

Civil Rights Training USDA Nondiscrimination Regulations

New Hampshire Women (WIC) Infant Children Program,
Commodity Supplemental Food Program (CSFP) and
Senior Farmers' Market Nutrition Program (SFMNP)

Civil Rights 101

▶ **Purpose:**

All state and local agencies must comply with USDA regulations on nondiscrimination.

▶ **Compliance Review Topics**

- Assurances
- Public Notification
- 6 Protected Classes
- Complaint procedure
- Racial and Ethnic Data Collection
- American Disabilities Act (ADA)
- Limited English Proficiency (LEP)
- Customer service and conflict resolution

Assurances

To qualify for Federal financial assistance, an application must be accompanied by a written assurance that the entity to receive financial assistance will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines.

A Civil Rights assurance statement must be incorporated in all agreements between

- * Federal and WIC/CSFP/SFMNP State agencies (FNS Form 339)
- * WIC State agencies(SA) and local agencies (LA)
- * Local agencies and sub recipients (if applicable)
- * Vendor agreements and Farmer agreements

Public Notification

- ▶ **New Hampshire WIC/CSFP/SFMNP programs must include a public notification system.**
- ▶ **The purpose of this system is to inform applicants, participants, and potentially-eligible persons of:**
 - Program availability
 - Program rights and responsibilities
 - The policy of nondiscrimination
 - The procedure for filing a complaint

Elements of Public Notification

- ▶ **State agencies and their sub recipients must:**
 - Make program information available to the public upon request.
 - Prominently display the “And Justice for All” poster.
 - Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs.
 - Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information.
 - Provide appropriate information in alternative formats for person with disabilities and in the appropriate language (s) for Limited English proficiency (LEP) persons

Discrimination

Discrimination occurs when:

- Services has been unfairly denied.
- Purposely delayed to receive services.
- Treated differently.

**Discrimination can
also result from
policies.**

Discrimination

What is discrimination?

- Discrimination is defined as: different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on...

6 Federally Protected Classes

- Race
- Color
- National origin
- Sex
- Age *
- Disability

A client may file a Civil Rights Complaint if they feel they are discriminated against, based on any of these 6 federally protected Classes.

* CSFP/SFMNP regulations limit participation by age.

QUIZ – True or False

Question:

- ▶ The federally protected classes for WIC applicants and participants are race, color, national origin, age, sex, ancestry, and disability.

QUIZ - Answer

- ▶ **False**, does not include ancestry.

Program Eligibility Complaint

Complaints concerning program eligibility

- Local agencies should inform their Director first.
- Discuss the matter with the individual.
- Explain the eligibility criteria.
- Review the Rights and Rules document.
- Provide program termination/denial of eligibility and fair hearing information.
- LA Director should inform SA Director.

Tips to Prevent Complaints

- Provide excellent customer service.
- Prevent miscommunication by asking questions and checking for understanding.
- Inform the applicant what to bring to the appointment and approximately how long their appointment should take.
- Help applicants learn about the WIC/CSFP/SFMNP Programs so they know what to expect.

Customer Service & Conflict Resolution

- Remain calm.
- React quickly.
- Do not put yourself in harm's way.
- Get a supervisor to help with complaints.
- Check your body language.
- Apologize genuinely and be polite, dignified, respectful, caring, and understanding.
- Do not mirror the emotion of the situation.
- Be responsive, show patience and sensitivity.
- Be encouraging and empathetic.

Complaints of Discrimination

Local agency shall NOT:

- Interfere with any rights or privileges of a participant because he/she made a complaint or allegation, testified, assisted, or participated in the investigation, proceeding, or hearing related to the incident/action.
- Intimidate, threaten, coerce, or discriminate against as a result of a complaint.

Complaints of Discrimination

Local agency shall:

- Direct all Civil Rights complaints to USDA.
- LA shall inform the participant/applicant how to file a Civil Rights complaint of discrimination.
- Local agency will contact Lissa Sirois at the State WIC Office.

Complaints of Discrimination

Local agency shall:

- Inform applicants and participants, they must file the complaint within 180 days of the alleged act of discrimination.
- Complaints may be written or verbal.
- A separate Civil Rights complaint log shall be maintained by the SA for each program.
- Confidentiality is extremely important and must be maintained.

To File a Complaint

- **English/Spanish version:**

http://www.ascr.usda/gov/complaint_filing_cust.html.

- **Mail:**

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

- **Fax or Email:**

(202) 690-7442 or Program.intake@usda.gov.

QUIZ – True or False

Question:

- ▶ Complaints may be written or verbal.

QUIZ - Answer

- ▶ **True**, complaints can be written or verbal.

