

Civil Rights  
Compliance  
Annual  
Training



# What are Civil Rights?

Civil Rights are the nonpolitical rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution and Acts of Congress.



# Why is Civil Rights Important?

Ensures equal access to the Child Nutrition Program.

## What is Discrimination?

Discrimination is defined as different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on six protected classes: race, color, national origin, sex, age, or disability.

# Mission of FNS Civil Rights Division

- To provide leadership for comprehensive protection against discrimination in employment practices and delivery of programs to the public. Our goal is to ensure that applicants and individuals who are eligible to participate in our programs are treated fairly and equitably, with dignity and respect.

# Six Protected Classes



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



# Why Civil Rights Training?

- Training is required so that individuals involved in all levels of administration of programs that receive Federal financial assistance understand Federal laws, regulations, instructions, policies and other guidance.



# Civil Rights - Training Requirements

Civil Rights training is **REQUIRED** annually to front line staff and newly hired per the FNS Instruction 113-1. An agenda and sign in sheet **MUST** be available for review.

Specific subject matters must include:

- Collection and use of racial and ethnic data
- Effective public notification systems
- Complaint procedures
- Complaint review techniques
- Resolution of non-compliance
- Requirements for reasonable accommodation of persons with disabilities
- Requirements for language assistance
- Conflict resolution
- Customer Service

The FNS Instruction 113-1 can be found at

<https://www.alsde.edu/sec/cnp/FDCH/Civil%20Rights.pdf>

Food & Nutrition Service	FNS INSTRUCTION	NUMBER
	U.S. DEPARTMENT OF AGRICULTURE 2105 PARK CENTER DRIVE ALEXANDRIA, VA 22304-1600	113-1
INFORMATION FOR: All FNS Employees and State Agencies		
Civil Rights Compliance and Enforcement - Nutrition Programs and Activities		
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DISTRIBUTION:	MANUAL MAINTENANCE INSTRUCTIONS	RESPONSIBLE FOR
RD, ST, ED	This instruction replaces the Instructions 113-1, Rev 1, 113-2, 113-3, 113-4, 113-6, 113-7 and 113-8. Remove all EIS Instructions listed here and replace with this instruction.	PREPARATION AND MAINTENANCE: CRD
		Page 1 11/6/06

FNSM 113-428 (1-05) Previous editions obsolete  
Electronic Path Version Designed by JCP/MS 5.1 Version

# Civil Rights - Training Requirements (Customer Service)

The foundational elements of civil rights legislation should be reflected in every contact with the public and the basis of customer service:

- *All people deserve respect.*
- *All people are entitled to fairness and equity in the delivery of our services and benefits.*
- *Personal judgments or feelings regarding race, color, country of origin, religious and political beliefs, sex, disabilities and age have no place in the determination of how to serve people and the benefits provided.*



# Assurances

A civil right assurance is incorporated in all agreements between the state agency and the contractor/sponsor in order to ensure that

ALL children  
have access to the  
child nutrition program.



Agreements between sponsors and facilities also include civil rights assurances. See FNS Instruction 113-1, Appendix B and form FNS-74 for Program-specific assurance language.

# Data Collection and Reporting

Each Child Nutrition sponsor is required to collect:

- Ethnic/Racial data
  - Collect annually
- Maintain data for three years plus the current year

# Ethnic /Racial Data Collection

Collect ethnic data first, then racial

- **Ethnicity**

- a. Hispanic or Latino
- b. Not Hispanic or Latino

- **Race**

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

# Civil Rights Compliance Data Collection Form

Alabama State Department of Education  
Child Nutrition Programs  
CR May 2017

**CHILD AND ADULT CARE FOOD PROGRAM  
CIVIL RIGHTS COMPLIANCE DATA COLLECTION FORM**  
Fiscal Year \_\_\_\_\_

**Institution/sponsor:** \_\_\_\_\_ **Site:** \_\_\_\_\_

All Child and Adult Care Food Program center sponsors must annually determine the number of potentially eligible participants by ethnic/racial category for the area served and submit this information with the application.

