



# USDA Civil Rights and Requirements

Nebraska Department of Education Nutrition Services Revised 5/2023





# 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





## **Topics Discussed**

- Legislation/Authority
- Assurances
- Public Notification
- Data Collection
- Language Assistance
- Reasonable Accommodations for Persons with Disabilities
- Complaint Procedure and Conflict Resolution
- Civil Rights Reviews and Resolution of Noncompliance
- Training
- Customer Service





### **Authority**

Programs receiving USDA funds must follow civil rights regulations and policy:

- Civil Rights Regulations are intended to ensure benefits of Child Nutrition Programs are made available to all eligible people in a non-discriminatory manner.
- All sponsors receiving Federal funds must implement Civil Rights requirements to be eligible for the program.





## **Authority**

Food and Nutrition Service (FNS) 113-1 regulations cover these programs:

- National School Lunch, Breakfast and Special Milk Programs
- Summer Food Program
- Food Distribution Program
- Child and Adult Care Food Program

https://fns-prod.azureedge.us/sites/default/files/113-1.pdf





# Civil Rights Legislation

### Title VI of the Civil Rights Act of 1964:

- Race, Color, and National Origin
- Civil Rights Restoration Act of 1987 clarifies the scope
- of the Civil Rights Act of 1964

### Title IX of the Education Amendments of 1972 & 7 CFR 15a:

Sex

Section 504 of the Rehabilitation Act of 1973 & Americans with Disabilities Act of 1990 & 7 CFR 15b:

Disability

### Age Discrimination Act of 1975 & 7 CFR 15c:

Age





## Civil Rights Legislation

### 7 CFR Part 16:

Equal Opportunity for Religious Organizations

USDA LEP Guidance (79 F.R. No. 299, p. 70771-70784, Nov. 28, 2014)

### Executive Order 13166

 Improving Access to Services for Persons with Limited English Proficiency





## Civil Rights Legislation

# The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA):

 Enforces Title VI of the Civil Rights Act of 1964 and related statutes in block grant type Programs

### Food and Nutrition Act of 2008, as amended

 Prohibits discrimination on the basis of race, color, sex, age, national origin, religion, political beliefs, or disability





# Civil Rights Legal Authorities

### 28 CFR Part 42:

Nondiscrimination in Federally Assisted Programs

USDA Departmental Regulation 4330-002 (non-discrimination regulations)

 Prohibits discrimination in programs and activities receiving Federal financial assistance from USDA

FNS Instruction 113-1 and Appendix B

7 CFR Part 210, 215, 220, 245 (NSLP), 226 (CACFP), and 225 (SFSP)





### **Discrimination**

### Defined as:

"Different treatment which make a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of action based on a protected class."









### **Assurances**

- To qualify for Federal financial assistance, an application must be accompanied by a written assurance that the program or facility to receive financial assistance will be operated in compliance with all civil rights laws and non-discrimination regulations.
- A Civil Rights assurance statement must be incorporated in all agreements between State Agency (NDE) and their subrecipients.
  - Refer to FNS Instruction 113-1, Appendix B





### 1: Public Notification



n accordance with reductal law and U.S. Department or Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), age, disability, and reprisal or retalation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online, at

#### www.usda.gov/sites/default/files/documents/usda-programdiscrimination-complaint-form.pdf, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA.

The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; or

(833) 256-1665 or (202) 690-7442; or

email: program.intake@usda.gov.

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derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo (incluvendo identidad de genero y orientacion de sexual), edad, discapacidad,venganza o represalla por actividades realizadas en el pasado relacionadas con los derechos civiles.

idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener large print, audictape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USAN TARGET Cretter is Q227 120 x260 your contact USAN through the Federal Relay Service at G100 377-3330 your contact USAN through the Federal Relay Service at decision of the Control Servicio Federal de Transmisión de Información al (800) 877-8339.

> Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en https://www.usda.gov/sites/default/files/ octeare en linea, en https://www.usca.gov/sites/cefautrities/ documents/USDA-frogramComplainForm-Spenish-Section 508 Compliant.pdf, en cualquier officina del USDA, llamando al (866) 632-9992, o serbibendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de telefono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario osciminatoria con siniciente ocaziane pera informi na disceserorea del Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

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Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410, o'

fax: (833) 256-1665 o' (202) 690-7442; o'

correo electrónico: program.intake@usda.gov.

