

Civil Rights in Alaska Child Nutrition Programs - TEFAP



Civil Rights Program Authorities

Title VI of the Civil Rights Act of 1964

Civil Rights Restoration Act of 1987

Section 504 of the Rehabilitation Act of 1973

Americans with Disabilities Act (ADA) of 1990

ADA Amendments Act of 2008

Title IX of the Education Amendments of 1972

Age Discrimination Act of 1975



Civil Rights Program Authorities

7 Parts 15, 15a, 15b and 15c

FNS 113-1 and its Appendices

Executive Order 12250

Executive Order 13166

28 CFR Parts 35, 41, and 42

USDA Departmental Regulation 4330-2

USDA LEP Policy Guidance



Program Specific Authorities

7 CFR 210, 215, 220, 225, 226, 245, 250 and 251

Richard B Russell National School Lunch Act of 1946

Child Nutrition Act of 1966

FNS Instruction 113-1

- Appendix B for NSLP, SMP, SBP, CACFP,
- Appendix C for USDA Foods, TEFAP, Disaster Feeding



USDA Civil Rights

Benefits of Child Nutrition Programs are made available to all eligible participants in a non-discriminatory manner.

All sponsors must implement Civil Rights requirements



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....



Protected Classes

Race

Color

Sex (including sexual orientation & gender identity)

Age

National Origin

Disability



Assurances

Programs will operate in compliance with all non-discrimination laws, regulations, instructions, policies and guidelines.

A civil rights assurance is incorporated in the permanent agreements between State agencies and sponsors.

All programs who sign with unaffiliated sites (primarily CACFP and SFSP) will also incorporate the Civil Rights assurance in their agreements.

Vendors must serve all persons in compliance with CR requirements & ensure that program participants treated the same as other customers.



Assurances

See FNS Instruction 113-1 and FNS-74 for Program specific assurance language.

These assurances are binding on the program applicant and its successors, transferees, and assignees, as long as they receive assistance or retain possession of any assistance from USDA.



Public Notification

All FNS assistance programs must include a public notification system.

- Program Availability: Informs applicants, participants, and potentially eligible persons of their program rights and responsibilities, and the steps necessary for participation.
- Complaint Information: Advises 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 web sites, used by state agencies, local agencies, and other subrecipients to inform the public about FNS programs must contain a nondiscrimination statement.



Public Notification

State agencies and subrecipients must:

Make program information available to the public upon request

Prominent display the “and Justice for All” poster

Inform potentially eligible persons, applicants, participants, and grassroots organizations of programs or changes in programs

Covey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information

Provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for LEP persons.



Non-discrimination Statement

In accordance with federal civil rights 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 (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, 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: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.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

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

3. **email:** program.intake@usda.gov

This institution is an equal opportunity provider.



Nondiscrimination Statement

At a minimum, the Nondiscrimination Statement should be on:

- Application form(s)
- Notification of eligibility or ineligibility
- Notice of adverse action
- Program web page
- Public information including program literature



Too Long?

‘This institution is an equal opportunity provider.’

Must be in font size no smaller than the text in the document.

May not substitute the word ‘institution’ for the name of the agency/school.



Where Does It Go?

Enrollment Forms

Menus

Employee Handbooks

Newsletters

Brochures

Parent Handbooks

**Print or broadcast
advertisements**

Flyers

Websites

**ALL SPONSORS MUST HAVE THE CAPABILITY OF PROVIDING
INFORMATIONAL MATERIALS IN THE APPROPRIATE TRANSLATION**



And Justice For All

The poster features a green background with a white American flag on the left and a classical building facade on the right. The text 'AND JUSTICE FOR ALL' is prominently displayed in white. At the top, it says 'FNS USE ONLY' and 'SOLO PARA FNS'. The bottom section contains detailed information in both English and Spanish regarding discrimination complaints, including contact information for the Assistant Secretary for Civil Rights.

USDA
United States Department of Agriculture

FNS USE ONLY **SOLO PARA FNS**

AND JUSTICE FOR ALL

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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) 256-1895 or (202) 890-7442; or
email:
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 (incluyendo identidad de género y orientación de sexual), edad, discapacidad, vejez o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles.

