary for Civil Rights **within three days** of receiving a complaint
- ♦ Sponsors must give complainants a *Civil Rights Complaint Form* to complete (slide 27 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 (including gender identity and sexual orientation), 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 (including gender identity and sexual orientation), 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](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
- Nondiscrimination 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
- Post and/or distribute the completed *Infant Menu* with the CACFP *Infant Meal Pattern* chart

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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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