The traditional definition of **race and ethnicity** is related to biological and sociological factors respectively.

**Race** refers to a person's physical appearance from descent or heredity, such as skin color, eye color, hair color, etc. **Ethnicity**, on the other hand, relates to cultural factors such as nationality, culture, ancestry, language and beliefs.

**INSTRUCTIONS:**

1. **Enrolled #** - the number of participants currently enrolled in the program. This data can be obtained from data provided on the Income Eligibility Forms or by visual identification.
2. **Complete** one form for each site under your Institutional Agreement.

<b>Ethnic Categories (Sociological)</b>	<b>Enrolled number</b>
<b>Hispanic or Latino</b> (Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.)	
<b>Non-Hispanic or Non-Latino</b> (All others, Irish, French, German, etc.)	
<b>Total</b>	
<b>Racial Categories (Biological)</b>	<b>Enrolled number</b>
<b>White</b>	
<b>Black or African American</b>	
<b>American Indian or Alaskan Native</b>	
<b>Asian</b>	
<b>Native Hawaiian or Other Pacific Islander</b>	
<b>Some Other Race</b>	
<b>Two or More Races</b>	
<b>Total</b>	

Data gathered for this report is confidential. **PLEASE KEEP ON SITE FOR EVALUATION OR AUDIT.**

Sponsor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Public Notification

- All FNS assistance programs (i.e. CNP) must include a public notification system.
- • Elements of public notification
  - Program availability
  - Complaint information
  - Nondiscrimination statement

# Elements of Public Notification

- Program availability – Inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation
- Complaint information – Must advise applicants and participants at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures
- Nondiscrimination statement – All information materials and sources, including websites, must contain a nondiscrimination statement. The statement is not required to be included on every page of the program website. At a minimum the nondiscrimination statement or a link to it must be included on the home page of the program information.

# Methods of Public Notification

- State agencies and their sub-recipients must:
  - Make program information available to the public upon request
  - Prominently display the And Justice for All poster at service delivery points
  - Inform applicants or participants of programs or changes in programs
  - Provide information in alternative formats and languages as necessary
  - Convey message of equal opportunity in all photographic or pictorial program information

# Public Notification System

- All sponsors in Child Nutrition Programs must display the non-discrimination poster in a prominent area where participants and potential participants have access. All “And Justice for All” posters **MUST** be displayed in a specific size: 11” width x 17” height.

Standard poster comes in English or Spanish. Other translations found:  
<http://www.fns.usda.gov/cr/justice.htm>





# 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, religious creed, disability, age, political beliefs, 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](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](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

# Spanish Nondiscrimination Statement

De conformidad con la Ley Federal de Derechos Civiles y los reglamentos y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (USDA, por sus siglas en inglés), se prohíbe que el USDA, sus agencias, oficinas, empleados e instituciones que participan o administran programas del USDA discriminen sobre la base de raza, color, nacionalidad, sexo, discapacidad, edad, o en represalia o venganza por actividades previas de derechos civiles en algún programa o actividad realizados o financiados por el USDA.

Las personas con discapacidades que necesiten medios alternativos para la comunicación de la información del programa (por ejemplo, sistema Braille, letras grandes, cintas de audio, lenguaje de señas americano, etc.), deben ponerse en contacto con la agencia (estatal o local) en la que solicitaron los beneficios. Las personas sordas, con dificultades de audición o discapacidades del habla pueden comunicarse con el USDA por medio del Federal Relay Service [Servicio Federal de Retransmisión] al (800) 877-8339. Además, la información del programa se puede proporcionar en otros idiomas.

Para presentar una denuncia de discriminación, complete el Formulario de Denuncia de Discriminación del Programa del USDA, (AD-3027) que está disponible en línea en: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) y en cualquier oficina del USDA, o bien escriba una carta dirigida al USDA e incluya en la carta toda la información solicitada en el formulario. Para solicitar una copia del formulario de denuncia, llame al (866) 632-9992. Haga llegar su formulario lleno o carta al USDA por:

- (1) correo: 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; o
- (3) correo electrónico: [program.intake@usda.gov](mailto:program.intake@usda.gov).

