Protecting our clients’ rights

Alaska State WIC & SNAP ED Annual Civil Rights Training
September 19, 2017
(Adapted from the WA State WIC Program)
Learning objectives

1. Consider ways to prevent Civil Rights discrimination complaints.

2. Describe ways your agency provides meaningful access to clients with Limited English Proficiency.

3. Name program materials that provide notification of the non-discrimination policy.

4. Review the timeframe and process for recording and submitting Civil Rights discrimination complaints.

5. Distinguish Civil Rights Complaints from Fair Hearing Requests.

6. Summarize why WIC & SNAP ED collects race and ethnicity data.
What are Civil Rights?

Civil Rights are the rights of individuals to be treated equally.
Protection from discrimination

Civil Rights laws & regulations protect a person from being discriminated against based on his or her:

1. Race
2. Color
3. National origin
4. Sex (Gender)
5. Disability
6. Age
7. Religion
8. Political Beliefs (SNAP ED Only)
The focus of this training is on Federal Civil Rights laws, and on WIC & SNAP ED’s roles in upholding the laws and preventing discrimination.
About discrimination

Discrimination occurs when individuals are:

★ **Treated differently** from others

★ **Denied** services unfairly

★ **Delayed** from receiving services because of the person’s

race, color, national origin, sex, age or disability
8 Tips for preventing Civil Rights violations

1. Good customer service
2. Ask questions and check for understanding
3. Inform clients what to bring to the appointment
4. Help clients learn about the program, so they know what to expect
5. Let clients know expected waiting times and length of the appointment
6. Follow processing standards
7. Ask for race & ethnicity information when clients are physically present (when possible)
8. Transfer clients need to receive their entitled WIC checks
Meaningful Access to Services
In 2000, then President Bill Clinton issued Executive Order 13166

This order requires federally funded programs to take reasonable steps to assure “meaningful access” to services and activities by individuals with Limited English Proficiency (LEP)

Meaningful access to services is required for individuals

★ whose primary language is not English, and

★ who have a limited ability to read, speak, write, or understand English
Meaningful access to services

WIC and SNAP ED provide meaningful access to services by assuring that clients and applicants have the information they need in their language.

This includes information about how to apply for the program, how to follow the program rules, and what to expect from the program.
Meaningful access - interpreters

Staff assure interpreters are available to assist LEP clients.

This is done by:

- Employing bilingual staff who speak the language of the clients served,
- Using certified interpreters, and/or
- Using a language interpretation phone line
Factors to consider in addressing LEP:

★ Number or proportion of LEP persons served or encountered in the eligible population.
★ Frequency with which LEP individuals come in contact with the program.
★ Nature and importance of the program, activity, or service provided by the program.
★ Resources available to the recipient and costs.
Access to services for LEP

What are ways we providing our clients and applicants meaningful access to services?

1. Describe how your WIC clinic or SNAP ED program provides meaningful access to services for LEP clients.

2. Does your program provide materials that are printed in languages other than English?
Disability Discrimination

• **What is the definition of “disability”***?
  • A person who has a physical or mental impairment which substantially limits one or more major life activities

• **Civil Rights Laws**
  • Protect potential applicants or program participants with disabilities
  • Require WIC/SNAP ED to assure meaningful access to programs through communication assistance, modifications and/or accommodations, and alternative formats as needed
Disability Access - Discussion

- A small group SNAP ED nutrition education class is located in the basement of a building that only has a set of stairs and does not have an elevator.

- How can this program ensure access for persons with mobility disabilities?
Verification of Citizenship or Immigration Status

Residency Requirement Policy

- They **do** need to be living in Alaska
- They **do not** need to be a US Citizen

Citizenship or alien status should never impact eligibility or delivery of services.
Notification Policies
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

• 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.
Public Notification notifies applicants and clients that our programs do not discriminate.

Any material that includes information about program eligibility includes a non-discrimination statement.

There is a long and short version of the Non-Discrimination Statement.

- **Long version** should be placed on all vital documents, such as the application materials, program description, notices and website.

- **Short version** (one sentence) can be placed on smaller or less critical documents.
Long version:

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, 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

This institution is an equal opportunity provider.

Short version:

This institution is an equal opportunity provider.
All clinics/programs must prominently display the “And Justice For All” poster.

- It explains WIC’s/SNAP ED’s non-discrimination policy.
- It notifies people of steps they can take if they have been discriminated against by our programs.
Notification Discussion

Would you use the long or short version on these program materials?

