PROTECTING OUR APPLICANTS' AND PARTICIPANTS' RIGHTS

Idaho WIC Program Annual Civil Rights Training
Revised 6/2020

Learning objectives

After completing this module, WIC staff will understand:

- Ways to prevent Civil Rights discrimination complaints
- The difference between Civil Rights complaints and Fair Hearing Requests
- How your clinic provides meaningful access to participants with Limited English Proficiency
- Why WIC collects race and ethnicity data
- WIC's non-discrimination policy
- The timeframe for filing Civil Rights discrimination complaints

Idaho WIC Policy Manual

A complete list of policies and procedures related to Civil Rights, Notifications, and Fair Hearings is located in the Idaho WIC Program Policy Manual, Chapter 2.

*Everyone working in the WIC Program and speaking to WIC participants on behalf of the WIC Program is required to receive annual training on Civil Rights.

SECTION 1:
OVERVIEW OF CIVIL RIGHTS

What are Civil Rights?

Civil Rights are the rights of all individuals to be treated equally.

Protection from discrimination

Civil Rights laws & regulations protect a person from being discriminated against based on their:

1. Race
2. Color
3. National origin
4. Sex (Gender)
5. Disability
6. Age

These are considered the six protected classes.

State non-discrimination laws

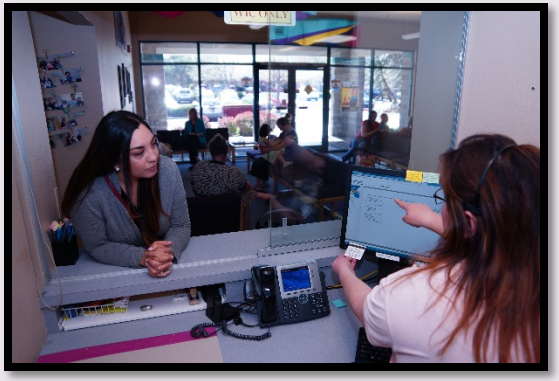
- Federal and Idaho law protect against discrimination based on a person's religious beliefs.
- WIC agencies are contractually bound to uphold both federal and state non-discrimination laws.

Refer people who believe they have been discriminated against due to their religious beliefs to the Idaho Commission on Human Rights
Toll Free: (888) 249-7025

IDAHO
HUMAN RIGHTS COMMISSION

Training Focus

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



About discrimination

Discrimination occurs when individuals are:

- Denied services unfairly
- Delayed from receiving services
- Treated differently from others

Because of the person's…

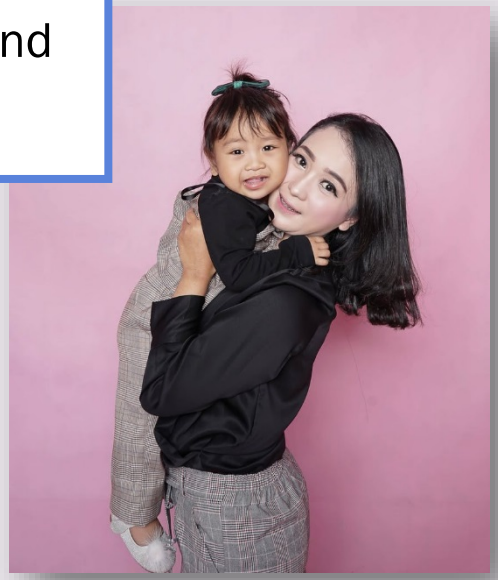
- Race
- Color
- National Origin
- Sex
- Age
- Disability

Tips for preventing Civil Rights violations

*8 tips for preventing violations

Tip 1:

Provide excellent customer service to every applicant and participant.



Ask questions & check for understanding

Tip 2:

Prevent miscommunication by asking questions and checking for understanding.

Don't assume you know.
It is better to be sure you correctly understand a person's situation or questions rather than to fill in the missing pieces.

Let the person know what to bring

Tip 3:

Inform the applicant or participant what to bring to their appointment.

Not only is this good customer service, it helps prevent any delay of services.

Examples of things to bring…

- Proof of income
- Each person who is applying for WIC
- Proof of where they live

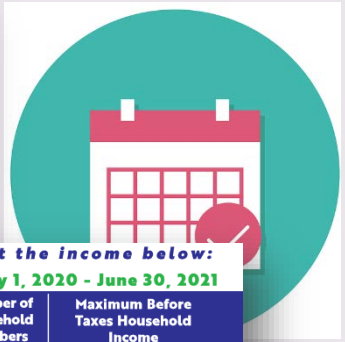
Help applicants/participants understand WIC

Tip 4:

Help applicants and participants learn how the WIC program works so they know what to expect.

