

In addition to the CACFP *Civil Rights & Your Institution-Self-Study Training Guide*, this supplemental director's guide has been developed to cover additional areas of civil rights pertinent to the leadership role you serve at your institution. You may find this helpful as an additional resource regarding civil rights compliance.

This supplemental guide will cover:

- Assurances
- Compliance Reviews
- Resolution of Noncompliance
- Annual Data Collection of Race and Ethnicity

Assurances

Through your institution's participation in the CACFP you have come into agreement with certain assurances regarding Civil Rights compliance. These assurances are in the CACFP contract with each institution and include:

- Compile data.
- Maintain records.
- Submit reports (as required).
- Permit effective enforcement of the nondiscrimination laws.
- Permit authorized USDA personnel during the hours of program operation to review such records, books and accounts as needed to ascertain compliance with the nondiscrimination laws.

Compliance Reviews

The State Agency conducts Civil Rights compliance reviews during:

- Pre-approval reviews
The State Agency determines if all institutions are in compliance with Civil Rights requirements prior to CACFP participation approval. The determination is based on a review of application information and when possible, by an onsite pre-approval visit.
- Post-award or routine compliance reviews
The State Agency conducts Civil Rights compliance reviews of participating institutions during program reviews, according to the frequency set forth in 7 CFR 226.6 (m) (6). Sponsors of Centers are instructed to conduct the civil rights reviews when monitoring their CACFP participating sites.

The Civil Rights Compliance Reviews

Include the following in your compliance review.

- An assessment of whether potentially eligible persons and households have an equal opportunity to participate in the program.
- Whether the Program records are coded in any way by race or ethnic origin.
- Whether institutions and sites are displaying the USDA's *And Justice for All* poster in a conspicuous location.
- Whether the nondiscrimination statement is included on all printed materials such as applications, pamphlets, forms or any other program materials, including menus, distributed to the public and on the website, whether graphic materials reflect inclusiveness based on race, color, national origin, age, sex, disability or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.
- Whether the program information is available to potentially eligible persons, program applicants and participants.
- To observe and ask what organizations within the community may assist the institution or facility in reaching potentially eligible populations.
- Whether actual applicant and participant racial and ethnic data are collected and maintained on file for three years and four months.
- Whether Civil Rights complaints are handled in accordance with procedures.
- Whether the institution or other sub-recipient has conducted the required annual Civil Rights training for its staff.

Resolution of Noncompliance

Noncompliance occurs when any Civil Rights requirement, as provided by law, regulation, policy, instruction or guidelines is not followed.

Noncompliance may be the result of a review of Civil Rights compliance during routine monitoring, a special review (complaint follow-up) or an investigation.

Once noncompliance is determined, steps must be taken to immediately obtain voluntary compliance. The State Agency must provide immediate written notice to the institution regarding areas of noncompliance and the action required to correct the situation, as well as work with the institution to achieve compliance. If corrective action has not been completed within 60 days of the findings, the State Agency will submit a report to the Regional Administrator to report the findings of noncompliance.

Data Collection

Ethnic and racial data must be collected each year by each institution prior to initial approval and approval of participation recertification. In August of each year, as part of the annual recertification process, the 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 three years. This record retention requirement for the population data will be assessed during the institution's compliance review conducted by the CACFP as part of Civil Rights compliance



monitoring. This information is captured in the CACFP [CNP](#) online reimbursement and claims system.

Civil Rights complaint procedures

The *And Justice for All* poster with instructions for filing a complaint if a person feels discriminated against, must be displayed by institutions in a visible place for easy access of participants and parents/guardians.

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

USDA Nondiscrimination Statement

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.