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# All FNS assistance programs must include a public notification system





### **Public Notification**

Program Availability Inform applicants, participants, and potentially eligible persons of the program and steps for participation.

Rights & Responsibilities

Inform applicants, participants, and potentially eligible persons of their program rights and responsibilities.

Nondiscrimination Statement All information materials and sources, including websites used to inform the public about FNS programs must contain a NDS.

Complaint Procedure

At the service delivery point, applicants and participants must be advised of their right to file a complaint, how to file a complaint, and the complaint procedures.



### **Elements of Public Notification**

State agencies and their subrecipients must:

- Make program information available to the public;
- Prominently display the "And Justice for All" poster;
- Inform potentially eligible persons, applicants, participants, and grassroots organizations of programs or changes in programs





### **Elements of Public Notification**

State agencies and their subrecipients must:

- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information
- Provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for LEP persons
- Include the required nondiscrimination statement







## Nondiscrimination Statement Usage

At a minimum, the full nondiscrimination statement should be included on:

- Application form(s)
- Notification of Eligibility or Ineligibility
- Verification notice and results letter
- Notice of Adverse Action form
- Program (Home) webpage or a direct link to NDS
- Public information, including program literature



### **Nondiscrimination Statement**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. 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.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <a href="https://www.usda.gov/sites/default/files/documents/ad-3027.pdf">https://www.usda.gov/sites/default/files/documents/ad-3027.pdf</a>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

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#### 2.fax:

(833) 256-1665 or (202) 690-7442; or

#### 3.email:

Program.Intake@usda.gov

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### **Nondiscrimination Statement**

### Short versions

- This institution is an equal opportunity provider.
- Esta institución es un proveedor que ofrece igualdad de oportunidades. (Spanish)
- Can only be used in special circumstances

### **Translations**

 Other languages are available on the FNS CRD webpage: <a href="https://www.fns.usda.gov/cr/fns-nondiscrimination-statement">https://www.fns.usda.gov/cr/fns-nondiscrimination-statement</a>





### "And Justice for All" Poster

All programs participating in Child Nutrition Programs <u>must</u> display the "And Justice for All" poster in a prominent location where it can be viewed by all.

USDA AD-475A

Posters may be ordered using the Material Order Request form available on the NDE, Nutrition Services homepage.



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To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online, at

discriminative complaints form any USDA office, by cauling (666) 425-9802, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for CVI (Rights (ASCR) about the nature and date of an alleged dvi rights violation. The completed AD-3027 form or letter must be submitted to USDA by

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La información del programa puede estar disponible en ofros diciomas además del niglés. Las personas con discaporidades que requieran medios de comunicación attentativos, para obtener información sobre el programa (por ejemplo, Braile, ledicaro) agrandicia, grabación de audo y fenguaje de señas amedicano) administrat el programa co en el 14RGET Centre del USDA al 2222 120-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Tramamisión de información al (809 577-8339.

Para presentar una quela por discriminación en el programa, el reclamente debe completar un formulario AD-0207, Fromulario de quela por discriminación del programa del USDA, que se puede obtener en Inica, en Inteszi-Newu caza goviletes/desidentificado destre en Inica, en Inteszi-Newu caza goviletes/desidentificado del SEZ-9992, o esterbendo una carta entiquida el USDA. La carta debe contener el nombre, la dirección y el número de latellono del rendamante, y una descripción escrita de la supuesta acción discriminatoria con sufficiente detaite para informar al Sussecretario de Decedica Cibire (ACPC, por sua sigla en injetio) sobre la civiles. La carta o el formulario AD-0207 completado debe enviesse al USDA por medio de:

#### correo postal: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; o'

#### fax: (833) 256-1665 o'

correo electrónico: program.intake@usda.gov.

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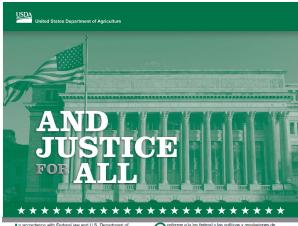
Afiche complementario al Formulario I







### 2: Data Collection



Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), age, disability, and reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and 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.

