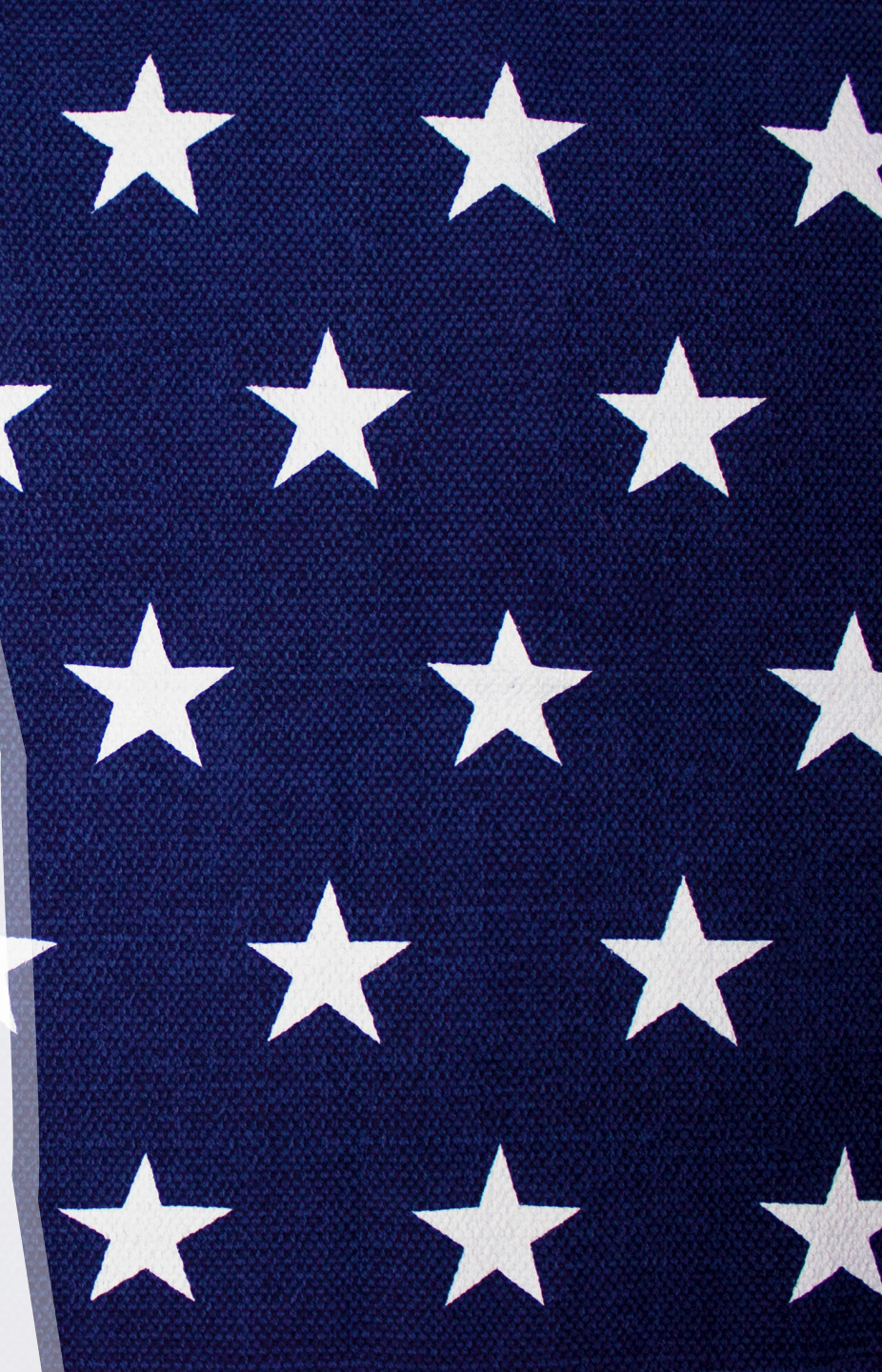
Civil Rights Training

Iowa WIC Program

2027



WIC IOWA | IOWA Health and Human Services

Introduction

- The purpose of this training is to review the policies and procedures set forth by the United States Department of Agriculture (USDA) Food and Nutrition Administration (FNA) to ensure compliance with the enforcement of the prohibition against discrimination within the WIC program.
- Civil Rights training be conducted as part of new employee orientation and annually thereafter to inform and update staff of their obligations under Civil Rights laws and regulations.

