

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 for FDCH Sponsor Staff - PowerPoint & Hand-out 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:

- **D**enied benefits or services that others receive
- **D**elayed receiving benefits or services that others receive
- Treated **D**ifferently than others to their disadvantage
- Given **D**isparate treatment something which does not seem discriminatory, but has a discriminatory impact in practice

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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 children
- ♦ 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 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 day care, 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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March 2016 Revision

Required Non-Discrimination Statement Language

Guidance Memorandum H

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 H

Complaint Filing Procedure – 10/15 Revision

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), (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 11 on website:

<http://dpi.wi.gov/community-nutrition/cacfp/family-day-care-home/memos>

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Collecting and Recording Participation Data

- Ethnic/Racial data is used to determine how effectively your program is reaching potentially eligible children 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*)

CACFP Enrollment Forms: The ethnic and racial data may be collected within the completed enrollment information submitted to the sponsor upon initial enrollment

• If a household chooses not to provide racial/ethnic information, you may use one of the following two methods:

- Visual identification by the home provider
- Personal knowledge, records, or other documentation your agency possesses that identifies the household ethnic/racial data.

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Sample Ethnic and Racial Data Form

This data may be annually collected by other means than this sample *Ethnic and Racial Data Form*.

For example:

- Collect using enrollment forms completed by the parents/guardians.
- The collected data can be maintained within a database for annually compiling into a printed report.

COMPLETE AND RETURN ON FILE
DO NOT RETURN TO APPLICANT REQUESTED

ETHNIC AND RACIAL DATA FORM

Agency Name: _____
 Site Name of Address: _____
 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" includes individuals of Mexican or Latino.	
Non-Hispanic or Latino	
Racial Categories	
American Indian or Alaska Native: A person having origins in the United States of America and whose ancestry is connected with the American Indian or Alaska Native population.	
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 Philippines Islands, Thailand, and Vietnam.	
Black or African American: A person having origins in any of the original peoples of Africa. This category includes individuals of African descent.	
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.	
Hispanic or Latino, American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, or White	

See next page for instructions

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Sample form is Located under Guidance Memo H

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 providers to reasonably accommodate children 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 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 provider 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)

- ♦ Children **should not** be used as interpreters.
- ♦ Volunteers may be used

Example: Sponsor staff with Spanish language skills could assist a household in completing a Household Size-Income Statement.

Most Important!

These staff must understand interpreter ethics - particularly confidentiality.

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March 2016 Revision

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/family-day-care-home/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 *USDA Program Discrimination 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 Hand-Out for FDCH Sponsor Staff**

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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 staff 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 Household Size-Income Statement approval).

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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 Household Size-Income Statement?
- 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"

Sponsors must train & monitor providers to ensure:

- The CACFP is provided in a nondiscriminatory manner
- Meals are offered to all children in care and meal substitutions are supplied to children with disabilities
- The Infant Meal Notification information is provided to families of all newly enrolling infants.
- The *Building for the Future* flier is posted or given out to families of enrolled children
- The current and appropriate USDA non-discrimination statement is printed on materials available to the public which mention USDA and/or CACFP, including websites (**both sponsors and providers**)

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Civil Rights "Must Do List"

Sponsors must:

- Conspicuously place the "*And Justice for All*" poster within the sponsor's administrative office
- Annually compile Civil Rights Data and retain on file for 3 years plus the current year
- Provide informational materials in the appropriate translation concerning the availability and nutritional benefits of the CACFP
- Train staff annually on Civil Rights and retain training records
- 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

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