Assure they know…

- Income eligibility requirements
- When their eligibility period ends
- How to use the food list
- How to use their eWIC card



Meet the income below:

July 1, 2020 - June 30, 2021

Number of Household Members	Maximum Before Taxes Household Income		
	Per Week	Month	Year
1	$454	$1,968	$23,606
2	$614	$2,658	$31,894
3	$773	$3,349	$40,182
4	$933	$4,040	$48,470

*For each additional person, add $8,288/year
Pregnant woman = 2 people

Inform about expected waiting & appointment times

Tip 5:

Let people know expected waiting times and how long their appointment should take.

New participants can feel scared coming into the WIC clinic. Good customer service helps participants see that WIC is a safe place and provides equal treatment to everyone.

Rights and responsibilities

Tip 6:

At the beginning of each certification appointment, have the participant or applicant review and sign the Rights, Responsibilities and Consent form.

The *Rights, Responsibilities and Consent* form empowers the participant or applicant to make educated decisions about their WIC experience.

Required reading by WIC staff

WIC staff must read the following sentences to participants

- “Standards for eligibility and participation in the WIC Program are the same for everyone, regardless of race, color, national origin, age, handicap, or sex.’’
- ‘‘You may appeal any decision made by the local agency regarding your eligibility for the Program.’’
- ‘‘The local agency will make health services, nutrition education and breastfeeding support available to you, and you are encouraged to participate in these services.’’

Follow processing standards

Tip 7:

Follow processing and scheduling standards.

Pregnant and migrant applicants must be offered an appointment within 10 calendar days of their initial date of contact.

Applicants in other categories (Children, Infants, Postpartum and Breastfeeding Women) must be offered an appointment within 20 calendar days of their initial date of contact.

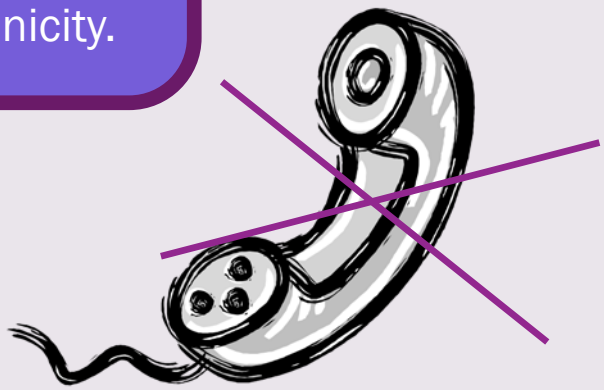
Collect information when participants are present

Tip 8:

Ask for race and ethnicity information when the applicant is physically in the WIC clinic.

When an applicant is asked to provide race or ethnicity information over the phone and is found ineligible for the program, the person might conclude that the staff denied services based on the individual's race or ethnicity.

- Prevent this situation by never asking for this information over the phone.



Make sure transfer participants don’t miss out on food benefits

Tip 9:

Ensure that participants transferring into your clinic receive benefits as quickly as possible so they do not miss out on any WIC food benefits they are entitled to receive.

Don’t forget to check Verification of Certification (VOC) forms for participant information.

ACTIVITY

Activity: Consider this

This is Kyle. He heard that WIC provides food to low income individuals. He needs food and hopes that he can sign up for the WIC Program.

Kyle

WIC staff

Which Civil Rights violation prevention tip can I use in this situation?

What if the staff person tells Kyle…

WIC serves Women, Infants, and Children, but not men.