Civil Rights Training Requirements

- 9 key areas to be addressed in this training:
  - 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
  - Customer service

Documentation and Monitoring

- Remember to document that this training was completed!
- Completion of Civil Rights training for local agency staff (at the time of hire and annually thereafter) will be reviewed during onsite visits.
- The supervisor at the State WIC Agency will verify training completion by State WIC staff at their annual performance review.

Federal Regulations

- 7 CFR Part 246.8 (a), excerpt. Civil rights requirements. The State agency shall comply with the requirements of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Department of Agriculture regulations on nondiscrimination and FNA instructions to ensure that **no person shall, on the grounds of race, color, national origin, age, sex or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under the Program.**

Protected Bases

- No person can be denied benefits based on:
  - Race
  - Color
  - National Origin
  - Sex
  - Disability
  - Age

Title VI of the Civil Rights Act of 1964

- Prohibits discrimination based on race, color and national origin in programs or activities receiving federal financial assistance.

"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination."

– John F. Kennedy

Title IX of the Education Amendments of 1972

- Prohibits sexual discrimination in education programs or activities that receive any federal financial assistance.
  - Title IX covers the WIC Program because of the required nutrition education component.



Section 504 of the Rehabilitation Act of 1973

- Prohibits discrimination based on disability in programs and activities receiving or benefiting from federal financial assistance.
- The WIC Program must provide services to disabled clients which:
  - Are equal to those provided to non-disabled clients
  - Are held in integrated settings, appropriate to each person's needs
  - Do not limit participation because of the disability (reasonable modifications should be made on a case-by-case basis)
  - Do not deny them the opportunity to serve on a planning or advisory board because of a disability
  - Allow full participation without barriers restricting access to the program

Americans with Disabilities Act

- Title II and Title III of the Americans with Disabilities Act (ADA) 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.
- Disability is defined by the ADA as a person who has a physical or mental impairment which substantially limits one or more major life activity, has a record of such an impairment or is regarded as having such an impairment.

WIC Center Accessibility

- The WIC Clinic Access Survey is a tool for local WIC agencies to use to review all new and renovated centers to determine compliance with the Americans with Disabilities Act.
- Reviews must be completed before the site is used as a WIC center and written evaluations must be retained in agency files.
- Following completion of the survey, a transition plan should be completed to address problem areas.
  - Plans should be updated following significant center renovations.

Age Discrimination Act of 1975

- Prohibits discrimination based on age.
- Whenever congressional legislation specifies or sets restrictions on program eligibility, those provisions take precedence over certain protected bases.
- Since Section 17 of the Child Nutrition Act of 1966, as amended, defines the purpose of the WIC program as provision of benefits specifically to pregnant women, breastfeeding and postpartum women, infants and children of certain age limitations the eligibility determination according to age is not a violation of civil rights laws.

Age Discrimination Act of 1975 Cont.

- It would potentially be a violation of civil rights law to deny benefits to a woman strictly based on her age.
  - Eligibility decisions, such as denying teenaged applicants for "immorality" or terminating a postpartum woman because she is over a certain age, are not allowed.

Title VI of the Civil Rights Act and Limited English Proficiency (LEP)

- State agencies, local agencies, or other sub-recipients that fail to provide services to potentially eligible LEP persons may be discriminating based on national origin.
- You are required to take reasonable steps to assure meaningful access to the information and services you provide. This is to be provided at no cost to the client.

Reasonable Steps to Assure Meaningful Access

- Dependent on the number or proportion of LEP persons served or encountered in the eligible population.
  - Greater number of LEP persons increases the need for language services
- Dependent on the frequency with which LEP individuals come in contact with the program.
  - More frequent contact with a particular language group(s) make it more likely that enhanced services in that language are needed

Reasonable Steps to Assure Meaningful Access Cont.

