



# Protecting our clients' rights

Washington State WIC Nutrition Program Annual Civil Rights Training

DOH 960-101 May 2013

Adapted by Alaska WIC for Annual Civil Rights Training-September 2015

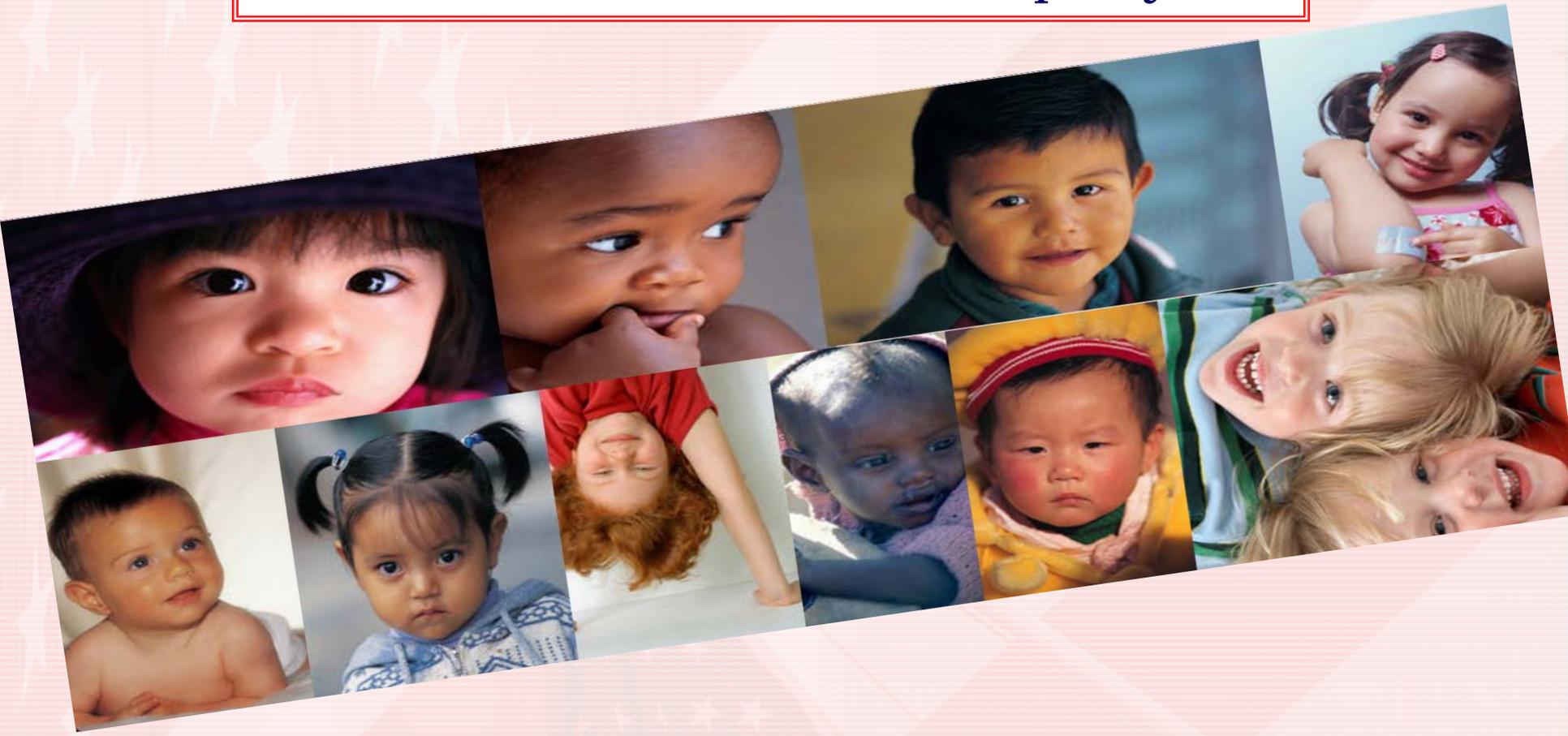
# Learning objectives

After completing this module, you will:

1. Consider at least 2 ways to prevent Civil Rights discrimination complaints.
2. Describe ways your clinic provides meaningful access to clients with Limited English Proficiency.
3. Name materials in your clinic that provide notification of WIC's non-discrimination policy.
4. Recall 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 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

These are  
considered the  
six protected  
bases.

# Training Focus

The focus of this training is on Federal Civil Rights laws, and on WIC's role 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

# Getting to Know Discrimination Concepts

★ Prejudice

★ Stereotype

★ Discrimination

Source: California WIC Program Civil Rights  
Training Module

# Getting to Know Discrimination Concepts

## Prejudice

A rigid unfavorable judgment or opinion formed beforehand without knowledge or examination of the facts.

Source: California WIC Program Civil Rights Training Module

# Getting to Know Discrimination Concepts

## Stereotyping

A preconceived or oversimplified generalization involving beliefs about a particular group.

Source: California WIC Program Civil Rights Training Module

# Getting to Know Discrimination Concepts

## Discrimination

The act of treating people differently due to our prejudices.