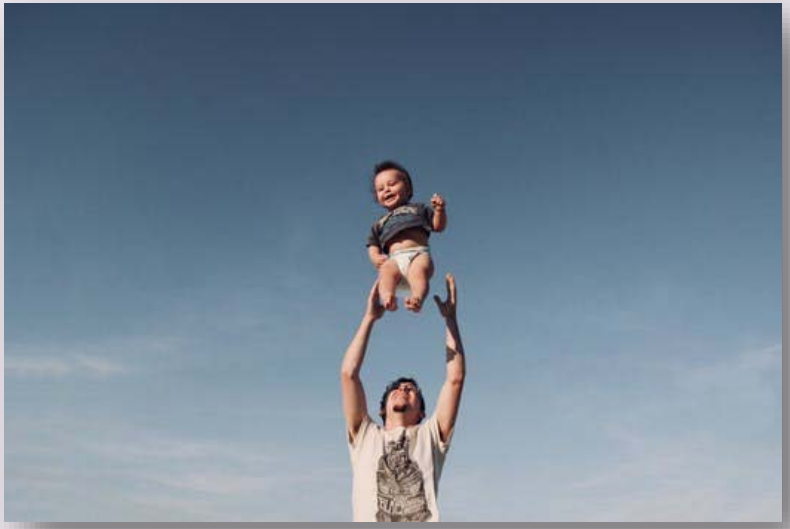
Can I give you a referral to the food bank?

WIC Staff

The Idaho Foodbank®

Consider this

It is true that men are not categorically eligible for WIC, but Kyle has custody of his infant son, Bobby.
If the staff person does not ask questions about Kyle's family, she may not know that Bobby would be eligible for infant formula.



Consider applicants' perceptions

If Kyle felt like he was being refused WIC benefits for his son because of his gender (sex), he might choose to file a Civil Rights violation complaint.

- We rely on our own experiences, beliefs, and assumptions to fill in missing pieces of information.
- There is a risk of misunderstanding information and misinterpreting situations.
- Make sure you always ask!

SECTION 2:
MEANINGFUL ACCESS TO SERVICES

Executive Order 13166 & Limited English Proficiency (LEP)

This order requires federally funded programs like WIC to provide meaningful access to services to individuals with Limited English Proficiency (LEP).

Meaningful access to services is required for individuals…

- Whose primary language is not English
- Who have a limited ability to read, speak, write, or understand English

Meaningful access - outreach

WIC provides meaningful access to services by providing information in other languages.

In Idaho, current outreach materials are printed in **Spanish and English.**

Meaningful access – materials

Program materials are available in languages other than English.

Meaningful access - interpreters

Staff assure qualified interpreters are available to assist LEP participants.

This is done by:

- Employing bilingual staff who speak the language of the clients served
- Using certified interpreters
- Using your agency's over-the-phone interpreter service

ACTIVITIES

Activity 1

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

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

Activity 2: Consider good customer service as a violation prevention tool

Maria is a pregnant, Spanish-speaking woman hoping to receive WIC benefits. She goes into her local WIC clinic and tries to speak to the front desk staff.

The front desk staff does not speak Spanish.

What should staff do?

WIC clinic staff know that one of their Clinical Assistants speaks Spanish. They kindly tell Maria that they will go to get her.

Staff could also use their agency's over-the-phone interpreter service

Consider this…

Maria felt happy to know that there was someone she could communicate with in the WIC clinic. Staff also shared with her that they have access to interpretive services too, just in case.

Because of the services provided to her by WIC, she now has a healthy baby and nutritious foods to eat!

SECTION 3:
NOTIFICATION POLICIES

Non-Discrimination Notification

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

- All nutrition education information produced at the state or local level that also provides information about the WIC Program or WIC benefits must include the USDA non-discrimination statement.

Non-discrimination statements

Materials created for WIC participants must include one of these two non-discrimination statements in English or Spanish:

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: How to File a 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
Washington, D.C. 20250-9410;
2. fax: (202) 690-7442; or
3. email: program.intake@usda.gov.
This institution is an equal opportunity provider.

USDA [WIC, This institution] is an equal opportunity provider.

And Justice For All

USDA United States Department of Agriculture

AND JUSTICE FOR ALL

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Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at **(202) 720-2600** (voice and TTY) or contact USDA through the Federal Relay Service at **(800) 877-8339**.

To file a program discrimination complaint, a complainant should complete a Form AD 3027, USDA Program Discrimination Complaint Form, which can be obtained online, from any USDA office, by calling **(866) 632-9992**, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

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La información del programa puede estar disponible en otros idiomas además del Inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al **(202) 720-2600** (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al **(800) 877-8339**.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD 3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en cualquier oficina del USDA, llamando al **(866) 632-9992**, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR), por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

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Esta institución ofrece igualdad de oportunidades.

Form AD-475-A—Assisted Poster/Revised July 2009

Afiche complementario al Formulario AD-475-A / Revisado Julio 2009

All clinics must prominently display the "And Justice For All" poster.

- Explains WIC's non-discrimination policy.
- Notifies people of steps they can take if they feel they have been discriminated against by WIC.