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(833) 256-1665 or (202) 690-7442; or

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La información del programa puede estar disponible en otros La intormación del programa puede estar espondible en del cidicimas además del inglée. Las personas con discapacidades que requieran medica de comunicación alternativos para obtener información sobre el programa (por ejemplo, Bralle, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Centrer del USDA al (202) 720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

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Office of the Assistant Secretary for Civil Rights
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Washington, D.C. 20250-9410; o'

fax: (833) 256-1665 o' (202) 690-7442; o' correo electrónico:

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### Obtaining Ethnic/Racial Data

**Purpose**: To determine how effectively FNS programs are reaching potentially eligible persons and beneficiaries.

- Voluntary self-identification or self-reporting (preferred method)
- Income application: Household applications that are completed each year and submitted to the SFA have a section for the household to identify their ethnic and racial data





## **Obtaining Ethnic/Racial Data**

- Applicants should be assured that the information is required for and used for statistical purposes only and has no bearing on eligibility criteria.
- Data should be collected at the point of application or may be collected at the time of enrollment at a school or childcare facility.
- Children are not to be surveyed.





# Race and Ethnicity Data Collection

### Two Question Format

- 1. Ethnicity (must select one of the following)
  - Hispanic or Latino
  - Not Hispanic or Latino
- 2. Race (one or more of the following)
  - American Indian or Alaska Native
  - Asian
  - Black or African American
  - Native Hawaiian or Other Pacific Islander
  - White

https://fns-prod.azureedge.us/sites/default/files/113-1.pdf







# 3: Language Assistance



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www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf, from any USDA office, by calling (866) 532-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

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U.S. Department of Agriculture

(833) 256-1665 or (202) 690-7442; or

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La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener large print, auditotiape, and American Sign Language) should contact the responsible State or load Agreesy that exhaustiances the responsible State or load Agreesy that exhaustiances the regionar or LISBA TARGET Center at (2021) 720-2660 (reion and TTY) or corract USDA through the Federal Relay Service at decimal contact under the responsible state of the responsible s Servicio Federal de Transmisión de Información al (800) 877-8339.

> Para presentar una quela por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario d queja por discriminación del programa del USDA, que se puede obtener en línes, en https://www.usda.gov/sites/defaultifiles/ documents/USDAProgram/ComplaintForm-Spanish-Section 508 Compliant.pdf, en cualquier oficina del USDA, llamando al (866) Compilant,pdf, en cualquier ofinica del USDA. Ilamanalo al (866) 622-9892, o escribiendo una certa dirigida al USDA. La carta debe contener el nombre, la dirección y el número de telefono del reclamante, y una descripción ecerta de la supuesta acción discriministoria con suficiente detallo para informar al Subsecritario de Derechos Civilles (ASDR, positiva susigias en injelés) sobre la del Derechos Civilles (ASDR, positiva susigias en injelés) sobre la naturaleza y la fecha de la presunta violación de los derechos rationaleza y la recitar de la presunta en vocación de los defectos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

orreo postal:
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Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SIW
Washington, D.C. 20250-9410; o'

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# Limited English Proficiency (LEP)

- Individuals who do not speak English as their primary language and have limited ability to read, speak, write, or understand English because of their national origin.
- Recipients of Federal financial assistance have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities for persons with LEP.
- Failure to provide "meaningful" access to persons with LEP could be discrimination on the basis of national origin.



## LEP and Meaningful Access

**Meaningful access** is provided through reasonable, timely, appropriate, and competent language services to individuals with LEP when accessing programs and services.



# LEP and Meaningful Access

- Factors to consider when ensuring meaningful access:
  - The proportion or number of LEP persons eligible to be served or likely to be encountered within the area serviced by the recipient;
  - Frequency with which LEP individuals come in contact with the program;
  - Nature and importance of the program, activity, or service provided by the program;
  - Resources available and their costs



### LEP and Program Access

- Translation of vital documents is required
- Free and Reduced-Price Meal Benefit Applications are available in foreign language translations at: <a href="https://www.fns.usda.gov/cn/translated-applications">https://www.fns.usda.gov/cn/translated-applications</a>
- Meal Benefit Income Eligibility Forms are available in foreign language translations at: <a href="https://www.fns.usda.gov/cacfp/english-meal-benefit-income-eligibility-form">https://www.fns.usda.gov/cacfp/english-meal-benefit-income-eligibility-form</a>
- Other program materials may require translation



# LEP and Program Access

- Language services:
  - Applicants and participants cannot be asked to bring their own interpreters
  - Children should not be used as interpreters
  - Use qualified, competent, and accurate language resources:
    - Bilingual staff
    - Telephone interpreter lines
    - Oral interpretation services
    - Written language services
    - Community organizations and volunteers

Make sure interpreter ethics is understood – particularly **confidentiality**!