- Dependent on the nature and importance of the program, activity or service provided.
  - More important activities (e.g., communicating eligibility requirements) increases the need for language services
- Dependent on the resources available and their costs.
  - Smaller recipients with limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets
  - Reasonable steps may cease to be reasonable when the costs imposed substantially exceed the benefits
  - Technological advances can often help reduce cost and resource issues

Language Assistance Options

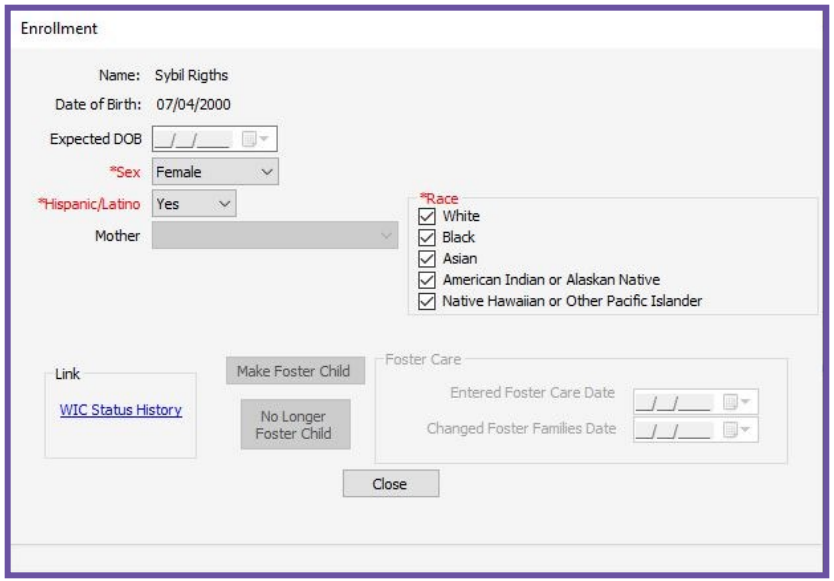
- Hiring bilingual staff who are trained and competent in the skill of interpreting.
- Contracting with an interpreter service for trained and competent interpreters.
- Formally engaging community volunteers who are trained and competent in the skill of interpreting.
- Enrolling WIC staff in language classes.
- Utilizing a telephonic or web-based interpreter service.
- Providing forms, education, and audiovisual materials to WIC clients in other languages.

Data Collection

- Racial and ethnic data is collected by the local agencies for each client in Focus.
- Access to this data is limited to authorized local and state WIC personnel.
- Federal and State governments require this data be used to generate reports which will:
  - Determine how effectively FNA programs are reaching potentially eligible persons and beneficiaries
  - Identify areas where additional outreach is needed
  - Assist in the selection of locations for compliance reviews

Focus Enrollment Screen

- Racial and ethnic data is captured on the Enrollment screen in Focus



Asking about Race and Ethnicity

- Program applicants must be asked to identify all applicable racial categories.
- Self-reporting is the preferred method of obtaining characteristic data. Reporting is voluntary.
- If an applicant refuses to self-identify, they should be informed that visual observation will be used to collect the data.
  - A data collector may not second guess or challenge an applicant's self-declaration unless such declarations are blatantly false.

Asking about Race and Ethnicity Cont.

- Applicants must be advised of the purpose for which race and ethnicity data is collected.
- The following is an example of what may be said when collecting race and ethnicity date from a participant:
  - "The Federal government collects information on racial and ethnic backgrounds to see if WIC is accessible to all groups of individuals. This information will in no way affect your eligibility for WIC or your participation in WIC."

What is Ethnicity?

- Refers to an association with a particular racial, national or cultural group whose customs, beliefs and languages are observed. Also refers to individuals whose identity is distinctive in terms of common cultural traditions or heritage.
- Approved designations for collection are:
  - Hispanic or Latino
  - Not Hispanic or Latino

Ethnicity Designation

- Hispanic or Latino
  - Origins may include Cuba, Mexico, Puerto Rico, South or Central America.
  - The term “Spanish origin” may be used in addition to “Hispanic or Latino.”
- Not Hispanic or Latino

What is Race?

