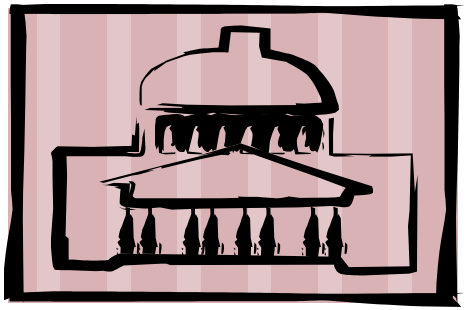
CIVIL RIGHTS

PURPOSE



- All local agencies must comply with USDA regulations on nondiscrimination and the following requirements:

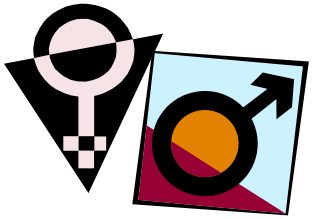
Civil Rights

- Several laws were enacted from 1964 to 1990 addressing various components of Civil Rights

No person can be denied benefits based on

- Race
- Color
- National Origin

- Age
- Sex
- Disability

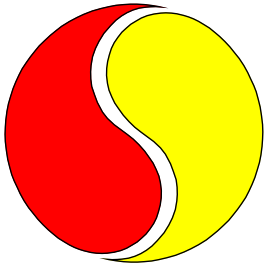


Additional Montana Protected Classes

- Montana also protects a person from discrimination based on:
  - religion
  - creed
  - political ideas
  - marital status

Race/National Origin (Ethnicity):

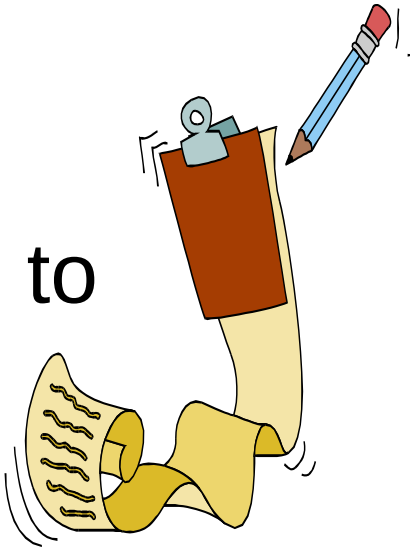
- Race refers to people of the same ancestry



- National Origin refers to the ethnic background

Racial/Ethnic Data

- Is collected by each local agency on the Demographics screen in the WIC Information



- System Data is used to generate reports required by the Federal and State Governments

National Origin is reported as...

Either

- Hispanic or Latino—meaning a person of Cuban, Mexican, Puerto Rican, South or Central America, or other Spanish culture or origin regardless of race.
  - The term “Spanish origin may also be used.

- Non-Hispanic or Non-Latino

Race/National Origin Identification:

- A pull-down menu is available in M-SPIRIT to select national origin/ ethnic background and race(s)

- Ask the person their country of birth to identify ethnic background

Race is reported as...

5 Racial Categories

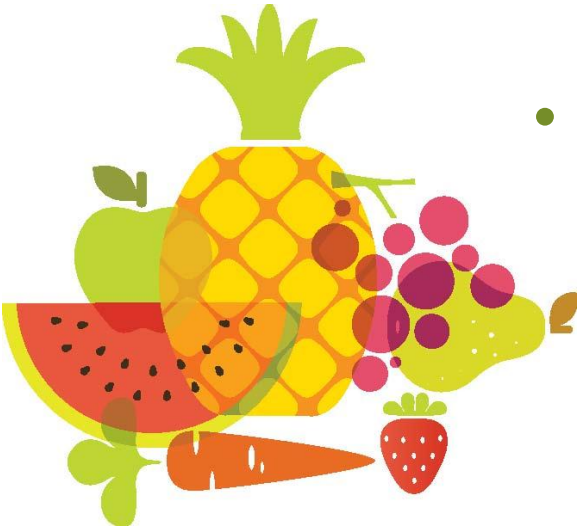
- **American Indian or American Native –** person who has origins in any of the original peoples of North, Central, or South America and who maintains tribal affiliation or community attachments

- **Asian –** person with origins in any of the original people of the Far East, Southeast Asia, Indian subcontinent, i.e. Cambodia, China, India, Japan, Korea, Pakistan, Philippines, Thailand

5 Racial Categories (cont.)

- **Black** – person with origins in any of the Black racial groups in Africa; Terms such as “Haitian”, “Negro” or “African American” may also be used