## LEP Population and Data Sources

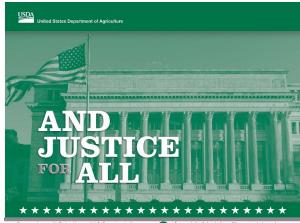
- Department of Justice site
  - http://www.lep.gov/maps/
- US Census Data
  - https://data.census.gov/cedsci/
- American Community Survey
  - https://www.census.gov/acs/
- Migration Policy Institute's National Center on Immigrant Integration Policy
  - http://www.migrationpolicy.org/







# 4: Reasonable Accommodations for Persons with Disabilities



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um unte acvisite sidela diffice documental unte programdiactimi antison-compania form grif from any USDA office, by calling (869) 632-9922, or by uriting a letter addressed to USDA. The letter must contrib the complisations frame, address, telephone number, and a written description of the sileped discriminatory solid no in sufficient death to from the Assistant and Compania for the Compania of the Compania of the letter must be ultimated to USDA by the letter must be ultimated to USDA by the

mail:

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Para presentar una qualigo nor discriminación en el programa, el reclamante debe completer un formation AD-3027, Formation de quele por discriminación del programa del USDA, que se puede obcumenta USDAP regiam/Completin d'em Separia-Section 509 documenta/USDAP regiam/Completin d'em Separia-Section 509 252-2592, e certifica del completin del USDA. La contra debe contener el inontese, la dirección y el número de telefono del reclamante, y una descripción sectra del suspuesta socieda discriminación con subcereto destela para informar al Subsecriento del Derechos Christo (ACDC), por una sigla en inglés) sobre la civileo. La carta o el formation AD-3027 completado debe envienze activido. La carta o el formation AD-3027 completado debe envienze al USDA por medio.

correo postal: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-0410; o'

fax: (833) 256-1665 o' (202) 690-7442; o' correo electrónico: program.intake@usda.gov.

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Fore AD-475 A.-Assisted Poster Revised May 200

Alicha complementario al Formulario AD-475-A/Revisado May 2022





# **Definition of a Disability**

A person who has a physical or mental impairment which substantially limits one or more major life activity, has a record of such impairment, or is regarded as having such an impairment.

 Major life activity means functions such as caring for self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and/or working.



### **ADA Amendment Act of 2008**

- Expanded the definition of disability to include "Major Bodily Functions":
  - •Immune system
  - Normal cell growth
  - Digestive, bowel, and bladder functions
  - Neurological, brain, and respiratory functions
  - Circulatory, cardiovascular, endocrine, and reproductive functions





## Disability and Program Access

- Ensure communication with individuals with disabilities is as effective as communication with others.
- Provide auxiliary aids and services when necessary to ensure program information and services are accessible.
   Examples include but are not limited to:
  - Qualified sign language interpreters
  - Braille, large print, audio recordings
  - Food service aides, adaptive feeding equipment, meal accommodations, etc.
  - Must ensure physical accessibility to meal service area



## Accommodating Special Dietary Needs

- Child Nutrition Program operators
   must make food substitutions or
   modifications for meals/snacks
   for children whose disabilities
   restrict their diets.
- Costs cannot be charged to the household.
- Documentation (IEP or Medical Statement) is necessary.

Voluntary Guidelines for Managing Food Allergies In Schools and Early Care and Education Programs









Centers for Disease Control and Prevention
National Center for Chronic Disease Prevention and Health Promotion







#### **Integrated Environment**

- Section 504 includes an integration clause:
  - An individual with a disability should be accommodated in the least restrictive and most integrated setting possible.
- Child Nutrition Program operators must balance safety versus stigma when developing accommodations (e.g., allergy-free tables)





#### 5: Complaint Procedures & **Conflict Resolution**



Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), age, disability, and reprisal or retaliation for prior civil

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To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online, at www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf, from any USDA office, by

calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; or

(833) 256-1665 or (202) 690-7442; or

program intake@usda.gov.