La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieren 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 <http://www.usda.gov/sites/default/files/documents/USDAProgramComplaintForm-Spanish-Section-508>. El formulario 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) 256-1895 o (202) 890-7442; o
correo electrónico:
program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.

The 'and Justice for All' poster must be placed in a prominent location for all to view.



Complaints of Discrimination

- Complaints shall be accepted and forwarded to USDA
- Complaints must be filed within 180 days from the alleged act of discrimination
- Complaints may be written, verbal, or anonymous
- Agencies may develop their own complaint form but the use of such form cannot be a prerequisite for acceptance
- A Civil Rights complaint log shall be maintained by the State and subrecipient agency
- Confidentiality is extremely important and must be maintained.



Complaint Process

Complaints should include:

- Name, address, and telephone number of the complainant
- The location and name of the organization or office
- The nature of the incident or action
- The names, titles, and business addresses of persons who may have knowledge of the discriminatory action
- The date(s) during which the alleged discriminatory actions occurred
- The basis for the alleged discrimination



Reporting Form



Civil Rights Complaint Record

Child Nutrition Services
Teaching and Learning Support
801 West 10th Street, Suite 200
P.O. Box 110500
Juneau, Alaska 99811-0500
(907) 465-8708



Name of Sponsor:

Name of Complainant:

Site of Complaint:

Reported by:

Nature of Complaint: (race, color, national origin, age, sex, disability)

Found online at <http://www.eed.state.ak.us/tls/cnp/CRR.html>



Civil Rights Training

All CNP programs must train “frontline staff” who interact with applicants or participants

Frontline Staff *must*:

- be able to identify a civil rights complaint
- understand the basic right of the individual to file a complaint
- understand and follow procedures



Civil Rights Training

Staff should receive training on all aspects of Civil Rights compliance, including:

- Collection and use of data
- Effective public notification systems
- Complaint procedures
- Compliance review techniques
- Resolution of noncompliance
- Requirements for reasonable accommodation of persons with disabilities
- Requirements for language assistance
- Conflict resolution and customer service



Customers are your applicants,
participants and the public



Customer services is:

Effectively
communicating
with your
customers

Responding to
their needs

Valuing their worth

Instilling excellence
through courtesy,
confidence, and
enthusiasm.



Treat	Treat customers with respect and dignity
Exercise	Exercise good listening skills
Learn	Learn to empathize with the customer
Respond	Respond to questions in a non-threatening manner
Communicate	Communicate rules, rights, and responsibilities
Recognize and appreciate	Recognize and appreciate customer needs and resources
Recognize	Recognize changes in a customer's demeanor



Things to Avoid in Customer Service

Be sure to avoid:

Passing off a complainant to a coworker

Ignoring them and/or letting the complainant talk themselves out of the situation

Placing a complainant caller on hold or leaving them in a waiting room without useful updates

Providing the excuse, "Sorry, it's not my job!"



To respond to customers professionally:

Avoid interrupting them

Be understanding

Talk calmly and slowly

Apologize

Identify the problem

Determine a solution

Personally follow up



Limited English Proficiency

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

We have responsibility to take reasonable steps to ensure meaningful access to federal programs.



Limited English Proficiency

Factors to consider in determining what is reasonable:

- Number of LEP individuals
- Frequency of contact with the programs
- Nature and importance of the programs
- Resources available

For more information on LEP go to: www.lep.gov



Accommodations for Disabilities

Alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TTY).



Religious Organizations

Equal opportunities for religious organizations

- Ensures a equal participation of faith-based organizations and other community organizations in the USDA programs

This is accomplished by:

- Prohibiting discrimination
- Allowing to retain independence & display religious art, icons, scriptures, or other religious symbols; and
- Ensuring no discrimination against a program beneficiaries on the basis of religion or religious belief.



Civil Rights Reviews

There are four different types of Compliance Reviews conducted by CNP...

Pre-award for new programs

Routine Compliance Reviews during CNP review

NSLP only: Review of On Site Review Summary Form submitted annually to CNP by February 15

Special Compliance Reviews – due to complaints



Resources

Links to this training, guidance, forms, and policy memos can be found on our website at:

<https://education.alaska.gov/cnp/crr>

The USDA Office of Civil Rights can be found at:

<https://www.fns.usda.gov/cr/civil-rights>



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