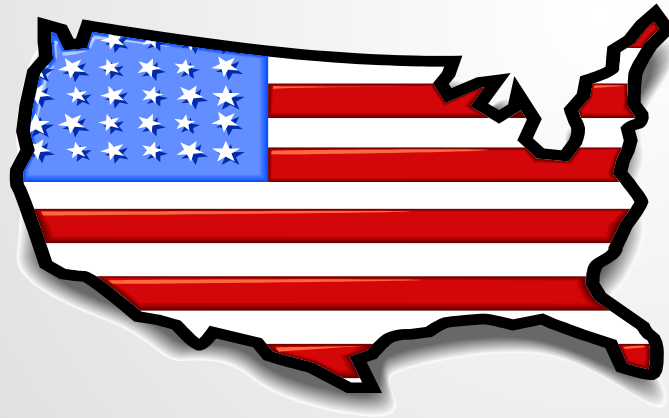


# **CIVIL RIGHTS IN THE SFSP and CACFP**

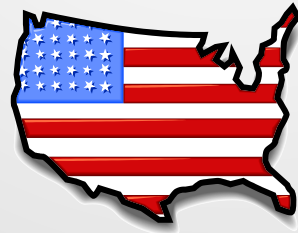


# Civil Rights (CR) Training

- REQUIREMENTS:
  - Provide CR training to all Program staff, new employees and volunteers
    - Annually
  - Maintain documentation:
    - Agenda
    - Sign-in sheets/On-line attendance record
  - Include all CR topics
    - NDS

# WHAT IS CIVIL RIGHTS DISCRIMINATION?

- Discrimination is distinguishing one person or a group of persons from others, either intentionally, by neglect, or by the effect of **actions** or **lack of actions** based on any of the protected classes



## EXAMPLES OF CR DISCRIMINATION

- Ethnic slurs - Action
- Racial “jokes” - Action
- Offensive or derogatory comments - Action
- Hostile or offensive environments - Action
- *Failure to provide reasonable accommodations* – Lack of Action
- Harassment – Action
- Retaliation - Action
- Decisions based on stereotypes – Could be Both

# Summer Food Service Program (SFSP) PROTECTED CLASSES

- Race
- Color
- National Origin
- Sex
- Age
- Disability



# Summer Food Service Program (SFSP) PROTECTED CLASSES

- Reprisal or Retaliation for Prior Civil Rights Activities







United States Department of Agriculture



In accordance with Federal 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, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

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.

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](http://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:

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

**fax:**  
(833) 256-1665 or (202) 690-7442;

**email:**  
[program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, edad, discapacidad, venganza o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles (no todos los principios de prohibición aplican a todos los programas).

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, Braille, 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 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 [www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf](http://www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf), en cualquier oficina del USDA, llamando al (866) 632-9992, 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 suficiente detalle 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:

**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 (202) 690-7442;

**correo electrónico:**  
[program.intake@usda.gov](mailto:program.intake@usda.gov).

Esta institución ofrece igualdad de oportunidades.

# I. Collection and Use of Beneficiary Data

- **Ethnicity**

- Hispanic or Latino
- Non-Hispanic or Latino

- **Race**

- American Indian or Alaska Native
- Asian
- Black or African-American
- Native Hawaiian or Other Pacific Islander
- White



# Data Collection

## Systems in place to collect data

- Sponsor Application: ethnicity and race (r/e) data for the area to be served and source of data
  - Potential Beneficiaries
- Sponsor Monitor forms:
  - Monitor collects r/e data at the meal service
    - Actual beneficiaries
  - 3 year + current year record retention requirement
- State review forms
  - Reviewer collect r/e data at the meal service
  - Same record retention requirement

## Use of Data

- Data is used to determine how effectively USDA Food and Nutrition Service (FNS) programs are:
  - Reaching potential eligible persons and beneficiaries;
  - Identifying areas where additional outreach is needed;
  - Assisting in the selection of locations for compliance reviews, and completing reports as required.
- USDA requires data to be collected yearly.

## II. Public Notification System

- Basic Components:
  - Program Availability
    - Announce Program availability, sponsorship and participant rights and responsibilities
    - May use different types of media
- Complaint Information
  - Announce the right to file a complaint
  - How and where to file and the complaint
  - Available at the service delivery point
- Non-discrimination statement
  - Provide the full statement

### III. CR Complaint Procedures

- Right to File: It is the basic right of any individual alleging discrimination to file a complaint of discrimination.
- Acceptance: All complaints, written, verbal, and anonymous shall be accepted and forwarded to the State Agency and to the Civil Rights Division of the USDA Food and Nutrition Service.
- Sponsor must provide “due process.”

# CR Complaint Procedures

- CR complaints must be:
  - Based on one or more of the six SFSP protected bases
  - Documented regardless of how it was received
    - If complainant wishes to be anonymous, handle as any other complaint of discrimination
  - Filed within 180 days of the occurrence or notice of the discriminatory action

# CR Complaint Procedures

- SFSP form# 6.2 in Sponsor Binder
- CACFP equivalent
- If necessary, Sponsor staff must assist complainant
- Be detailed
- SFSP Director calls the State Agency
- SA contacts USDA
- Follow ups are conducted and outcome is documented

## IV: Reasonable Accommodations

### *Hearing or Sight Disability*

- Sponsor obligation to ensure *reasonable accommodations* are made to allow the public to access Program benefits, information, and materials
  - Braille, large print, audio tape, and American Sign Language (ASL) interpretation may be needed to adequately communicate with people with hearing or site disabilities



# Reasonable Accommodations

## *Access Program Benefits*

- Requests for special accommodation
  - If request is reasonable, sponsor is obligated
    - Reasonable: Does not fundamentally alter the nature of the Program
- Examples of a reasonable accommodation:
  - Providing table and chairs to eat
  - Meal site relocation to more accessible place

# **Reasonable Accommodations**

## ***Limited English Proficiency (LEP)***

### Definition of LEP:

Individuals whose primary language is not English and who have a limited ability to read, speak, write, or understand the English language.

### Sponsor requirement:

Sub-recipients of Federal funds have the responsibility to provide reasonable accommodations to ensure meaningful access to their programs and activities by person(s) with LEP

# *Limited English Proficiency (LEP)*

- Factors to consider with addressing LEP:
  - Number of LEP individuals participating in the Program
  - Frequency of contact with the Program
  - Nature of the request
  - Resource availability
- Failure to comply may result in a complaint of discrimination based on national origin

## V. Conflict Resolution

- Advise clients of their rights to file a complaint
- Obtain detailed information from all that were present
- Attempt to resolve the complaint at the lowest possible level
- Train staff to disregard personal views of their own
- Document all discussions, follow ups and outcomes

## VI. Customer Service

- Customer service is essential for good relations and crucial when attempting to resolve conflicts.
- Arm your staff with the tools to properly handle conflicting views, and adverse situations when they arise.
- Remain focused on resolution. Do not worsen the situation or make yourself part of a conflict.
- Train staff to effectively resolve situations with courtesy and professionalism.

# Meal Site Requirements

- Display the “And Justice for All” poster
- Serve meals first-come, first-served
- Provide free meals to all children
- Serve meals without any type of discrimination- based on protected classes or otherwise
- Provide same meals to all at no charge
- Provide equal opportunity to services and facilities

# QUESTIONS