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U.S. Department of Agriculture

correo postal: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; o'

discriminar por motivos de raza, color, origen nacional, sexo (incluyendo identidad de genero y orientacion de sexual), edad, discapacidad venganza o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles.

La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener

información sobre el programa (por ejemplo, Bralle, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (202)

720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

Para presentar una quela por discriminación en el programa, el Para presentar una queja por discriminación en e programa, en reclamisate debe completar un formulario AD-3027, Formulario di queja por discriminación del programa del USDA, que se puede obtener en línea, en https://www.usda.gov/sitea/default/fillea/ documents/USDAProgramComplianiForm-Sparish-Section 508.

Compliant pdf en qualquier oficina del USDA Ilamando al (866)

Compisant port, en cualquier oficina del USUA, llamando al (889) 632-6992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con sufficiente detella para informar al Subsecretario

de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

(833) 256-1665 o' (202) 690-7442; o'

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#### **Complaints of Discrimination**

- Applicants or participants allege discrimination based on protected class(es) in CN programs:
  - Race
  - Color
  - National origin
  - Age
  - Sex (including gender identity and sexual orientation)
  - Disability
- SFAs and Institutions are required to develop and implement a written procedure to handle any discrimination complaint that may be received.



## Discrimination is when an individual or group of individuals are:

- <u>Delayed</u> benefits or services
- Denied benefits or services
- Treated **Differently** than others to their disadvantage
- Given **Disparate** Treatment



#### **Complaints of Discrimination**

- Complaints shall be accepted and/or forwarded to USDA;
- Complaints must be filed within 180 days from the alleged act of discrimination;
- Complaints may be written, verbal, or anonymous;
- State agencies or subrecipient agencies may develop their own complaint forms, but the use of such forms cannot be a prerequisite for acceptance;
- A separate Civil Rights complaint log shall be maintained by the State agency and subrecipient agency;
- Confidentiality is extremely important and must be maintained.





#### Civil Rights Complaint Process

Complainants may choose to:

- Contact USDA directly, or
- Contact NDE, Nutrition Services directly, or
- Notify the Child Nutrition Program sponsor of their complaint

Sponsors must forward all discrimination complaints received regarding Child Nutrition Programs to NDE Nutrition Services within <u>5 working days.</u>





#### Civil Rights Complaint Process

#### Complaints should include:

- Name, address, and telephone number of the complainant (unless submitting anonymously)
- The location and name of the organization or office
- The nature of the incident or action
- 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
- The basis for alleged discrimination



#### Civil Rights Complaint Process

- USDA complaint form:
  - English version:

https://www.usda.gov/sites/default/files/documents/Complain\_combined\_6\_8\_12\_508.pdf

Spanish version:

https://www.usda.gov/sites/default/files/documents/USDAProgramComplaintForm-Spanish-Section508Compliant.pdf



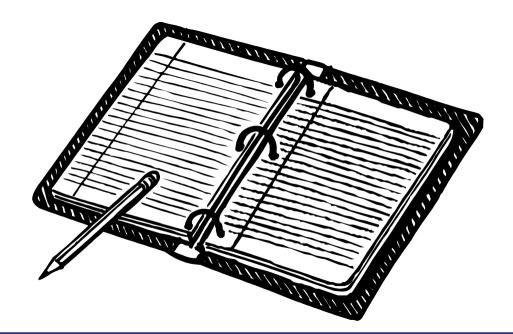
#### How to Handle a Complaint

- Use the Complaint Form
- Enter the Complaint on the Log
- Refer the complaint to the SFA's or Institution's civil rights contact person
- Report the complaint to NDE within 5 working days



#### Civil Rights Complaint Log

Log must be dated and kept for 3 years + current year, even if no complaints have been received







#### Civil Rights (CR) Binder

- Separate sections for:
  - 1) SFA's and Institution's CR complaint procedure,
  - 2) CR complaint Log,
  - 3) Copies of CR complaint forms
- An information sheet that identifies the Civil Rights coordinator for the SFA or Sponsor.