Esta institución es un proveedor que ofrece igualdad de oportunidades.

# When A Non-Discrimination Statement Is Needed:

Informational  
Materials that  
require the  
Nondiscrimination  
Statement  
include:

- Employee Handbooks
- Enrollment Forms
- Menus
- Newsletters
- Brochures
- Parent Handbooks
- Flyers
- Print or broadcast advertisements
- Photos and other graphics used to provide program or program related information
- Websites

# Language Assistance

- Sponsors have the responsibility to take steps to ensure meaningful access to programs and activities by persons with “*Limited English Proficiency*” (LEP).
- LEP- describes individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
- If you are in an area with a lot of Spanish speaking people or people who are not proficient in English , there is a website that has materials available in 33 different languages. Please contact our office and we will be glad to supply you with the needed materials.

<http://www.fns.usda.gov/cnd/frp/frp.process.htm>

# Language Assistance

The Alabama State Department of Education Child Nutrition Programs have implemented the TransACT, which is a document translation service used to translate any document that is needed for English Learner (EL) families.

TransACT is provided by the Federal Programs at the Alabama State Department of Education (ALSDE).



# Service to Participants

Ensure all accommodations are met for persons with disabilities.

Conflict resolution is the key to service.

Service to participating persons should be professional.



# Civil Rights Complaint:

- Right to file a complaint:

Any person alleging discrimination based on race, color, national origin, age, sex or disability has a right to file a complaint within 180 days of the alleged discriminatory action.

- Complaints:

- \_ Written or verbal
- \_ Anonymous complaints
- \_ State agencies can develop complaint forms



## Process for Filing a Complaint: Local and State Level

- Fill out a complaint form either by complainant or individual receiving the complaint within 180 days of allegation.
  - *If at a local level, send complaint form into the state agency. (Child Nutrition Section)*
- Complaint form will be sent to FNS Headquarters Civil Rights Division (CRD) for further evaluation.



# Information needed:

- Complainant's - name, address, telephone number
- Location where discrimination occurred
- Nature of the Incident
- Basis for the claim – race, color, age, disability, sex, national origin
- Name of witnesses
- Dates when action (s) occurred

# Alabama State Department of Education Child Nutrition Programs Complaint Form

**Alabama State Department of Education  
Child Nutrition Programs Complaint Form**

For your convenience, you may use this form to file a complaint with the *Child Nutrition Programs* section of the Alabama State Department of Education. You may also file a complaint directly with the *United States Department of Agriculture*.\*

**1. Name of person filing complaint:**  
Name: \_\_\_\_\_ Date of Complaint: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: Home or cell: \_\_\_\_\_ Work: \_\_\_\_\_

**2. Name of person/business/agency involved in the incident:**  
Name: \_\_\_\_\_ Date of Incidence: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**3. Please list below persons, if any, whom we may contact for additional information to support or clarify your complaint.**  
Name: \_\_\_\_\_ Relation to you: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: Home or cell: \_\_\_\_\_ Work: \_\_\_\_\_

**4. Please describe the event. Include what happened, why you believe it happened, other persons involved, and any other information that you think is relevant to this investigation.**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please sign and date:

Signature _____	Date _____
Follow-up Plan: _____	
Pre-School Nutrition Staff: _____	Auditing Staff: _____
Date Assigned: _____	Date Investigated: _____
Findings/Resolution: _____	
_____	
_____	
_____	

\* [http://www.ascr.usda.gov/faq/faq\\_prog\\_discrim\\_cr.html#whom8](http://www.ascr.usda.gov/faq/faq_prog_discrim_cr.html#whom8)

# Process for Filing a Complaint: Directly to Washington D C

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](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](mailto:program.intake@usda.gov).