- Refers to people of a shared ancestry.
- Make clients aware they may select more then one.
- FNA requires reporting on the following 5 categories of race:
  - American Indian or Alaskan Native
  - Asian
  - Black or African American
  - Native Hawaiian or Other Pacific Islander
  - White

Race Designations

- American Indian or Alaskan Native
  - A person having origins in any of the original peoples of North, Central or South America who maintain tribal affiliation or community attachment
- Asian
  - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent
- Black or African American
  - A person having origins in any of the black racial groups of Africa
- Native Hawaiian or Other Pacific Islander
  - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands
- White
  - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa

Public Notification

- The purpose of the public notification system is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint.
- Basic elements of public notification:
  - Program Availability
  - Complaint Information
  - Nondiscrimination Statement

Methods of Public Notification

- Prominently display the USDA nondiscrimination "And Justice for All" poster.
- Inform potentially eligible persons, applicants, clients and grassroots organizations of programs or changes in programs. This includes information pertaining to eligibility, benefits, services, center location/ service delivery points and hours of operation.
- Provide appropriate information, including web-based information, in alternative formats for persons with disabilities and in the appropriate language for persons with Limited English Proficiency.

Methods of Public Notification Cont.

- Include the required nondiscrimination statement on all appropriate FNA and agency publications, web sites, posters and informational materials provided to the public.
  - All documents/flyers that are meant for the general public are considered public notification and thus must contain the nondiscrimination statement.
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information.

Long-Term Program Changes

- Before implementing a long-term program change, such as a new WIC center, change in center site, or elimination of a center, the local agency must submit a completed Iowa WIC Program Request for Clinic Approval form.
- A completed request form must be submitted to the State WIC Office no later than 90 days prior to the anticipated change.
- Participants must be notified at least 60 days in advance of such a change.

Iowa WIC Program Request for Clinic Approval

- Factors impacting approval:
  - Distance to nearest WIC Center
  - Availability of site
  - Financial impact on the local agency and availability of funds
  - Center staffing
  - Internet accessibility
  - Number of clients and those potentially eligible

Nondiscrimination Statement

- A nondiscrimination statement must appear on all materials that identify or describe the WIC Program.
- A nondiscrimination statement is required if the material:
  - Describes the eligibility requirements of the WIC program
  - Identifies the benefits of WIC participation
  - Describes participation requirements for WIC
  - Provides notice of conditions to continue eligibility
  - Provides notice of ineligibility or disqualification
- There are two versions of the nondiscrimination statement.

Full 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, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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 State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint (https://www.usda.gov/about-usda/general-information/staff-offices/office-assistant-secretary-civil-rights/how-file-usda-discrimination-complaint/how-file-program-discrimination-complaint) 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, Mail Stop 9410, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

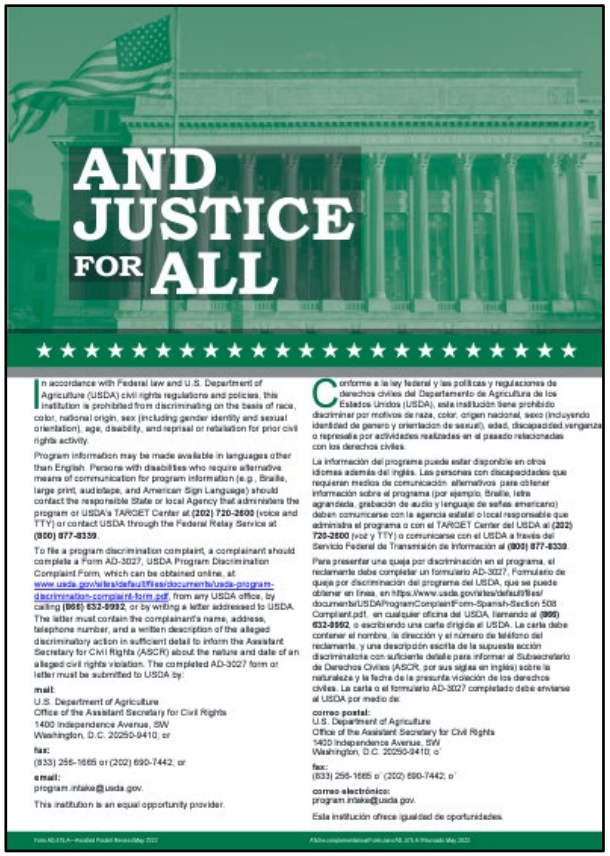
USDA is an equal opportunity provider, employer, and lender.

Minimum Nondiscrimination Statement

- **"USDA is an equal opportunity provider, employer, and lender."**
- This statement should be used only when it is not possible to use the full statement.
  - May be used when materials are too small to permit the full statement.
  - To be used for broadcast materials, such as radio and television public service announcements.
- Statement must appear in print size no smaller than the text of the document.