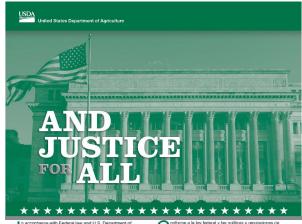
#### **Conflict Resolution**

- It may be possible to avoid potential civil rights complaints with the use of conflict resolution techniques.
  - Remain calm; obtain information about the situation
  - Repeat the information to ensure understanding
  - Bring involved individuals together to talk through the situation
  - Seek assistance from leadership, if necessary





### 6: Compliance Review & Resolution of Noncompliance



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correo postal: U.S. Department

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Office of the Assistant Secretary for Civil Rights

fax: (833) 256-1665 o' (202) 690-7442; o' correo electrónico: program.intake@usda.gov

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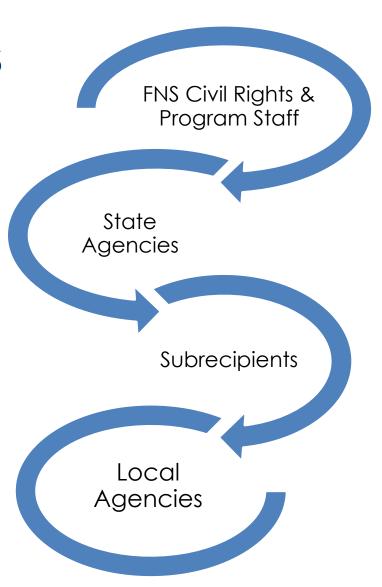




#### **Compliance Reviews**

Examines the activities of State agencies and subrecipients to determine Civil Rights compliance.

Significant findings must be provided in writing to the reviewed entity and to FNS.







### Types of Compliance Reviews

#### Pre-Award

• State agencies and subrecipient agencies must comply with Civil Rights requirements prior to approval for Federal financial assistance.

## Routine (Post-Award)

• FNS and State agencies must conduct routine compliance reviews as identified by FNS Instruction 113-1 and program-specific regulations and policies.

#### Special

- May be scheduled or unscheduled
- Follow-up on previous findings of non-compliance
- Investigate reports of non-compliance by other agencies, media, or grassroots organizations
- May be specific to an incident or policy
- History of statistical underrepresentation of particular group(s)
- Pattern of complaints of discrimination





#### Information for SFAs and Sponsors

No separation based by race, color, sex (including gender identity and sexual orientation), disability, age or national origin in:

- Mealtime
- Seating arrangements
- Serving lines
- Eating areas





#### Information for SFAs and Sponsors

- Program materials and information are accessible to all
- The USDA "And Justice for All" poster is displayed in prominent place
- Correct nondiscrimination statement on program materials
- Incorrectly denied F/R applications are not disproportionate to a particular group/groups
- Reasonable accommodations are provided for individuals with disabilities





#### Resolution of Noncompliance

- A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by a State agency, subrecipient, or a local site.
- Immediate steps must be taken to obtain voluntary compliance.
- A finding's effective date is the date of notice to the reviewed entity.



### Voluntary Resolution Agreement (VRA)

- An agreement that recipient(s) are willfully consenting to undertake remedial actions to address identified areas of noncompliance or if in violation with applicable civil rights laws and/or regulations.
- The VRA may be between multiple parties.
- A VRA may be used to closeout a Civil Rights Compliance Review at the discretion of FNS, CRD in lieu of issuing a written Compliance Review report with findings.







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correo postal: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights

fax: (833) 256-1665 o' (202) 690-7442; o'

correo electrónico: program.intake@usda.gov.

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**USDA** 

State Agency

Local Agencies

Frontline Staff





- Child Nutrition Program Sponsors (e.g., SFAs, Childcare Programs, Non-profit Organizations) are responsible for training all frontline staff annually.
  - All food service staff
  - Staff responsible for reviewing/approving free and reduced meal application or income eligibility forms
  - Teachers responsible for breakfast in the classroom or individuals responsible for CACFP meal service
  - Program volunteers
- New employees must receive training prior to involvement in program activities.





