

## **Civil Rights Compliance Frequently Asked Questions**

### **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 all the protected classes in the Child Nutrition Programs: 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.

### **How are citizens' rights protected?**

The following laws have been designed to guard against discrimination:

- Title VI of the Civil Rights Act of 1964 - Race, Color, National origin
- Title IX of Education Amendments of 1972 - Sex
- Section 504 of Rehab. Act of 1973 – Disability
- Age Discrimination Act of 1975 - Age
- Americans with Disabilities Act (ADA) and amendments
- Executive Order 13166
- Civil Rights Laws provide regulation that no person in the United States shall on the grounds of race, color, or national origin, sex or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

### **What do these laws require of organizations participating in Child Nutrition Programs?**

Civil rights can be broken into five areas of focus for compliance. They include the following: public notification system, limited English proficiency, data collection, civil rights complaints, and assurances.

### **What is required for public notification?**

- All institutions must display the “And Justice For All” nondiscrimination poster in a prominent place. This is usually the meal service area.
- All institutions must provide informational materials in the appropriate translation concerning the availability and nutritional benefits of the meal programs.

In addition, all program materials must contain the appropriate nondiscrimination statement and the procedure for filing a complaint. This includes:

- free and reduced price letters to parents
- application form, public release, and
- all other institution publications

### **What must be included in the nondiscrimination statement?**

<https://www.fns.usda.gov/usda-nondiscrimination-statement>

**What if the item is too small to fit all nondiscrimination information on?**

If the material is too small to permit the full statement to be included, the material will at a minimum include the following statement, which must be done in a font no smaller than the text: This institution is an equal opportunity provider.

The nondiscrimination statement must be included, in full, on all vital materials regarding Child Nutrition Programs that are produced for public information, public education, or public distribution. The authorized statements or current applicable revisions cannot be modified.

Contact the State Agency if you have any questions about which nondiscrimination statement to use.

**Are there any additional requirements for providing public notification?**

Institutions have two additional responsibilities. They must:

- Make program information available to the public upon request, and
- Must notify the community/grassroots organizations of program benefits or any changes at a minimum through a public release.

**What is required for the Limited English Proficiency area?**

Where a significant number or proportion of the population eligible to be served needs service or information in a language other than English in order to be informed of or to participate in the program, the sponsor shall take reasonable steps to provide information in the appropriate language to such persons. Factors to consider in addressing Limited English Proficiency (LEP) include number of LEP individuals participating in the Program, frequency of contact with the Program, nature and importance of the Program and resources available.

**What data must be collected and how must it be maintained?**

- Institutions must have a system in place that collects racial/ethnic data
- Data must be updated on an annual basis and maintain on file for three years and the year to which it pertains.

**How do we collect that data?**

Visual identification or personal knowledge may be used by the institution's official or voluntary self-identification by applicant on the free and reduced price meal application form.

**What other assurances must the institution provide?**

- Admission procedures must not restrict enrollment of persons based on protected classes (race, color, national origin, sex, age, or disability);
- Denied free and reduced priced applications cannot be based on race, color, national origin, sex, age, or disability; and
- Institutions shall make reasonable accommodation to persons with disabilities unless the accommodation would pose undue hardship on the operation of its program or place of business.

**How do we handle civil rights complaints?**

Any person alleging discrimination based on any of the protected classes has a right to file a complaint within 180 days of the alleged discriminatory action. Complaints can be written or verbal. Anonymous complaints should be handled as any other complaints.

If you wish to file a Civil Rights program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

**Training**

Each sponsor is responsible for training their staff. This includes all foodservice employees who interact with program participants. Training must be provided on an annual basis.