- **Native Hawaiian or Pacific Islander** -- person with origins in any of the original people of the Hawaii, Guam, Samoa or other Pacific Islands

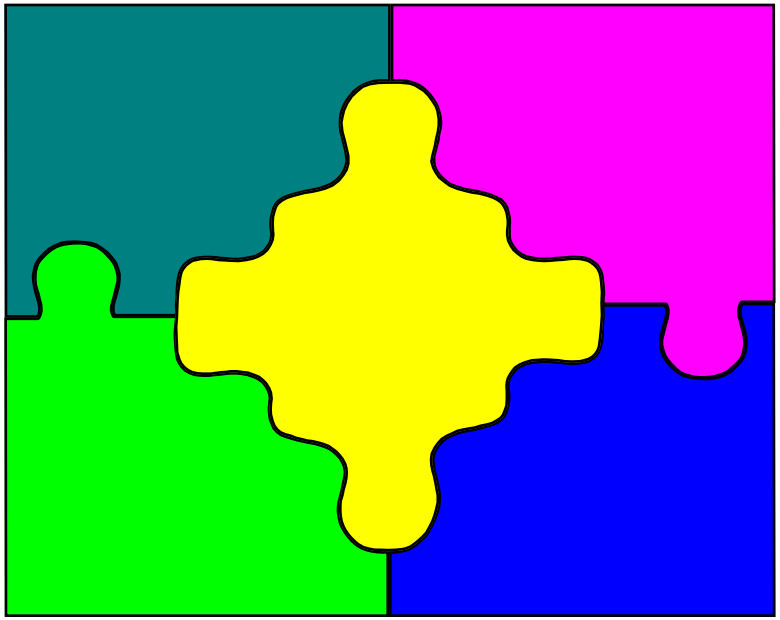


- **White** – person with origins in any of the original peoples of Europe, the Middle East, or North Africa

Choices

WIC and FMNP participants may chose:

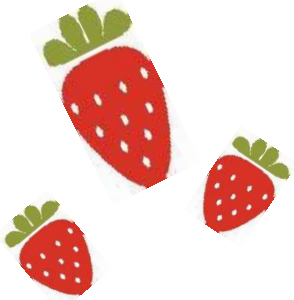
- one ethnic background for national origin; and
- one or multiple races



ADA-Americans with Disabilities Act:

Guarantees equal opportunity for individuals with disabilities in:

- employment
- public services
- public transportation
- public accommodation, and
- telecommunications.

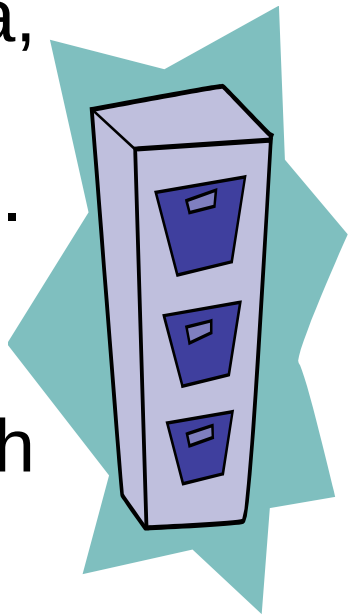


Individual with Disabilities

Person who has a physical or mental impairment which substantially limits one or more major life activities, has a history or record of such an impairment, or is perceived by others as having such an impairment.

Records

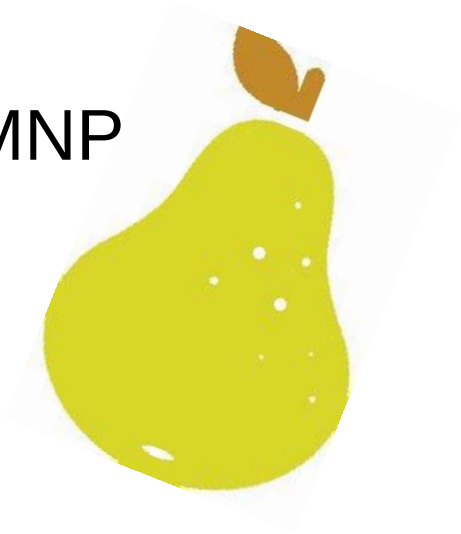
- Records include racial/national origin data, participant eligibility records and forms, participant civil rights complaints and logs.



- Records must be kept for 8 years after close-out of the federal fiscal year in which the client was terminated (Montana determined time)

- Safeguards must be maintained that prevent the use of this information for discriminatory purposes

Compliance Monitoring



- Required to assure WIC and WIC FMNP are administered in compliance with civil rights requirements.
- The State reviews local programs.
- Local programs review subcontractors and WIC FMNP authorized farmers.
- Records are reviewed.
- Interview questions are asked.