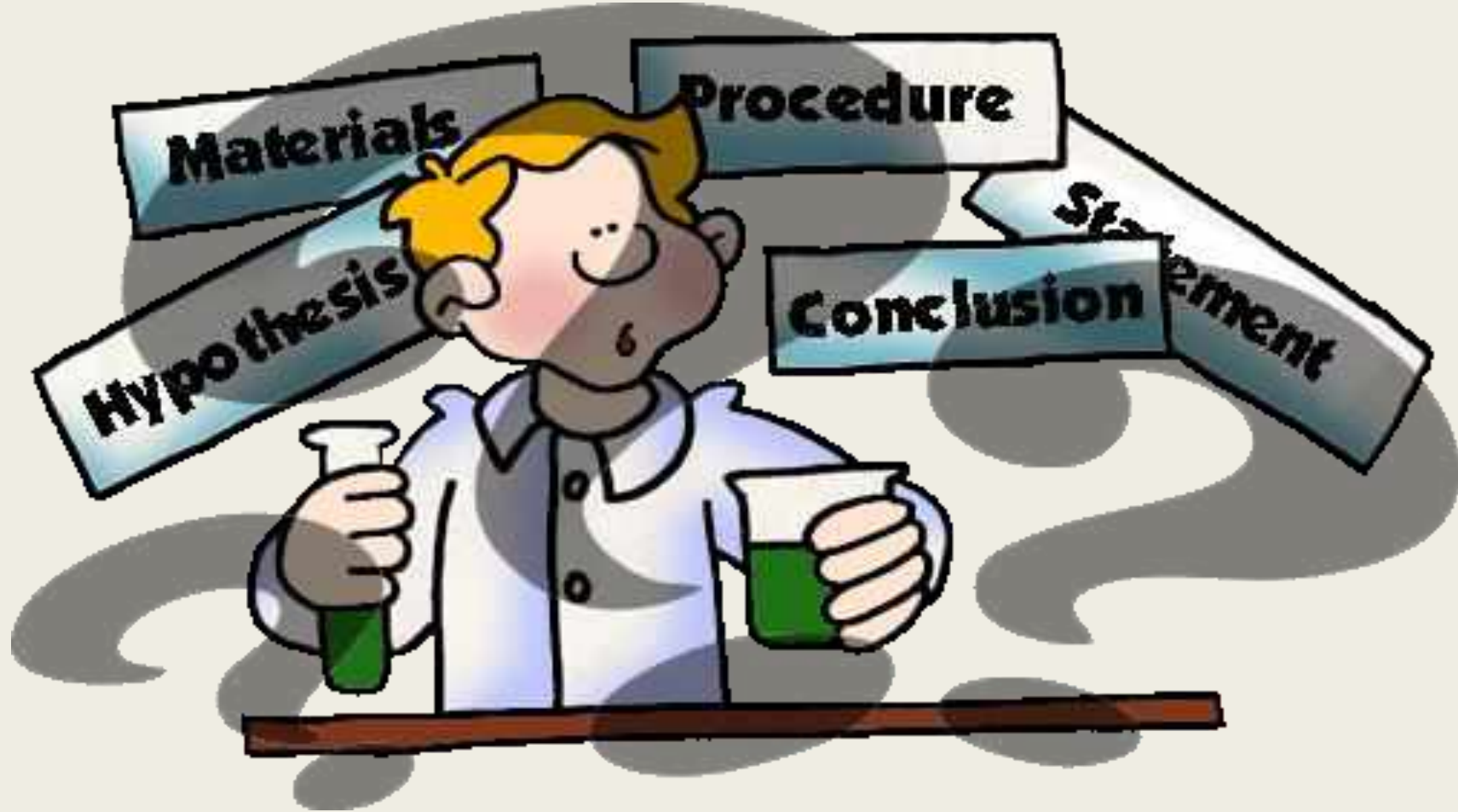
# Compliance

Techniques and resolution:

Ask yourself the following questions each time an applicant and/or participant comes to your program.

- Am I treating this person in the same manner I treat others?
- Have I given this person the opportunity to clarify all relevant factors of inconsistencies?
- Have I provided the person with the information he or she needs to make necessary decisions?

# Final Questions



# JCCDC Non Discrimination Statement

USDA Nondiscrimination Statement For all other FNS nutrition assistance programs, State or local agencies, and their sub recipients, must post the following 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](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) (2) fax: (202) 690-7442; or
- (3) (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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