And Justice for All Poster

- This poster is a federally mandated requirement and is the most highly recognized form of public notification of the nondiscrimination policy.
- Must be prominently displayed in all WIC centers.
  - At a minimum, posters must be displayed at all entrances WIC participants may use and in waiting areas.
- Available through the State Agency.



Right to File a Complaint

- Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action.
- All civil rights complaints will be accepted.
  - Written
  - Oral
  - Anonymous
- Only the USDA may reject a complaint on the basis of lack of merit.
- The complainant and the entity that the complaint is filed against will be encouraged to resolve the issue at the lowest possible level and as expeditiously as possible.

Civil Rights Complaint Folder

- All WIC centers are required to create and maintain a Civil Rights Complaint Folder that contains:
  - Instructions on how to file complaints
  - Copies of complaint forms
- This folder must be available at all times.
- All staff should know how to access this folder.
- Information about complaints or copies of complaints should not be filed in this folder or in the WIC data system.

Complaint Forms

- USDA Program Complaint forms
  - Links to the forms can be found in the Iowa WIC Complaints policy
- In the event a complainant makes a verbal allegation and refuses or is not inclined to put such allegation in writing, the person to whom the allegations are made will write up the elements of the complaint for the complainant.

Completing the Complaint Form

- Information Needed:
  - Complainant's name, address, telephone number, email or other means of contacting the complainant
  - Name, address, and telephone number, and email of any legal representatives
  - Name of program applied for
  - Date of recent alleged discrimination
  - Location and/or address of the office where alleged discrimination occurred
  - Name of the local and state WIC agency staff involved
  - Names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action
  - Description of the incident, including the dates, class of complaint, policy or practice followed, and decisions involved
  - Basis(es) on which discrimination is alleged
  - Information about remedies

In the Event of a Complaint

- Notify your Local Agency WIC Coordinator and State Nutrition Consultant immediately.
- All complaints must be forwarded to the USDA within 5 calendar days of receipt.
- All complaints shall be processed and closed within 90 days of receipt.
- The WIC Coordinator must track and record the closure of Civil Rights complaints on the local agency's complaint log.
  - Information about or copies of complaints should NOT be filed in the Civil Rights Complaint folder.
- The Nutrition Consultant must track and record the closure of the complaint on the State's Civil Rights complaint log.

Agency and Vendor Complaints

- WIC contract agencies or vendors who feel they have been discriminated against by the State Agency should follow the same complaint procedures as clients.

Compliance Reviews

- Agency activities are examined to determine Civil Rights compliance.
- FNA is responsible for reviewing State agencies. State agencies are responsible for reviewing local agencies.
- The office performing compliance reviews must advise the reviewed entity in writing of the findings and recommendations. If any of the findings are significant, they must be forwarded on to the respective FNA contact.

Noncompliance Finding

- A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction or guidelines, is not being adhered to by a state agency, local agency or other sub-recipient.

Resolution of Noncompliance

- The State Agency must provide immediate written notice to the local agency indicating the areas of noncompliance and the action required to correct the situation.
- Corrective action must be taken immediately.
  - The local office must submit a letter to the State for approval, describing the steps it will take to achieve compliance
  - If not achieved within 60 days, the case must be referred on to the appropriate FNA representative

Non-Civil Rights Complaints

- Each agency should develop a plan for handling non-civil rights complaints. In general, complaints should be handled as quickly as possible, using best customer service practices.
- Program complaints can be forwarded to the State Agency.

Customer Service and Non-Civil Rights Complaints

- Demonstrate good customer service by treating all people with dignity and respect.
- Listen, so that clients feel they are being heard.
- Remember that our customers have various needs and often few resources.
- You may talk with dozens of clients each day. The image of your agency depends on you!

Customer Service Best Practices

- Don't interrupt. Be patient and give clients a chance to explain the issue.
- Be understanding. Angry clients require the most empathy.
- Avoid being judgmental.
- Apologize for their inconvenience, even if the problem is not the fault of you or your agency.
- Talk calmly and slowly.
- Identify the problem based on all the information the client has given you. Determining a solution may involve contacting the customer again.
- Personally follow up to make sure the client has been satisfied and the issue has been resolved.

Please remember to record that you have completed this annual training in Focus.

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