



Table of Contents

E-LEARNING 1

CIVIL RIGHTS REQUIREMENTS 1

 And Justice For All Poster 1

 Building for the Future Flier 1

 Public Notification (ADC only) 2

 Translated Materials 2

 News Media Release 2

 Non-Discrimination Statement (NDS) and Complaint Filing Procedure 2

 Race and Ethnicity Data Collection 2

 Annual Civil Rights Training 3

CIVIL RIGHTS COMPLAINTS 3

Federal law prohibits agencies from discriminating on the grounds of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. These particular laws pertain to participants having access to CACFP benefits or other USDA Child Nutrition Programs and not to employment rights by agencies participating in the USDA Child Nutrition Programs.

E-LEARNING

The *Civil Rights Requirements* lesson in the E-Learning Course provides information on the requirements listed in this Guidance Memorandum. This lesson is not intended to meet the annual civil rights training requirements explained in the Training section below. Click on the applicable link below to access the CACFP E-Learning Course for your program:

- [Child Care Centers, Outside of School Hours, Emergency Shelters, and Head Starts](#)
- [Adult Day Centers](#)
- [At-Risk Afterschool Centers](#)

CIVIL RIGHTS REQUIREMENTS

And Justice For All Poster

Prominently display the 11” X 17” size nondiscrimination poster “...And Justice For All”, at each site. Sponsoring organizations (more than one site participating on the CACFP) must also prominently display the poster in its administrative office. Complete this [order form](#) to order additional posters, if needed.

Building for the Future Flier

Child Care Centers, Outside of School Hours Centers, Emergency Shelters, and At-Risk Afterschool Sites must use the [Building for the Future](#) flier to inform families about the CACFP and its benefits. Complete this flier by printing the program’s contact information on it.

This flier must either be posted in a visible location **OR** copies must be distributed to all families upon starting CACFP and then to newly enrolled participants.

Public Notification (ADC only)

Adult Day Centers must provide information about the CACFP and its benefits to eligible participants and their families. The [CACFP Information Sheet](#) may be used. Complete this resource by printing the program's contact information on it.

This Information Sheet must either be posted in a visible location **OR** copies must be distributed to eligible participants and their families or guardians upon starting CACFP and then to newly enrolled participants.

Translated Materials

Provide materials in the appropriate translation regarding the availability and nutritional benefits of the CACFP. DPI has many forms translated into Spanish and Hmong and are available at: [Translated CACFP Documents \(Spanish and Hmong\)](#).

News Media Release

DPI issues an annual statewide news media release for all participating agencies. Programs are not required to issue an annual news media release of their own.

Non-Discrimination Statement (NDS) and Complaint Filing Procedure

The full [USDA NDS and Complaint Filing Procedure](#) must be printed on all materials (i.e. Parent handbooks, policies, websites etc.) specifically referencing the facility's USDA/CACFP participation, requirements, and/or the meal pattern.

- Photos/graphics should include diverse populations.
- The NDS is not required on menus.

Full NDS: The statement must be printed exactly as in the linked document. The format cannot be changed, and the font should be the same as the majority of the font in the document.

- **Web Pages:** the full NDS and complaint filing procedure, or a link to it, must be included on the program's website; it is not required to be on every page of the program's website.

Short version: If the material is too small to print the full statement the document must, at a minimum, include the authorized short version (below), in font size no smaller than the rest of the text. Materials that may be too small are less than or equal to a single-sided 8.5 x 11 document.

- *In English:* This institution is an equal opportunity provider.
- *In Spanish:* Esta institución es un proveedor que ofrece igualdad de oportunidades.

Race and Ethnicity Data Collection

Annually collect race and ethnicity data of participants at each site. This data will be used to determine how effectively federal nutrition programs are reaching potential eligible participants and identify areas where additional outreach is needed.

Families must voluntarily self-identify or self-report their participant's race and ethnicity only after it has been explained, and they understand, that the collection is strictly for statistical reporting and will have no effect on determination of eligibility for benefits.

