

Civil Rights & You



A Training for
Family Child
Care Providers
and Participants
in the USDA
Child and Adult
Food Program

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Civil rights training ensures that you...

- Understand the laws regarding civil rights;
- Understand that you are able to follow the civil rights laws;
- Are able to identify a civil rights complaint and know what to do if one is received;
- Understand that it is the basic right of the individual to file a complaint;
- Receive training on all areas of civil rights compliance.

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ANNUAL TRAINING

REQUIRED TOPICS:

1. Collection & use of data;
2. Public notification;
3. Complaint procedures;
4. Reasonable accommodation for people with disabilities and language assistance



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What is discrimination?

- To discriminate is to make a distinction.
- In relation to civil rights, this means treating one person (or a group of people) differently from others.
- Discrimination can occur intentionally or by neglect, by actions or by lack of actions.



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What is discrimination?

Our beliefs and attitudes can lead to discrimination...

- **Stereotypes:** Beliefs based on preconceived or oversimplified generalizations about certain people or groups.
- **Prejudice:** Attitudes based on a rigid and negative view of a particular group.

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What is discrimination?

- Discrimination is the practice or action of treating people unfairly or differently from others based on our stereotypes and prejudice.



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TYPES OF DISCRIMINATION

- **Disparate treatment**
Occurs when someone in a protected class is treated differently than others. Intentional.
- **Disparate Impact**
Occurs when there is a discriminatory result on a protected class that results from an action or rule. Unintentional.
- **Reprisal/Retaliation**
Is negative treatment someone feels they received due to a prior civil rights complaint by them, his/her family or known associates or for cooperating with an investigation.

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What are civil rights?

Civil rights are the non-political rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments to the U.S. Constitution and Acts of Congress.



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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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Federal Financial Assistance

- Accepting Federal funds requires compliance with civil rights rules in all aspects of operations.



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What Are the Civil Rights Laws?

- Title VI – Civil Rights Act of 1964 – **Race, color, national origin**
- Title IX of the Education Amendments of 1972 – **Sex**
- Section 504 of the Rehabilitation Act of 1973 – **Disability**
- Americans with Disabilities Act - **Disability**

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Six Protected Classes in USDA Child & Adult Care Food Program

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

A client may file a civil rights complaint if they feel they are discriminated against based on any of these six classes

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Assurances = Promises

- In order to receive Federal funding, agencies/providers must promise that they will abide by civil rights requirements in program delivery.
- The **Agreements** signed by **State** agencies, sponsors and facilities/homes include these four promises at all levels:
 - Federal & State **agreements**;
 - State **agency & institution agreements**;
 - and in sponsor & facility **agreements**.
- It is required language.

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Assurances=Promises

1. No discrimination based on race, color, national origin, age, sex, or disability
2. Program will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines
3. Compile data, maintain records, submit reports
4. Allow reviews & access

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Public Notification

If you advertise your program and mention the CACFP you must include this non-discrimination statement and complaint procedures.



In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Ave., S.W., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.


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NONDISCRIMINATION STATEMENT

SHORT VERSION:

“This institution is an equal opportunity provider.”

- ✓ **May be used where the longer statement does not fit.**
- ✓ **Must be in font size no smaller than font size used in rest of publication**
- ✓ **Should not be used where information on rights is provided.**



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NONDISCRIMINATION STATEMENT

WEB SITES

- ✓ Include the long statement or a link to it on web sites that discuss FNS funded programs. Home page at a minimum!
- ✓ Include the long or short statement on materials intended to be printed off the web site.



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As a CACFP provider you help ensure everyone can benefit from this program by **collecting data** with the USDA enrollment form.



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Annual Collection and Use of Data

Data must be collected using two separate questions:

1. **Ethnicity – All must indicate if Hispanic or Latino**
2. **Race – Individuals may select as many as applicable**

The collection of this data is **NOT** optional.

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Data Collection

On the CCAFP enrollment form, encourage parents to declare the race/ethnicity of their child.

If parents do not wish to declare race/ethnicity, you should use your best discretion to code race/ethnicity appropriately.


This information helps to determine whether there are disparities between the **people** that are eligible and those that are being served.

All data is kept confidential.



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Data Collection



Remember to tell clients that the information requested will not affect their eligibility and will help to ensure that benefits are distributed fairly.

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Complaint Procedures

1. A complaint may be made on the basis of race, color, national origin, age, sex, or disability.
2. Complaints can be made verbally or in writing.
3. All complaints must be submitted to the USDA Regional Civil Rights Director, Ellen Shannon: (609) 259-5123 or Ellen.Shannon@fns.usda.gov

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Reasonable Accommodations

Ensures access for people with disabilities

- ❖ If you get a request that you are not able to accommodate contact your USDA sponsoring organization.
- ❖ The sponsoring organization will attempt to find an a provider equipped to accommodate the request.
- ❖ If they are unable to fulfill the request they will contact USDA Mid-Atlantic Regional Office.



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Definition of Disability

"Handicapped person" is defined in 7 CFR 15b.3(i) as any person who has "a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment."

"Major life activities" are defined in 7 CFR 15b.3(k) as "functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working."

School food authorities, institutions and sponsors participating in the Child Nutrition Programs are required to make substitutions or modifications to the meal patterns for those participants with handicaps who are unable to consume the meals offered to non-handicapped participants.

Each person with a disability has different needs. Therefore requests for reasonable accommodation are handled on a case-by-case basis.

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SUBSTITUTIONS TO CACFP MEAL PATTERNS

1. Substitutions are **required** for disabled individuals and must be documented by a licensed physician
2. Substitutions are **permitted** for medical or other special dietary needs and must be documented by a medical authority



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Documentation Required for CACFP Meal Substitutions

Disabled Individual-Physician's Statement

- Specify disability and why it restricts diet,
- major life activity affected, and
- food(s) to be omitted and food(s) to be substituted.

Special Dietary Needs – Medical Authority

- Specify medical or special need and
- food(s) to be omitted and food(s) to be substituted.

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Questions?

Please contact:

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