



## 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 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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**Required Non-Discrimination Statement Language**  
 Guidance Memorandum 8

**Non-Discrimination Statement – 12/15 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 – 12/15 Revision**

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint), (AD-3027) found online at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>, 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](mailto: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:

**12/15 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. This is done on the enrollment form.
- 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

- Ethnicity categories:**
  - Hispanic or Latino
  - Non-Hispanic or Non-Latino
- 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**
  - 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 ethnic and racial data (households are not required to complete this)
  - Use other documentation your agency collects that includes identification of participant ethnic/racial data (i.e., program-specific enrollment form)

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## Ethnic and Racial 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**
- **Information is collected on Horizons's Enrollment form.**

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 complete the [USDA Program Discrimination Complaint Form](https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint) (AD-3027) found online at:  
<https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>
- 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, 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](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 on Horizons's Enrollment 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

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