

## 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

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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:

- **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 adult'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 adults who attend a day care must be provided equal access to the benefits of the CACFP.

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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 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



## Obtaining “And Justice For All” Posters

- “And Justice for All” poster is available to download from the USDA website for temporary use (<http://www.fns.usda.gov/cr/justice.htm>)
- DPI provides posters to centers free of charge. To order posters for permanent use, contact your assigned Consultant



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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 will distribute for agencies effective June 2014

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## Public Notification System



Found at [http://fns.dpi.wi.gov/fns\\_adultmemos](http://fns.dpi.wi.gov/fns_adultmemos) under GM 8A

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## Outreach and Education

- ◆ You want to reach as many potential adults 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 8A

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.

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## Required Non-Discrimination Statement Language

If the material or document is too small to permit the full statement (previous slide) to be included, the material **MUST**, at a minimum, include:

**“USDA is an equal opportunity provider and employer.”**

CACFP Website - Guidance Memos:  
[http://fns.dpi.wi.gov/fns\\_adultmemos](http://fns.dpi.wi.gov/fns_adultmemos) under GM 8A

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## Collecting and Recording Participation Data

- Ethnic/racial data is used to determine how effectively your program is reaching potentially eligible adults 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 Statement: Household Size-Income Statements that are completed each year and submitted to the center have a section for the household to identify their ethnic and racial data (households are not required to complete this)
- **If a household chooses not to provide ethnic/racial 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 RETURN ON FILE - DO NOT SUBMIT TO SPANISH SPEAKERS

**ETHNIC AND RACIAL DATA FORM**

Agency Name \_\_\_\_\_  
 Via Home Address \_\_\_\_\_  
 Address \_\_\_\_\_

Ethnic Categories	Number of Participating Adults
<b>Hispanic or Latino.</b> A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Hispanic or Latino" can be used in addition to "White" or "Black." <i>Not Hispanic or Latino</i>	
<b>Racial Categories</b>	
<b>American Indian or Alaska Native.</b> A person having origins in any of the original peoples of North and Central America and who maintains cultural identification, ancestry, or who maintains cultural practices.	
<b>Asian.</b> A person of Asian descent (not of the Hawaiian people of the Pacific Islands) of any race, including Chinese, Indian, Japanese, Korean, Laotian, Malaysian, Mongolian, Pakistani, or Philippine Islands, Thai, and Vietnamese.	
<b>Black or African American.</b> A person having origins in any of the Black race groups of Africa. It includes any individual who identifies himself as Black or African American.	
<b>Native Hawaiian or Other Pacific Islander.</b> A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.	
<b>White.</b> A person having origins in any of the white race groups of Europe, Africa, or Asia.	

See second page for definitions

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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.

Visit <http://www.fas.usda.gov/about-fas/civil-rights/alternative-dispute-resolution-adr-program> for more information.

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### Reasonable Accommodation of Persons with Disabilities

Providing Menu Item Substitutions

- **USDA regulations only require substitutions or modifications in CACFP meals for adults whose disabilities restrict their diets 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 adult's disability, identify how it limits one of the major life activities, specify foods the adult cannot have and the foods to be substituted.
- **Generally, adults with food allergies or intolerances do not have a disability. The center may, but is not required to, make food substitutions under these circumstances.**  
 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: Spanish assistant 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)

- ◆ Household applications in other languages can be found at:

<http://www.fns.usda.gov/school-meals/family-friendly-application-translations>

- ◆ **\*\*Please note:** Wisconsin modifies the USDA application slightly each year based on programs offered in Wisconsin. Thus, if you choose to use a USDA application, it is recommended that you compare it to the English version on DPI's website to ensure that you have all necessary information listed.
- ◆ Contact your assigned Consultant with questions.
- ◆ See [www.lep.gov](http://www.lep.gov) for more information and resources

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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 may contact any of the following offices to register a complaint:

USDA: 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).

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 (Handout)
- ◆ 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 etc)
- ◆ 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 ethnic/racial 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"

[http://www.kencrest.org/people\\_first\\_language.htm?qclid=CPPS9Zu2kpwCFSQeDQodKghFfA](http://www.kencrest.org/people_first_language.htm?qclid=CPPS9Zu2kpwCFSQeDQodKghFfA)

### Use culturally sensitive language

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

[http://www.sideroad.com/Business\\_Communication/politically-correct-language.html](http://www.sideroad.com/Business_Communication/politically-correct-language.html)



### Use inclusive/respectful terms

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

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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 adults in care and meal substitutions to participants with disabilities
- Prominently display the "And Justice for All" poster
- Non-discrimination statement 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 Collection Form

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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

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