Race and ethnicity data can be collected from records or other documentation your agency possesses that identifies participant race and ethnicity, such as an agency-specific enrollment form, the Household Size Income Statement (found under GM 1), via survey, or any other means at any point in time.

Document collected information on the DPI [Race and Ethnicity Data Form](#), or generate a report from your agency's database, if applicable.

Annual Civil Rights Training

State Agency Training

DPI will provide required annual civil rights training to participating agencies through online methods, training, and/or email notifications.

Agency Training

Participating agencies must provide annual civil rights training to all staff members who interact with program participants and those who supervise these staff. See Civil Rights Training Topics and Training Documentation, below, for more information on how to meet this requirement.

Civil Rights Training Topics

The following specific subject matter must be included, but not be limited to:

- Collection and use of data
- Effective public notification systems
- Complaint procedures
- Requirements for language assistance
- Conflict resolution
- Customer service
- Requirements for reasonable accommodation of persons with disabilities

To assure that all USDA required topics are covered, agencies must use DPI's [CACFP Civil Rights Training PowerPoint](#) and/or [Civil Rights Training Handout](#) to complete the required annual CACFP civil rights training with all staff.

Training Documentation

To demonstrate that annual civil rights training is completed, the following must be on file:

- Names of staff who completed the civil rights training;
- The date(s) of completion by all staff; and
- Materials used for each training (i.e., copy of PowerPoint or handout)

The [CACFP Civil Rights Training Attendance Sheet](#) may be used to document training.

CIVIL RIGHTS COMPLAINTS

Agencies are required to develop and implement a written procedure to handle any discrimination complaints that may be received. As part of this procedure, agencies should:

- Maintain a Civil Rights Complaint Log to document all potential complaints.
- Retain USDA Program Discrimination Complaint Forms and Civil Rights Complaint Log in a central location to be accessed only by authorized staff.

Filing a Civil Rights Complaint

Any person alleging discrimination on the basis of any protected class relating to participant access to USDA Child Nutrition Programs has a right to file a written or verbal civil rights complaint to USDA within 180 days of the alleged discriminatory action. Under special circumstances, this time limit may be extended by the USDA Office of the Assistant Secretary for Civil Rights.

An agency should give a complainant a [USDA Program Discrimination Complaint Form](#) to complete. 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.

Acceptance of Civil Rights Complaints

If someone comes to you with a civil rights complaint, written or verbal, you must accept and forward it to the Assistant Secretary for Civil Rights (ASCR) 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

It is necessary that the information be sufficient to determine the identity of the agency or individual that the civil rights complaint is directed, and to indicate the possibility of a violation. Anonymous civil rights complaints should be handled as any other civil rights complaint.

Verbal Civil Rights Complaints

In the event a civil rights complaint is made verbally or through a telephone conversation, and the complainant does not desire to place the allegations in writing, the person to whom the allegations are made must document the complaint. They should try to obtain the following information:

1. Name, address, and telephone number or means of contacting the complainant
2. The specific location of the CACFP involved
3. The nature of the incident that led to the discrimination complaint, or an example of the method of administration which is having a disparate effect on the public, potential participants, or participants
4. The basis on which the complainant feels discrimination exists
5. The names, titles, and addresses of persons who may have knowledge of the discriminatory action
6. The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.

Investigation and Closure

The USDA Office of the Assistant Secretary for Civil Rights has the responsibility to determine if an investigation or a preliminary inquiry will be conducted and is responsible for the closure of all complaint files.

Assurance

It is required that assurances of compliance with the Civil Rights Act of 1964 be given by agencies and entities administering the CACFP. It is in the signed Permanent Agreement between DPI and agencies participating in the CACFP.

Resolution of Noncompliance

Once probable noncompliance is found, steps must immediately be taken to obtain voluntary compliance. If corrective action has not been completed within 60 days of the findings, a report must be sent to the USDA Office of the Assistant Secretary for Civil Rights for transmittal to the Department of Justice.