- Training must cover all aspects of Civil Rights compliance, including, but not limited to:
  - Collection and use of data
  - Effective public notification system
  - Complaint procedures
  - Compliance review techniques
  - Resolution of noncompliance
  - Requirements for reasonable accommodations for persons with disabilities
  - Requirements for language assistance for individuals with LEP
  - Conflict resolution
  - Customer service





- Training documentation is required and should include:
  - Dates
  - First and last name of each person attending training
  - Signatures
  - Topics covered

ype of training	Training Title*		Date			
Conference District Meeting	*Attach agenda brochure certifica	*Attach agenda, brochure, certificate or flyer				
Food show NDE Sponsored		Training Topic Learning Code(s)				
SFA Sponsored Self-Study Other	☐ 1000 – Nutrition					
	2000 – Operations		4000 - Communications/Marketing			
	∠2000 − Operations		4000 - Communications/Marketing			
ttendees: Empl	oyee Name	Position T	itle			
		_				

CACFP Training Log  Topic/Description:						
Presenter(s):						
Date:						
Participants:						
1 articipants.						





#### **Complaint Procedure Training**

- Staff should be able to identify a civil rights complaint if received;
- Staff should know what to do if they receive a complaint;
- Staff must understand that it is a person's basic right to file a complaint of discrimination





#### 8: Customer Service



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Office of the Assistant Secretary for Civil Rights
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Washington, D.C. 20250-9410; o'

fax: (833) 256-1665 o' (202) 690-7442; o'

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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 (including gender identity and sexual orientation), age, or disability.

#### **Customers include:**

- Applicants
- Participants
- Public





#### **Customer Service**

- Be polite, thoughtful, and patient
- Listen carefully and avoid interruptions
- Respond to questions and provide additional resources when necessary
- Respond to customer's needs appropriately
- Treat all participants equally:
  - seating arrangements
  - serving lines
  - services and facilities
  - assignment of eating periods
  - verification methods and selection





# Ask yourself each time you interact with program participants, applicants or beneficiaries...

- How would I want to be addressed?
- Am I treating this person in the same manner I treat others?
- How can I have a positive impact on this individual's day?
  - Smile
  - Create conversation
  - Ask about their day
  - Encourage participants to try new items





## When interacting with applicants or potentially eligible persons, ask yourself...

- Have I provided this person with all necessary program information?
- Have I informed this person of the information necessary to make a determination on the application?
- Have I given this person the opportunity to clarify all relevant factors or inconsistencies and ask questions?



## Summary Civil Rights <u>"Must Do List"</u>

- ☐ 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 Child Nutrition Program meals and snacks
- Must offer meals/snacks to all eligible participants (e.g., all students enrolled at a school, all children enrolled at a CACFP sponsor facility, etc.)



## Summary Civil Rights "Must Do List"

- Offer Child Nutrition Programs in a non-discriminatory manner
- Provide meaningful access to individuals with LEP
- Provide reasonable accommodations for individuals with disabilities
- ☐ Train staff annually on Civil Rights
- Develop & fully implement a Civil Rights Complaint Procedure





### **Questions? Contact Nutrition Services:**

402-471-2488

800-731-2233 (outside Lincoln)

nde.nsweb@nebraska.gov



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La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener requeran medica de continuación alternativos para dosenes información sobre el programa (por ejemplo, Siralle, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatad o local responsable que administra el programa o con el TARGET Center del USDA al (201) 720-2600 (voz y TTY) o comunicarse con el USDA a través de Servicio Federal de Transmisión de Información al (800) 877-8339

Para presentar una queia por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario d queja por discriminación del programa del USDA, que se puede quips pur discumination tris programma are scotce, qui est punici-obtener en l'inex, en https://www.unds.gov/nilee/defaul/fillee/ documients/USDAProgram/Complaint/oren-Spanis-Sociation 508 Compilants/pt., en ouissaine feine de USDAP, kinamardo et (666) 632-6992, e scribbando una carta dirigida al USDAP, carta describa-comberez a compilante de l'incompilante de l'incom reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la focha de la presunta viciación de los derechos civiles. La carta o el formulatio AD-3027 completado debe enviarso al USDA por medio de:

correo postat: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; o'

(833) 256-1665 o' (202) 690-7442; o' correo electrónico: program intake@usda.gov.

Esta institución ofrece igualdad de oportunidades



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To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <a href="https://www.usda.gov/sites/default/files/documents/ad-3027.pdf">https://www.usda.gov/sites/default/files/documents/ad-3027.pdf</a>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or

#### 2.fax:

(833) 256-1665 or (202) 690-7442; or

#### 3.email:

Program.Intake@usda.gov

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