1. Program outreach poster
2. Program brochure
3. Incentive item (e.g. – water bottle or sippy cup)
4. Nutrition education pamphlet
5. Website (homepage)
6. Program application or registration form
Civil Rights Discrimination Complaints
A Civil Rights discrimination complaint is filed to report a person who believes his/her Civil Rights have been violated.
How to file a complaint

🌟 Individuals can file a complaint by directly contacting the USDA Office of Civil Rights or can ask WIC/SNAP ED staff for assistance in filing the complaint.

🌟 The address and phone number are provided within the non-discrimination policy.

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Timeframe: Civil Rights discrimination complaints

When a client or applicant wants to file a complaint, the person must file the complaint within **180 days** of the alleged discriminatory act.

☆ Staff are required to notify the State Family Nutrition Programs (FNP) Office immediately and submit the complaint form to the State FNP Office within **5 calendar days** of receiving the complaint. ☆
Civil Rights Complaints – Staff’s role

When WIC/SNAP ED staff are aware that a client or applicant would like to file a Civil Rights complaint, staff must assist the person in filing the complaint.

Staff should also notify their program’s Civil Rights Coordinator and the State FNP Civil Rights Coordinator.
Once the Civil Rights Discrimination Complaint Form is complete, staff are to:

- Make three copies of the form
  - Provide one copy to the client.
  - Keep a copy in a secure, confidential file in the clinic.
  - Send a copy to the state FNP’s Civil Rights Coordinator.

- The State FNP Civil Rights Coordinator will immediately refer the complaint to the USDA Office of Civil Rights

- Must be to USDA within 5 calendar days of receiving complaint
The details of the complaint are not to be shared among staff, and the client must not be retaliated against for filing the complaint.
Compliance with Reviews and Investigations

• Once a complaint has been filed, State and Local Staff must assist USDA with the investigation by:
  • Maintain a copy of correspondence regarding the complaint for at least 4 years
  • Providing documents, records, communications, etc. as requested
  • Allowing staff to be interviewed by USDA
  • Participate in attempts to resolve the complaint
Fair Hearing requests are different from Civil Rights discrimination complaints.

- Civil Rights discrimination complaints involve a possible act of discrimination.
- Fair Hearing requests do not.

Timeframes and the process for Fair Hearing requests also differ from Civil Rights discrimination complaints.
About Fair Hearing requests

A client or applicant can request a Fair Hearing to request that a judge review their case and decide if the program was wrong in:

★ determining the person ineligible
★ taking the person off of the program, or
★ asking the person to pay money back to the program.
Race and Ethnicity Data Collection
Why does WIC & SNAP ED collect race and ethnicity data?

As a federal program, WIC & SNAP ED is required to collect race and ethnicity information.

We collect and use this information to assure WIC/SNAP ED eligible race and ethnicity groups are appropriately represented within the programs.
Why does we collect race and ethnicity data?

By accurately collecting this information, WIC/SNAP ED plays an important role in helping to identify health disparities and determining strategies to overcome them.
When is the data collected?

WIC collects and documents race and ethnicity data at the client’s initial WIC certification.

The client’s initial WIC certification point might be:

- New Certification
- Presume Eligible
- Out of State Transfer In
- Enroll Infant

Race and ethnicity information should be collected in person when possible.
What if a client refuses to report?

★ If the client refuses to report his/her race, staff are required to document race and ethnicity based on their own perception.

★ Encourage the person to self report the information so the race and ethnicity is accurately documented.

★ Explain that the information is strictly for statistical purposes and has no effect on eligibility.
Required Training and Tracking

- **Local Agencies must ensure:**
  - **New staff** are briefed on Civil Rights rules during orientation.
  - **All front line staff** receive Civil Rights training annually.
  - **Training log** must be kept including:
    - Date and names of staff in attendance
    - Agenda items/areas discussed

See WIC Policy and Procedure manual and/or contact State Civil Rights Coordinator for details on training requirements.
WIC/SNAP ED staff have the important role of protecting clients’ and applicants’ Civil Rights.

We take steps to prevent Civil Rights violations.
Indicators of Civil Rights Compliance:

☐ Do potentially eligible persons and households have an equal opportunity to participate in the program?

☐ Do printed materials contain the nondiscrimination statement?

☐ Is the *And Justice For All* poster displayed appropriately?

☐ Are program informational materials available to all?

☐ Is data on race and ethnicity collected appropriately?

☐ How are applicants and participants advised of their right to file a Civil Rights complaint of discrimination?

☐ Are reasonable modifications appropriately made for people with disabilities?

☐ Does the agency conduct Civil Rights training for its staff?
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