

Purpose

- Ensure equal opportunity of participation and prohibit discrimination on six protected classes in employment or in any program or activity conducted or funded by the U.S. Department of Agriculture (USDA).

Required Civil Rights Compliance

- Food and Nutrition Services (FNS) Instruction 113-1 covers the USDA Civil Rights Regulations and Policy for:
 - Child and Adult Care Food Program
 - Summer Food Service Program
 - Food Distribution Program
 - National School Lunch, Breakfast and Special Milk Program
- Additional information for civil rights compliance and training for child nutrition programs:
<http://www.fns.USDA.gov/cr/crregulation.htm>

Protected Classes

Federal law prohibits any discrimination on the basis of these six protected classes:

1. Race
2. Color
3. National Origin
4. Age
5. Sex
6. Disability

Additional Bases

- Gender Identity
- Religion
- Reprisal

- Where Applicable:
 - Political beliefs
 - Marital status, familial or parental status
 - Sexual orientation
 - All or part of an individuals income derived from any public assistance program
 - Protected genetic information

(Not all protected bases will apply to all programs and/or employment activities.)

Training Requirements

- All CACFP Institutions must provide annual Civil Rights training to frontline staff and maintain documentation for up to 3 years, including:
 - Date of the Civil Rights Training
 - Outline of Civil Rights topics covered
 - Sign-in or Signature sheet for attendees
 - Assurance that the nine “Areas of Training” are presented

“Frontline staff” are those who interact with program applicants or participants, including those persons who supervise “frontline staff”.

Nine Areas of Civil Rights Training

1. Collection and Use of Data
2. Effective Public Notification Systems
3. Complaint Procedures
4. Compliance Review Techniques
5. Resolution of Noncompliance
6. Requirements for Reasonable Accommodation of Persons with Disabilities
7. Requirements for Language Assistance
8. Conflict Resolution
9. Customer Service

1. Collection & Use of Data

Data Collection

- Self reporting (by a participant, parent or guardian) of racial and ethnicity data on free and reduced price meal applications is optional.
- If the applicant declines self-identification:
 - Make a visual identification when the information is not available from other sources.
- **Collect both Race and Ethnicity.**
- The collection of data is a tool to help determine any patterns that could identify possible discrimination.

Use of Data

- Confidentiality:
 - Names, and other forms of identifying information, of participants **must not be:**
 - Published
 - Posted
 - Shared
 - or Announced in any manner.
 - Identifying information may only be used for verifying a participants eligibility for free and reduced priced meals.
- Overt identification of any participant is prohibited.

Disclosure Guidance

- *Children's Free & Reduced-Price Meal Eligibility Information:*
 - The agency/center may disclose information about children eligible for Free and Reduced-Price meals to any party without parental notification and consent when children cannot be identified through release of the aggregate data or by means of deduction.
- *Persons Authorized to Receive Eligibility Information:*
 - Only persons directly connected with the administration/enforcement of a program may have access to children's Free meal eligibility information without parental consent.

For questions about who you can disclose information to:

Please review the "Disclosure Requirements" guidance handout provided annually by Maine DHHS with all CACFP agreements.