State Agency Responsibilities

Monitoring:

- The SA will monitor LA compliance with Civil Rights and American with Disabilities Act (ADA) requirements through periodic reports which detail enrollment by ethnicity & race.
- During Management Evaluations (ME), records of those determined to be ineligible for WIC/CSFP/SFMNP services (and those placed on waiting list, if applicable) will be reviewed.
- The SA will maintain complete & thorough records of all activities to monitor Civil Rights and ADA compliance and any known complaints of discrimination made by WIC/CSFP/SFMNP applicants or participants.

State Agency Responsibilities – cont.

Non-Compliance Notification:

Areas determined to be in noncompliance during an ME will be:

- Discussed with the appropriate LA staff during the exit interview.
- Identified in a written report.
- Technical assistance offered where appropriate.

USDA Nondiscrimination Statement

- ▶ **At a minimum, the full Nondiscrimination Statement must be on:**
 - Application form (s)
 - Notification of eligibility or ineligibility
 - Program (Home) webpage (or a link to it)
 - Public information, including program literature

Non-Discrimination & WIC Materials

- All WIC/CSFP/SFMNP materials that are produced for public notification must contain the non-discrimination statement, but materials specific to **nutrition education** or **breastfeeding** that strictly provide a nutrition message and do not mention the WIC/CSFP/SFMNP Program are not required to contain the nondiscrimination statement.
- Full Non-discrimination Statement (NDS) & Minimum non-discrimination Statement (NDS)

Nondiscrimination Full 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, 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.

Nondiscrimination Full Statement (Spanish)

De conformidad con la Ley Federal de Derechos Civiles y los reglamentos y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (USDA, por sus siglas en inglés), se prohíbe que el USDA, sus agencias, oficinas, empleados e instituciones que participan o administran programas del USDA discriminen sobre la base de raza, color, nacionalidad, sexo, discapacidad, edad, o en represalia o venganza por actividades previas de derechos civiles en algún programa o actividad realizados o financiados por el USDA.

Las personas con discapacidades que necesiten medios alternativos para la comunicación de la información del programa (por ejemplo, sistema Braille, letras grandes, cintas de audio, lenguaje de señas americano, etc.), deben ponerse en contacto con la agencia (estatal o local) en la que solicitaron los beneficios. Las personas sordas, con dificultades de audición o discapacidades del habla pueden comunicarse con el USDA por medio del Federal Relay Service [Servicio Federal de Retransmisión] al (800) 877- 8339. Además, la información del programa se puede proporcionar en otros idiomas.

Para presentar una denuncia de discriminación, complete el [Formulario de Denuncia de Discriminación del Programa del USDA](#), (AD-3027) que está disponible en línea en: http://www.ascr.usda.gov/complaint_filing_cust.html y en cualquier oficina del USDA, o bien escriba una carta dirigida al USDA e incluya en la carta toda la información solicitada en el formulario. Para solicitar una copia del formulario de denuncia, llame al (866) 632-9992. Haga llegar su formulario lleno o carta al USDA por:

- (1) correo: 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; o
- (3) correo electrónico: program.intake@usda.gov.

Esta institución es un proveedor que ofrece igualdad de oportunidades.

Nondiscrimination Minimum Statement

Short versions:

- This institution is an equal opportunity provider.
- Esta institución es un proveedor que ofrece igualdad de oportunidades. (Spanish)

Other:

- Available on the FNS website
- <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>

Available NDS Translations

Amharic - [\[PDF\]](#) [\[Word\]](#)

Arabic - [\[PDF\]](#) [\[Word\]](#)

Armenian - [\[PDF\]](#) [\[Word\]](#)

Chinese, Simplified - [\[PDF\]](#) [\[Word\]](#)

Chinese, Traditional - [\[PDF\]](#) [\[Word\]](#)

Creole - [\[PDF\]](#) [\[Word\]](#)

English - [\[PDF\]](#) [\[Word\]](#)

Farsi - [\[PDF\]](#) [\[Word\]](#)

Hindi - [\[PDF\]](#) [\[Word\]](#)

Hmong - [\[PDF\]](#) [\[Word\]](#)

Khmer - [\[PDF\]](#) [\[Word\]](#)

Korean - [\[PDF\]](#) [\[Word\]](#)

Laotian - [\[PDF\]](#) [\[Word\]](#)

Polish - [\[PDF\]](#) [\[Word\]](#)

Portuguese - [\[PDF\]](#) [\[Word\]](#)

Russian - [\[PDF\]](#) [\[Word\]](#)

Serbo-Croatian - [\[PDF\]](#) [\[Word\]](#)

Somali - [\[PDF\]](#) [\[Word\]](#)

Spanish - [\[PDF\]](#) [\[Word\]](#)

Thai - [\[PDF\]](#) [\[Word\]](#)

Urdu - [\[PDF\]](#) [\[Word\]](#)

Vietnamese - [\[PDF\]](#) [\[Word\]](#)

NDS Minimum Statement

- If the material is too small to permit the full statement to be included, the following statement must be included, in print no smaller than the other text:

“This institution is an equal opportunity provider”

“ Esta institución es un proveedor que ofrece igualdad de oportunidades.”