ACTIVITY

Activity

USDA United States Department of Agriculture

AND JUSTICE FOR ALL

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Esta institución ofrece igualdad de oportunidades.

Form AD-475-A - Revised Posted Revised July 2010

Aviso complementario al formulario AD-475-A / Revisado Julio 2010

1. Locate the "*And Justice For All*" poster that is displayed in your clinic.

2. Find materials in your clinic that include the WIC non-discrimination statement. Check a few to make sure that they have the most up-to-date non-discrimination statement.

SECTION 4:
CIVIL RIGHTS DISCRIMINATION COMPLAINTS

Civil Rights discrimination complaints

A Civil Rights discrimination complaint is filed to report an allegation by 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 asking WIC staff for assistance in filing the complaint.
- The contact information to file a complaint is provided within the WIC non-discrimination statement.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: How to File a 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:

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Timeframe: Civil Rights discrimination complaints

- When an applicant or participant wants to file a complaint, the person must file the complaint within 180 calendar days (~6 months) of the alleged discriminatory act.

Staff are required to immediately submit the complaint form to the State Office when a Civil Rights allegation is made.

Civil Rights complaints – staff role

- When WIC staff are aware that an applicant or participant would like to file a Civil Rights complaint, staff must assist the person filing the complaint.
- Staff should immediately notify their WIC Coordinator for further guidance.

The Complaint or Incident Report form can be found on the Idaho WIC website.

Civil Rights complaints – staff role

Once the complaint form is complete, staff are to:

- Make three copies of the form
- Provide one copy to the person making the allegation.
- Give a copy to the WIC Coordinator.
- Send a copy to the State WIC Office.

The State WIC Office will submit a copy of the form to the USDA Office of Civil Rights within 10 days.

Confidentiality

The details of the complaint are not to be shared among staff, and the applicant or participant must not feel punished for filing the complaint.

- Staff must protect the applicant's or participant's confidentiality by keeping details about the Civil Rights complaint among themselves, the WIC Coordinator, the participant, and the State WIC Office.

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 differ from Civil Rights discrimination complaints.

About Fair Hearing requests

An applicant or participant can request a Fair Hearing within 60 calendar days of the date the action was taken against him/her. A judge will review the case and decide if WIC was wrong in:

- Determining the person ineligible for WIC
- Taking the person off the program
- Asking the person to pay money back to the program

SECTION 5:
RACE AND ETHNICITY DATA COLLECTION

Why does WIC collect race and ethnicity data?

We collect and use this information to assure WIC-eligible race and ethnicity groups in our communities are appropriately represented within the WIC Program.

Why does WIC collect race and ethnicity data?

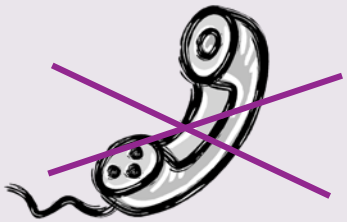
WIC plays an important role in identifying health disparities and determining strategies to overcome them.

- Any time new participants are added to the WIC program, be sure to collect their race/ethnicity information.

When is the data collected?

- WIC collects and documents race and ethnicity data at the applicant's initial WIC certification.