### **Discrimination is illegal and it can include:**

- Not providing the same opportunity to everyone
- Treating people with less respect
- Denying people certain things

Source: California WIC Program Civil Rights Training Module

# Perceptions

Is

What

I See

What

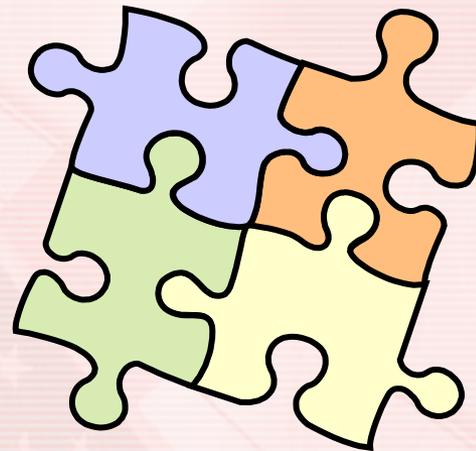
I Think

I'm Seeing?

# Perceptions

Ask questions and check for understanding  
with those you serve.

It is just as easy for our clients  
to fill in the missing pieces.



# A Prejudice, Stereotype or Discrimination Personal Story

Title:

“The Waiting Room Story”

# 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 WIC, so they know what to expect

# 8 Tips for preventing Civil Rights violations



## Tips

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
8. Transfer clients need to receive their entitled WIC checks

# Remember...

The goal is to prevent clients and applicants from unfairly being:

- ★ denied services,
- ★ delayed from receiving services, or
- ★ treated differently from others

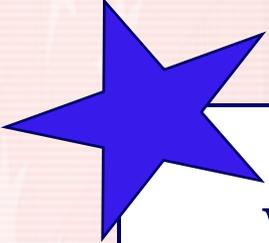
based on their race, color,  
national origin, sex, age or disability.





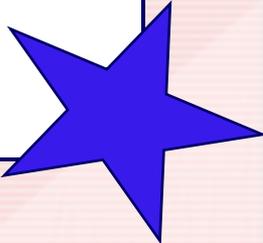
# Meaningful Access to Services

# Meaningful access to services



WIC provides 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 WIC, how to follow WIC rules, and what to expect from the program.





# Executive Order 13166 & LEP

In 2000,  
then President  
Bill Clinton issued  
Executive Order  
13166

This order requires federally funded programs like WIC 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 - interpreters



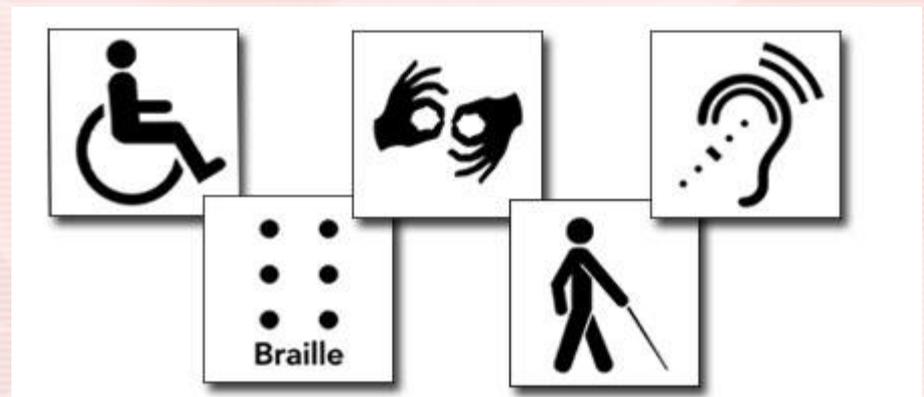
Staff assure interpreters are available to assist LEP clients.

This is done by:

- ★ Employing bilingual staff who speak the language of the clients served,
- ★ Using certified interpreters, and/or
- ★ Using the Language Line

# 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 WIC participants with disabilities
  - Require WIC to assure meaningful access to programs through communication assistance, modifications and/or accommodations, and alternative formats as needed



# Meaningful Access

## **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 provide our WIC clients and applicants meaningful access to services?

1. Describe how your clinic provides meaningful access to services for LEP clients.

2. List a few WIC materials in your clinic that are printed in languages other than English.

# 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

# Non-Discrimination Notification

WIC is required to notify applicants and clients that WIC does not discriminate.

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



# Non-Discrimination Statements

When a material includes information about WIC eligibility, one of these two non-discrimination statements must be included:

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, audiotope, 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](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](mailto:program.intake@usda.gov)

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# And Justice For All



All clinics prominently display the “And Justice For All” poster.

- ★ It explains WIC’s non-discrimination policy.
- ★ It notifies people of steps they can take if they have been discriminated against by WIC.

(Make sure you have this new poster)



# Civil Rights Discrimination Complaints

# 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 staff for assistance in filing the complaint.
- ★ The address and phone number are provided within the WIC non-discrimination policy.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](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:

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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 WIC Office immediately and submit the complaint form to the State WIC Office within **5 calendar days** of receiving the complaint. ★



# Civil Rights Complaints – Staff's role



- ★ When WIC 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 clinic's Civil Rights Coordinator and the State WIC Civil Rights Coordinator.

