

CIVIL RIGHTS FOR SCHOOL NUTRITION PROGRAMS

Presented to School Nutrition Managers and
Employees

North Carolina Department of Public Instruction
Safe and Healthy Schools Support Division
School Nutrition Services Section
Revised August 2014

“USDA is an equal opportunity provider and employer”

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 13th and 14th Amendments to the U.S. Constitution and Acts of Congress.

Civil Rights Education

- All people involved in administering programs receiving federal financial assistance must understand civil rights laws, regulations, procedures and directives.
- Education about civil rights must be provided to all employees every year.

FNS Instruction 113-1 Civil Rights Compliance and Enforcement - Nutrition Programs and Activities

Provides guidance to prohibit discrimination in Food and Nutrition Service (FNS) programs.



What is a Protected Class?

Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order.

Protected classes for the School Nutrition (SN) Programs are **race, color, national origin, age, sex, and disability.**

Race, Color, National Origin

Title VI of the Civil Rights Act of 1964 states that “*no person in the United States shall be discriminated against on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.*”

Age

The Age Discrimination Act of 1975 provides:

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.



Sex (Gender)

Title IX of the Education Amendments of 1972 states:

No person in the United States shall, on the basis of sex, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.



Handicap or Disability

Section 504 of the Rehabilitation Act of 1973 added disability to Title VI.

Title II and Title III of the Americans with Disabilities Act of 1990 extended the requirements to all services, programs and activities of State and local governments and prohibits discrimination based on disability in other public services.



Language Assistance

- Serve people with limited English proficiency (LEP)
- Outreach in other languages is important
- Must take reasonable steps to provide access to people with LEP



3 Elements of Public Notification

1. Program Availability

Inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation.

3 Elements of Public Notification

2. Complaint Information

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.

3 Elements of Public Notification

3. Nondiscrimination Statement

Must be included on all information, materials and sources, used to inform the public about FNS programs.

Nondiscrimination Statement

"The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

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, 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.

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 (in Spanish).

USDA is an equal opportunity provider and employer."

Under the Federal School Nutrition Program and USDA policy, discrimination is prohibited under the basis of race, color, national origin, sex, age or disability.

When to use which version of the Nondiscrimination Statement?

- Include entire statement when space permits
- Use shortened version where space is limited:
 - “The USDA is an equal opportunity provider and employer.”
- For electronic communications use the statement on the previous slide.

Required Public Notification

Must inform applicants, participants, and potentially eligible persons of:

- program availability
- program rights and responsibilities
- the policy of nondiscrimination
- the procedure for filing a complaint

Methods of Public Notification

Display the Poster!



Public Notification

- Inform about programs and changes
- Provide appropriate format for persons with disabilities.
- Include statement on all materials
- Consistently convey the message of equal opportunity

What to do if a complaint is made:

- Notify the School Nutrition Administrator immediately
- Provide forms for written complaints
OR
- Take detailed notes of oral complaints

Information needed:

- Complainant's name, address, and phone number
- Location where discrimination occurred
- Nature of the incident
- Basis for the claim (i.e. race, age, disability, etc.)
- Names of witnesses
- Dates when action(s) occurred

What are some examples of Civil Rights noncompliance?

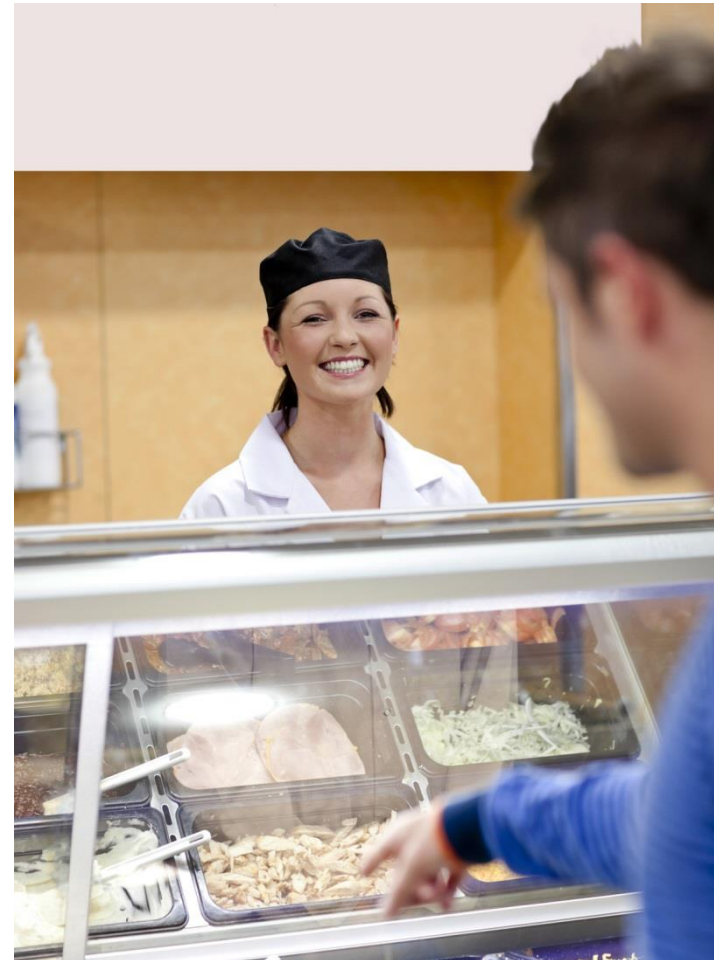
- Denying the opportunity to apply for program benefits on the basis of a protected class.
- Giving student eligibility information to anyone without receiving permission from the SN Administrator.

What are some examples of Civil Rights noncompliance?

- Selecting members for planning and advisory committees in such a way as to exclude persons from membership on the basis of a protected class.
- Overtly identifying a student on the basis of a protected class.

Customer Service

“Treat others as
you want to be
treated”



QUESTIONS?



<http://childnutrition.ncpublicschools.gov/information-resources/civil-rights/civil-rights/information-resources/civil-rights>.