

Civil Rights & Your Institution

Colorado CACFP Self-Study Training Guide

The following guide can be used to provide the annual civil rights staff training.



Institutions are required to provide civil rights training annually to all staff members involved in any aspect of the CACFP program. This may include directors, assistance directors, teachers, teacher assistants, food service staff, or any staff who interact with applicants or participants. This training must be provided to all new staff members within the first 30 day after hiring.

Annual Civil Rights training offered must include, but is not limited to:

- Annual collection and use of civil rights data (reported race and ethnicity);
- The institution's method of informing participants of CACFP availability, nondiscrimination statement, rights and responsibilities, the procedures for filing a discrimination complaint, and the prominent display of the And Justice for All poster;
- Procedures to submit a discrimination complaint;
- Compliance with Civil Rights requirements;
- Resolution of noncompliance with Civil Rights;
- Required reasonable accommodation of persons with disabilities;
- The institution's methods of providing language assistance when needed by applicants or participants to access the benefits of the program;
- Conflict resolution; and
- Customer service.



Colorado Department
of Public Health
and Environment

CACFP Requirements

Civil Rights requirements for CACFP Institutions:

- Provide annual Civil Rights training to staff with CACFP responsibilities and who interact with applicants and participants.
 - Maintain annual training documentation.
- Public Notification:
- Prominently display the “*And Justice for All*” poster.
 - Provide applicants, participants and potentially eligible person with the Dear Parent/Guardian or Participant/Guardian letter.
 - Include the non-discrimination statement on all printed or electronic materials available to the public, which mentions USDA or CACFP.
 - Offer meals equally to all participants in a non-discriminatory manner and without separation of gender.

- Data collection, maintenance and reporting.
- Information materials in accessible formats.
- Compliance Reviews and Compliant Resolution (*covered in the supplemental director CACFP Civil Rights guide*).

What you as an employee/employer at a CACFP participating Institution need to know?

- All staff members should receive training on all aspects of Civil Rights compliance.
- Be able to identify a Civil Rights complaint if received.
- Know what to do if a complaint is received.
- Understand that it is the basic right of an individual to file a complaint.

Important Note!

Once read, please complete the brief, *Applying Your Civil Rights knowledge* document, located on the CDPHE- CACFP website. This will serve as adequate documentation to demonstrate that an individual has completed CDPHE- CACFP annual Civil Rights staff training. Keep on file for 3 years and 4 months past the current fiscal year as part of your Institution’s record keeping requirements.

You may always use your own Civil Rights training document as long as it includes topics covered, the date, who conducted the training and names of those attending the training.

A variety of Institutions participating with the CACFP receive this training therefore not all the Learning Exercises in this self-study guide may apply to the Institution where you work. If you have specific questions regarding the Learning Exercises and if they apply to your Institution, please contact your CACFP Nutrition Consultant.

Questions & Resources

Why CACFP Requires Civil Rights Training?

CACFP is funded by Federal dollars with USDA serving as the “pass-through” agency that then provides grants to States to administer the program. These dollars are drawn from taxes from people like you. Tax dollars are to be used for the benefit of ALL eligible persons, to ensure equal access to Child Nutrition Programs.

Institutions who participate in CACFP must implement Civil Rights requirements in order to be eligible.

Civil Rights Questions and Resources

For more information and additional resources on Civil Rights, visit the USDA Office of Civil Rights at : <http://www.fns.usda.gov/civil-rights>

Helpful Civil Rights materials referenced in this training guide can be found on the CDPHE-CACFP website:

<https://www.colorado.gov/>



Data Collection

Why do we ask for participant’s Race and Ethnicity? USDA requires collection of race and ethnicity data. This information is used for statistical purposes and helps to ensure no ethnic or racial group is discriminated against in participation. If a participant chooses not to self-identify their race or ethnicity, your Institution may visually determine race and/or ethnicity. This information is captured

on the Income Eligibility form (IEF) as well as during recertification of an Institution’s application.

In August of each year, as part of the annual recertification process, the CDPHE-CACFP will release the population data by county to all participating institutions. Institutions are required to review this information for awareness of the population data pertaining to service areas and retain this information for a period of 3 years. This record reten-

tion requirement for the population data will be assessed during the institution’s compliance review conducted by the CDPHE-CACFP as part of civil rights compliance monitoring.

Race and Ethnic Categories are as follows:

Ethnicity:

- Hispanic or Latino
- Not Hispanic or Latino

Race:

American Indian or Alaskan Native Asian , Native Hawaiian or Other Pacific Islander, Black or African American, White.

What is Discrimination?

Treating persons or groups differently from others, either intentionally, by neglect, or by the actions or lack of actions based on their protected classes. Discrimination is prohibited in CACFP. The protected classes are:

1. Race
2. Color
3. National Origin
4. Sex
5. Disability
6. Age
7. *Reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.*

Public Notification

All Institutions must display the “And Justice for All,” nondiscrimination poster in a prominent place for ALL visitors to see.