# Civil Rights Complaints – Staff's role

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 WIC's Civil Rights Coordinator.
- ★ The State WIC 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

# Confidentiality

The details of the complaint are not to be shared among staff, and the client must not be retaliated against for filing the complaint.



- ★ Staff protect the client's confidentiality by keeping details about the Civil Rights complaint between themselves, the clinic's Civil Rights Coordinator, the client, and when appropriate, the state WIC Civil Rights Coordinator. ★

# Fair Hearing Requests



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 WIC was wrong in:

- ★ determining the person ineligible for WIC
- ★ 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 collect race and ethnicity data?

- ☆ As a federal program, WIC is required to collect race and ethnicity information.
- ☆ We collect and use this information to assure WIC eligible race and ethnicity groups are appropriately represented within the WIC Nutrition Program.

Alaska Women, Infants, Children (WIC) Program, Division of Public Assistance  
Family Information Form (one per family)

A. Applicant or Parent /Guardian for applicants under age 5 Today's Date: \_\_\_\_\_

Name (First, Middle, Last)	Maiden Name	Birth Date	
Mailing Address	City	AK	Zip Code
Home Phone	Cell Phone	Message Phone	
May we call or leave a message?	<input type="checkbox"/> yes <input type="checkbox"/> no		
May we send a post card for appointment reminders?	<input type="checkbox"/> yes <input type="checkbox"/> no		
Residence address (if different than mailing address)	City	AK	Zip Code
Email address	What is the highest grade in school you completed?		
Are you Hispanic or Latino	<input type="checkbox"/> yes <input type="checkbox"/> no		
Race: (You may select more than one race)			
<input type="checkbox"/> American Indian/Alaskan Native	<input type="checkbox"/> Black/African American	<input type="checkbox"/> White	
<input type="checkbox"/> Asian	<input type="checkbox"/> Native Hawaiian/Pacific Islander		
Would you like someone else's name on your checks, who can pick up and use your checks for you?			
<input type="checkbox"/> yes <input type="checkbox"/> no			

If yes, please print name: \_\_\_\_\_

B Household Information (Please provide proof of income. Provide proof of identification except if you live in a rural area with no road access and less than 5,000 people.)

Are you currently on WIC?  yes  no If yes, where? \_\_\_\_\_

Have you been on WIC before?  yes  no If yes, where? \_\_\_\_\_

How did you hear about WIC? \_\_\_\_\_

Are you applying for your own WIC benefits today?  yes  no

Are you currently working?  yes  no Pay \_\_\_\_\_ per hour?  
Hours worked \_\_\_\_\_ per week?

Is anyone else in the household working?  yes  no Pay \_\_\_\_\_ per hour?  
Hours worked \_\_\_\_\_ per week?

How many people are living in your household? \_\_\_\_ How many members received last year's Permanent Fund Dividend (PFD)? \_\_\_\_ (Include PFD even if garnished)

Check here if pregnant

Check any of the following programs you or any family member is currently receiving:

<input type="checkbox"/> Food Stamps	<input type="checkbox"/> Medicaid
<input type="checkbox"/> Denali Kid Care	<input type="checkbox"/> Alaska Temporary Assistance Program
<input type="checkbox"/> Head Start	<input type="checkbox"/> School Lunch Program
<input type="checkbox"/> Applied for Denali Kid Care, Medicaid, ATAP- "Application is pending"	

Check any other money received:

<input type="checkbox"/> Supplemental Security Income / Disability	<input type="checkbox"/> Self Employment	<input type="checkbox"/> Unemployment
<input type="checkbox"/> Native Corporation Dividends	<input type="checkbox"/> Commissions	<input type="checkbox"/> Other

Are you?  Married  Single  Divorced  
 Separated  Living with a partner/significant other

Do you want to register to vote here at the WIC office?  yes  no **TURN PAGE**

# Why does WIC collect race and ethnicity data?

The more we understand about the clients we serve, the better we will be able to help identify and meet their needs.



By accurately collecting this information, WIC 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
- ★ Out of State Transfer In
- ★ Presume Eligible
- ★ Enroll Infant

Race and ethnicity information is never collected over the phone.



# 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

# 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



# Voter Registration

- **National Voter Registration Act of 1993 (NVRA) requires:**
  - State public assistance agencies to offer voter registration with every initial application and renewal

## **Question on Family Information form:**

*“Do you want a to register to vote here at the WIC Office?”*

- Yes → provide application
- Leaves blank → follow up and/or provide application
- If client gives you their completed voter registration → submit it on their behalf

# Required Training and Tracking

- **Local Agencies must ensure:**
  - **New staff** are briefed on Civil Rights rules during orientation.
  - **All 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.



# Protecting our clients' rights is part of our job



WIC staff have the important role  
of protecting clients' and applicants' Civil Rights.

We take steps to prevent Civil Rights violations.



# State of Alaska Civil Rights Coordinator

Julie Walker

Julie.walker@alaska.gov

907-465-8628

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