2. Public Notification

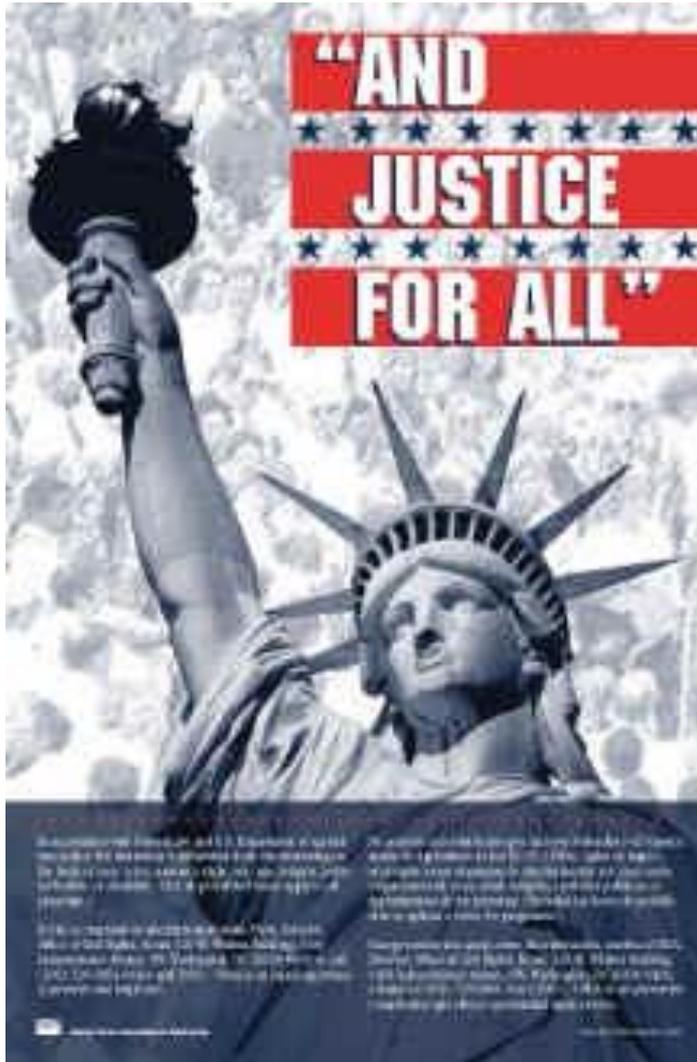
Public Notification

- Purpose:
 - To inform the community (particularly underserved populations), that your institution, center or day care home participates in the Child and Adult Care Food Program (CACFP).
 - To ensure program access to all eligible children and adults.
 - To reach as many potential participants as possible.

“And Justice for All” Poster

- The “And Justice for All” poster is a **required** method of Public Notification.
- All institutions participating in CACFP must display the USDA’s non-discrimination poster in a prominent area, such as:
 - Agency offices
 - Parent drop-off areas
 - Eating area
- Available for download from the USDA website:
<http://www.fns.usda.gov/sites/default/files/475C.pdf>

Additional Methods of Notification:



- Brochures, Flyers, Posters, Letters
- Parent & Employee Handbooks
- Newsletters
- Websites
- Bulletin Boards
- Radio and TV advertisements
- Enrollment Forms
- Menus

Non-Discrimination Statement

- All information sources that inform the public about the CACFP **must use** the required non-discrimination statement.
 - Including all materials for public information, education or distribution.
- **Wording must be exact and cannot be changed in any way.**
- Print size cannot be smaller than the text of the material.
- A shorter statement may be used for broadcasts, announcements, and when there is lack of space:

“USDA is an equal opportunity provider and employer.”

Full Non-Discrimination Statement:

For all other FNS nutritional assistance programs, State or local agencies, and their subrecipients, must post the following nondiscrimination statement:

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, 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.

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).

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Methods Requiring the USDA Non-discrimination Statement with mention of CACFP:

- Brochures, Flyers, Posters, Letters
- Parent Handbooks, Employee Handbooks
- Newsletters
- Websites
- Bulletin Boards
- Radio and TV advertisements
- Enrollment Forms
- Menus – *Only if copies are sent home with families or received by the public in any way.*

3. Complaint Procedures

Complaint Information

- Applicants and Participants must be advised of the following:
 - Their right to file a complaint
 - How to file a complaint
 - The “And Justice for All” poster AND Public Release must have this information.
 - Complaint procedures

Right to File a Complaint:

- Any persons who believes discrimination has occurred regarding the Federal or State protected classes has a right to file a complaint within 180 days of the alleged discrimination.
- Complaints may be:
 - Written, verbal, or observed
 - Anonymous
 - Related to any area of program operation

Right to File a Complaint:

- Be sure to follow these steps:
 1. Document information related to the complaint.
 - Name, Location, Contact, Incident, Basis of Discrimination, Dates
 2. Contact appropriate State or Federal Offices
 - Please see contact information on the following slide
 3. Maintain your Records

You may contact:

- www.maine.gov/mhrc

Executive Director, Maine Human Rights Commission, 51
State House Station, Augusta, ME 04333-0051

By phone: (207) 624-6290 Fax: (207) 624-8729

Hearing Impaired: ME Relay 711

By e-mail: Cindy.Rocque@mhrc.maine.gov

- USDA., Director, Office of Adjudication, 1400 Independence
Avenue, S. W., Washington D.C. 20250-9410.