This poster is located on the CDPHE-CACFP website, where it is available to print. The poster is in both English and Spanish.

Include the United States Department of Agriculture (USDA) non-discrimination statement on all materials regarding the CACFP that are

produced for public notification. Examples of materials include posted and distributed menus, websites and Institution handbooks that mention CACFP.



The USDA non-discrimination statement samples can be found on the CDPHE-CACFP website. These samples can be copied and pasted on Program materials.

Learning

Answers can be found on page 4

Learning Exercise #1

A. Boys and girls sit at separate tables *Boys and Girls Tables*. Is this discrimination?

B. An Institution delays enrolling an eligible participant because they are Russian and speak a different language?

Learning Exercise #2

The Happy Smiles Day Care center has one main entrance and multiple classrooms. Each classroom at the Day Care center has the “And Justice for All” poster in each of the classrooms. Is the poster located in a prominent place for all visitors to see?

Institutions must make CACFP program information available to the public upon request. Upon initial visits, participants should be given specific program information which is pertinent to their receipt of benefits through the CACFP, such as the CACFP Parent Letter. This letter is available on the CDPHE-CACFP website. In addition participants should be made aware of procedures for filing a complaint concerning the CACFP, this information can be found on the “*And Justice for All*” poster. [Click](#) here to download and print the poster.

Program Information Materials in Accessible Formats

Identify and Accommodate Language Needs

Limited English Proficiency (LEP) persons are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Recipients of Federal financial assistance, such as this Institution have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency.

If a significant number or proportion of the population eligible to be served by your Institution needs service or information in a language other than English in order to be informed or participate in the program, the Institution shall take reasonable steps to provide information in appropriate language (s). In addition if requested, all participating Institutions must provide Program materials for non-English speaking participants in the appropriate language.

CDPHE-CACFP provides meaningful access to

Program information through materials available in Spanish. Also, Program materials for persons who speak other languages or who have a limited ability to read, speak, write or understand English are available in the USDA-FNS website <http://www.fns.usda.gov/school-meals/translated-applications>, or form the CDPHE-CACFP office upon request.

Accommodating Participants Medical Disability or Dietary Medical Needs

You may have participants in care who require specific foods due to a medical or dietary disability. Ensure that procedures are followed to accommodate participants with a documented disability. These procedures can be found at the [CACFP Program manual](#), located on the CDPHE-CACFP website <https://www.colorado.gov/cdphe/cacfp> Refer to *Section 3 under Exceptions to the Meal Pattern* for details.

In addition the Americans with Disabilities Act prohibits discrimination based on dis-

ability in all services, programs, and activities provided to the public by State and local governments. This means that agencies must ensure persons with disabilities have:

- Program accessibility
- Effective communication with Institution staff; and
- Easy access to the building itself.

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.

How to Handle a Civil Rights Complaint

Any person alleging discrimination based on race, color, national origin, sex, age, disability, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA has a right to file a complaint of the alleged action.

- Complaints can be written or verbal.
- Anonymous complaints should be handled as any other complaints.

Please keep in mind that a person can complain verbally and refuse to put the allegation in writing. However, it is the responsibility of the person to whom the allegations were made to document the complaint. Every effort should be made to include or collect the following information when a complaint is received:

1. Name, address, telephone number or other means of contacting the person with the complaint.
2. The specific location and name of the State agency, Institution or other facility delivering the service or benefit.
3. The nature of the incident or action that led the person to feel discrimination was a factor. And the bases they believe discrimination exists. The bases for discrimination are race, color, national origin, age disability, or sex
4. The names, phone numbers, titles, and business or personal addresses of person who may have knowledge of the alleged discriminatory actions occurred, or if continuing, the duration of such actions.

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.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, 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.

This institution is an equal opportunity provider.

Ensuring Civil Rights Compliance at Your Institution

Everyone has a role in ensuring civil rights compliance. The first step is completing this training and asking questions if you don't understand. It may help to discuss what you learned with co-workers to enhance your understanding of this material. The second is providing excellent customer service in your daily interactions with co-workers, participants, families and visitors to your Institution. Providing excellent customer service is important to avoid the appearance or perception by anyone of unlawful discriminatory statements or actions.

Learning Exercises Answer

#1a. Yes. This is discrimination because it is segregating children who share a particular characteristic of one of the protected classes.

#1b. Yes. This is discrimination based on National Origin. All Institutions in CACFP must provide equal opportunity for enrollment without delaying benefits or services that others receive, or treated differently than others.

#2 No. Each visitor to the Institution may not go to the classrooms. The poster should be moved to the front entrance, multiple posters are not necessarily needed unless there are multiple entrances that visitors may enter.

#3 Whether anonymous or not whoever received the voice message should document the complaint and it should be reported to the USDA, Office of Civil Rights.