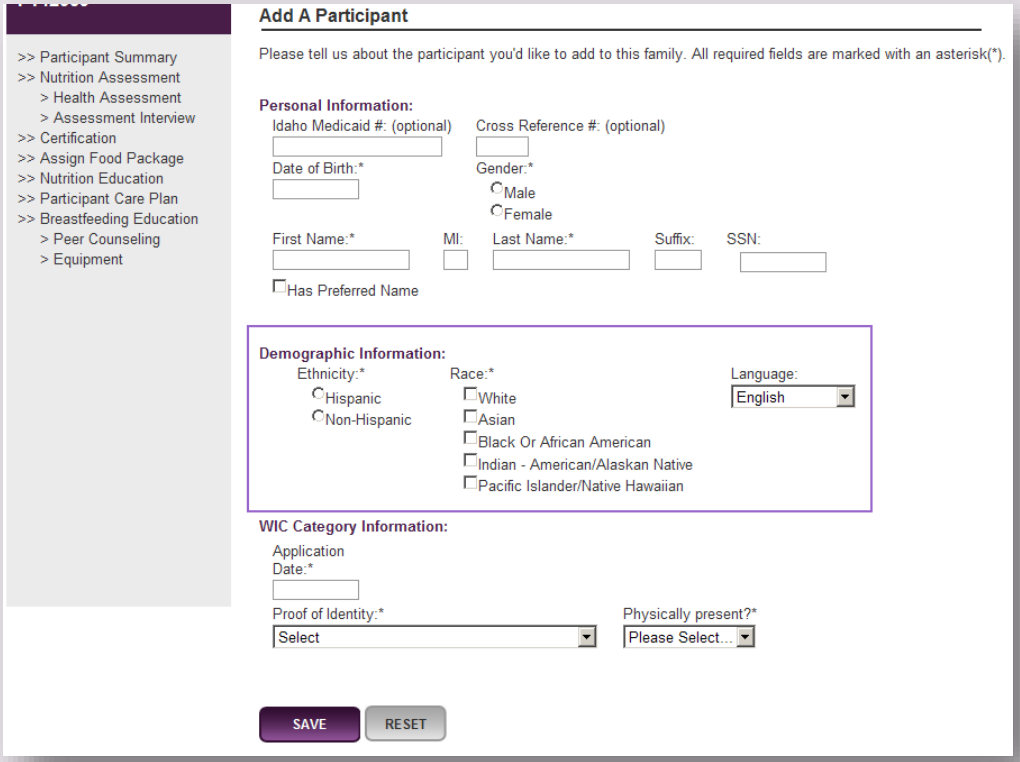
Race and ethnicity information is never collected over the phone.



Any time a new participant or family is added to WISPr, be sure to collect the race/ethnicity information for the new participant.

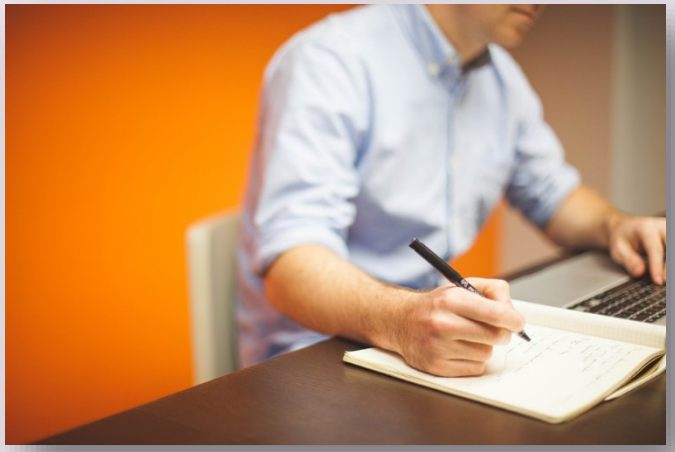
Where is data documented?

- Data is documented on the Add Participant screen (accessed from the Family Information screen) in WISPr.



What if a client refuses to report?

Staff are required to mark race and ethnicity based on their own perception.



- Make sure to document if staff had to select race and ethnicity due to applicant's refusal.

Ethnicity And Race Definitions

The new standards were developed in order to monitor enforcement of civil rights laws for populations that historically experienced discrimination and differential treatment because of their race or ethnicity.

"Federal agencies, not State agencies, are required to compile information on any multiple race combinations that represent one percent or more of the populations served by the State agency." [Source: ASM 02-61, September 30, 2002]

Therefore, the State WIC office will be collecting this data through local WIC agencies for statistical reporting purposes only.

Ethnicity Definition

Hispanic or Latino:
A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Race Category Definitions

American Indian or Alaska Native:
A person having origins in any of the original peoples of North and South America (including Central America), and who maintains 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 including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

Black or African American:
A person having origins in any of the black racial groups of Africa.

Native Hawaiian or Pacific Islander:
A person having origins in any of the original people 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.

Reference form

SUMMARY

Discrimination occurs when a participant is…

- Denied services unfairly
- Delayed from receiving services
- Treated differently from others

because of his/her race, color, age, national origin, sex, or disability.

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

We take steps to prevent Civil Rights violations.

It’s what we do

- WIC works to protect Human Rights with kind communication
- We provide help and care to everyone; whether it be…
  - WIC foods
  - Breastfeeding support
  - Referrals
- WIC staff take their time to ask questions and make sure they have all pieces of the puzzle
- WIC staff work to make our world a better place

This publication was made possible by grant # 207IDID7W1003 from the U.S. Department of Agriculture. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the U.S. Department of Agriculture. Idaho WIC Program, 06/2020.

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