- **Remember:** the shorter version is the exception, not the rule.

QUIZ - Question

- ▶ Which non-discrimination disclosure would be required on an application form, full or shortened version?

QUIZ - Answer

- ▶ Full non-discrimination disclosure.

Racial & Ethnic Data Collection

- Racial/Ethnic data is collected by each local agency on the demographics screen in StarLINC or manual form FNS – 191 for CSFP/SFMNP.
- Data is used to generate reports required by Federal & State government.

Race and Ethnicity

Hispanic/Latino: Yes No

Select the Primary racial background

Optional Second racial background

Optional Third racial background

Optional Fourth racial background

Optional Fifth racial background

Optional Sixth racial background

Optional Seventh racial background

Caregiver Declined to Answer

Difference Between Race & Ethnicity

- **What is ethnicity?**

Ethnicity determines whether a person is of Hispanic origin or not. For this reason, ethnicity is broken out in two categories, Hispanic or Latino and Not Hispanic or Latino. Hispanics may report as any race.

- **What is race?**

The Census Bureau defines race as a person's self-identification with one or more social groups. An individual can report as White, Black or African American, Asian, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, or some other race. Multiple

Establishing Racial/Ethnic Collection

- The information about participant's identification is used by USDA to determine how effective WIC is reaching minority groups and to identify where additional outreach is needed.
- Participants shall be assured that the information is required for and used for statistical purposes only and has no effect on eligibility criteria.
- **This information must be explained to the participant before asking them to self-identify.**

Establishing Racial/Ethnic Identification

- Self-identification is the preferred means of obtaining information about an individual's race & ethnicity.
- Staff will help determine race & ethnicity if necessary or requested by the individual.
- If participant refuses or cannot answer the question staff will make a visual determination and inform the participant that they will be doing so.

QUIZ – True or False

- ▶ The civil rights data collection involves asking one question related to ethnicity and two questions related to race.

QUIZ - Answer

- ▶ **False**, civil rights data collection involves asking one question related to ethnicity and one question related to race.

American with Disabilities Act (ADA)

What is ADA?

ADA is the most comprehensive federal legislation that prohibits discrimination against people with disabilities.

Who is protected by ADA?

ADA protects individuals with disabilities. A disability is a physical or mental impairment that substantially limits an individual's major life activities.

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 activity, has a record of such an impairment, or is regarded as having such an impairment.
- Major life activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- Functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.

Reasonable Modification

- Reasonable modification is the removal of barriers to allow individuals to participate equally.
- Provide wheelchair access to service locations.
- Make reasonable modifications as needed to address accessibility and avoid discrimination.
- In some cases, what is considered “reasonable modification” may be different from what an individual requests.

Limited English Proficiency (LEP)

- **Definition:** Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English because of their national origin.
- When a significant number of potentially eligible individuals have Limited English Proficiency, the programs shall take reasonable steps to provide individuals with meaningful access to program services and information.

Limited English Proficiency (LEP)

- Meaningful access is accomplished by providing reasonable, timely, appropriate, competent/qualified, accurate, and effective language services to individuals with LEP when accessing recipient programs and activities.
- Failure to provide “meaningful” access to persons with LEP could be discrimination on the basis of national origin.

Limited English Proficiency (LEP)

Language services:

- Applicants and participants cannot be asked to bring their own interpreters.
- Children should **not** be used as interpreters.
- Local agencies shall use qualified, competent language resources.
- Oral translations and notification of free interpretation services is required by the local agency.

Examples of language services:

- Bilingual staff
- Telephone interpreter lines.
- Oral interpretation services.
- American Sign Language.

QUIZ – True or False

- ▶ LA can print copies of the “And Justice for All” poster from the New Hampshire WIC policy and procedure manual.

QUIZ - Answer

- ▶ **False**, LA have to contact the SA for additional copies of the “And Justice for All” poster.

QUIZ - Question

The shortened USDA nondiscrimination statement is:

- A. WIC is an equal opportunity provider and employer.
- B. This institution is an equal opportunity provider.
- C. WIC does not discriminate against applicants and participants.

QUIZ - Answer

B, This institution is an equal opportunity provider.

Trainings

- State agency is responsible for training local agencies.
- Local agencies are responsible for training their local sites, including “frontline staff” who interact with applicants or participants on an annual basis.
- Local agencies are responsible for training new employees before participating in program activities.
- Local agencies must provide training to volunteers according to their roles and responsibilities.

Remember...

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

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

Questions

Still have questions?

Please contact the state agency via email wic@dhhs.nh.gov or phone (603)271-4546 for more information.