By phone: (866)632-9992 Fax: 690-7442

Federal Relay Service: (800) 877-8339

Spanish: (800) 845-6136

4. Compliance Review Techniques

Compliance

- **CACFP Sponsors**

must review/monitor their centers, sites, and/or homes for civil rights compliance.

- **The State Agency**

reviews civil rights compliance during their scheduled reviews and unannounced visits.

5. Resolution of Noncompliance

Resolution of Noncompliance

- Non-Compliance:
 - “A factual finding that any Civil Rights requirement, as provided by law, regulation, policy, instruction, or guideline is not being adhered to.”
- When non-compliance is indicated:
 - Corrective Action (CA) is required immediately.
 - A plan of corrective action must be put into place and followed to achieve “voluntary compliance” within 60 days.
- If compliance is not achieved, the State Agency determines further action to be taken and the Regional Office (NERO) is notified.

Resolution of Noncompliance

- Examples of Non-Compliance:
 - Denying a participant the opportunity to apply for FNS program benefits or services on the basis of State or Federal protected classes.
 - Providing FNS program services or benefits in a dissimilar manner on the basis of State or Federal protected classes.
 - Choosing FNS program sites in a manner that prevents individual access to FNS benefits, services, or assistance on the basis of State or Federal protected classes.

6. Reasonable Accommodations of Persons w/Disabilities

6. Accommodations for Disabilities

- **Disability:** A physical or mental impairment with substantially limits one or more of an individual's major life activity.
- **“Major Life Activity”**, as defined by ADAAA: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and major bodily functions.
- **“Major Bodily Functions”** has been defined as: functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.

Reasonable Accommodations

- It is required that participants seeking an accommodation for a disability that is food-related must provide a statement from a licensed physician identifying:
 - The food-related disability and why it restricts the diet
 - The required meal accommodation
 - omitted foods and substitutions
 - The “major life activity” affected

7. Language Assistance

Language Assistance

- LEP: Limited English Proficiency

Reasonable steps must be taken to provide information to persons who:

- Do not speak English as their primary language
 - Have limited ability to read, write, speak & understand English
- Make CACFP information available to all persons in their language.
 - Inform adult household members known to have literacy difficulties of program benefits verbally.
 - Learn more at www.lep.gov

Determining Reasonable Steps:

- Primary Factors to Consider:
 1. Number of LEP persons participating in the program.
 2. Frequency with which LEP individuals have contact with the program.
 3. Nature and importance of the program provided.
 4. Resources available to the participant.
 - Translator, Materials, Costs

Translations

Need a Form in languages other than English?

- Access additional languages here:

http://www.fns.usda.gov/cnd/care/Translations/Meal_Benefit_Form_Translations.htm

8. Conflict Resolution

Conflict Resolution:

- Treat all participants with dignity and respect.
- Develop good listening skills.
- Respond in a non-threatening manner.
 - Voice
 - Tone
 - Body language

“How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving, and tolerant of the weak and strong.

Because someday in life you will have been all of these.”

- George Washington Carver

Conflict Resolution

- The USDA recommends using an Alternative Dispute Resolution (ADR) program.
 - A neutral third party

<http://www.fas.usda.gov/Admin/civilrights/conflictres.asp>

9. Customer Service

Customer Service

- All children and adults must be allowed equal opportunity to participate in CACFP.
- All participants must be treated in the same manner, including:
 - Provided services
 - Seating arrangements
 - Facility access
 - Methods of serving meals

Customer Service

- All participants must:
 - Be included in meal and snack service, activities and discussions.
 - Not be denied meals for disciplinary reasons.
 - Receive equal education regarding nutrition, meal time, and expectation of manners.
 - Be offered the same menu item selections.

Maine Department of Health and Human Services

Office of Child and Family Services

<http://www.maine.gov/dhhs/>

USDA is an equal opportunity provider and employer.

State: This institution is an equal opportunity provider. In accordance with State and Federal law this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, sexual orientation, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint: complete the [USDA Program Discrimination Complaint Form](#), found online at 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.