Compliance Monitoring

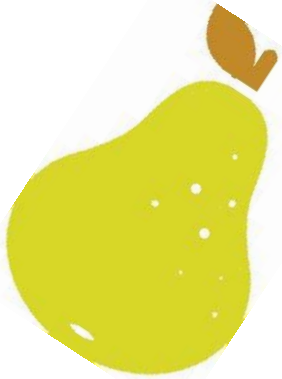
During the review, records are checked, questions are asked and observations are made to obtain the information to assess civil rights compliance.

Compliance Monitoring

In addition WIC FMNP looks at:

- Farmer applications for information about accessibility for persons with disabilities.
- Review farmer monitoring reports for accessibility issues.
- Survey responses about perception of treatment at the farmer booth/stand/stall.

Non-Compliance

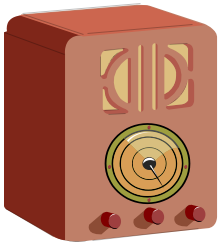


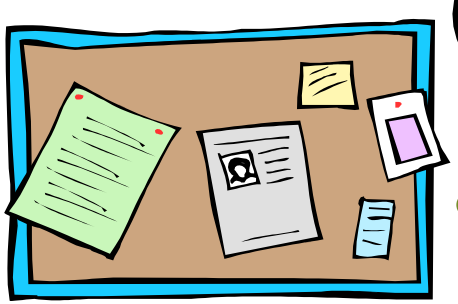
Non-compliance found during routine monitoring and its responsibility for correction:

- SA responsibilities = specific actions for reporting, tracking and ensuring requirements
- LA and clinic responsibility = bring practices into compliance

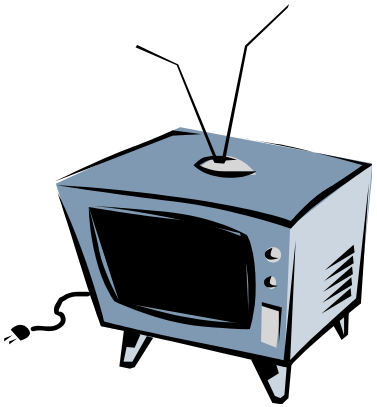
Public Notification:

- Newspaper articles
- Radio/Television





- Pamphlets/Fliers
- Grassroots organizations



Non-Discrimination

- All materials must contain the non-discrimination statement that no person will be denied program benefits on the grounds of race, color, national origin, age, sex, or disability

Non-Discrimination Statement

Full State-ment:

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal and, where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)
(continued)

Non-Discrimination Statement (con.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

(continued)

Non-Discrimination Statement (con.)

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

USDA is an equal opportunity provider and employer.

Non-Discrimination Statement

Min-imum State-ment:

If the material is too small to permit the full statement to be included, at a minimum include one of the following statements, in print no smaller than the text that…

- "WIC is an equal opportunity provider" or
- "This institution is an equal opportunity provider".

Web Address

- For further information, civil rights check out the following web site:

www.ascr.usda.gov

Non-Discrimination Statement

- Found on Right and Responsibility form and in the participant version of the Program Booklet
- MUST be read to or read by each participant or authorized representative/ co-caretaker at each certification
- Must be signed by participant or authorized representative

Non-Discrimination Poster

- Non-discrimination poster MUST be displayed in a prominent place at all sites - including out-lying clinics and satellite sites, for example, in the lobby or waiting area

Examples of Discrimination:

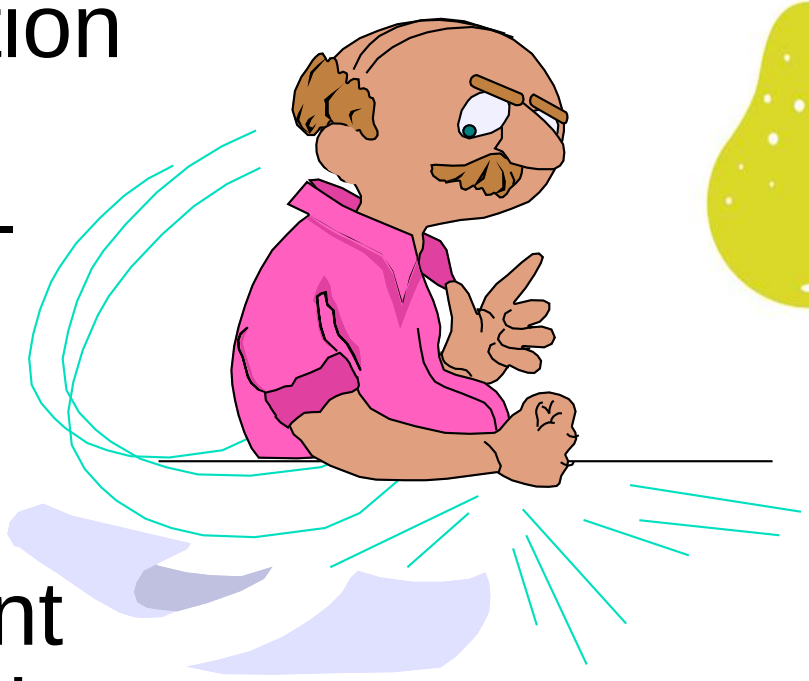
- Certification of potentially eligible persons based solely on race, color, national origin, age, sex, or disability

- Inequitable service or allocation of WIC or WIC FMNP checks based on the above

- Issuance of WIC or WIC FMNP checks in a place, time, or manner that results in denying or limiting benefits to a specific group

Right to File a Complaint

- Any person or representative alleging discrimination on the basis of the protected classes – race, color, age, national origin, sex, disability
  - can file a complaint within 180 days of the alleged discriminatory action



Inform the Complainant

- The complainant must be advised that the complaint and information will be kept confidential.
- It will be encouraged that the complaint will be resolved at the lowest possible level and as quickly as possible.

ALL CIVIL RIGHTS COMPLAINTS WILL BE ACCEPTED:

- Written
- Oral
- Anonymous

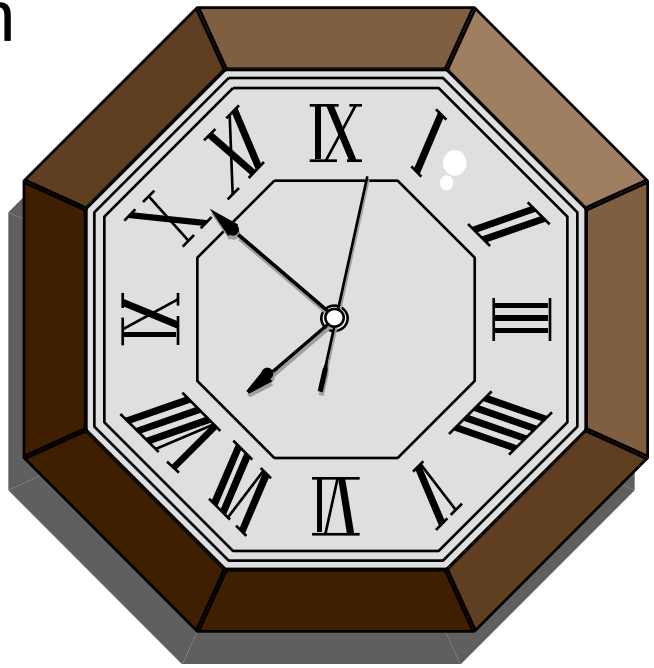
Information needed:

- Complainant's
  - » Name
  - » Address
  - » Telephone number

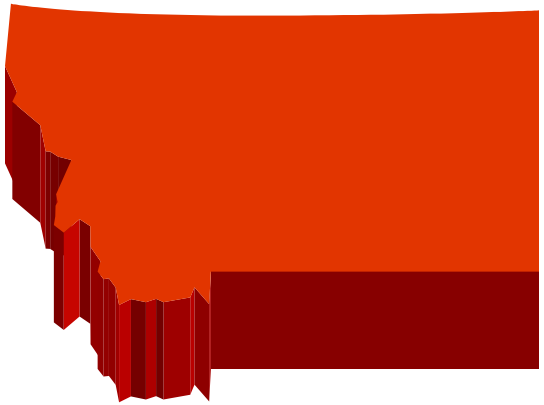
- Location where discrimination occurred
- Nature of the incident
- Basis for the claim-race, color, age, disability, national origin, or sex
- Names of witnesses
- Dates when action(s) occurred

What WIC Staff Are To Do

- Notify the WIC Coordinator immediately
- Provide forms for written complaints OR
- Take detailed notes of oral complaints and complete the form
- Complaints must be reported immediately
- Be aware of timeframes.



Complaints Involving Montana Civil Rights



- Protects from discrimination based on religion, creed, political ideas and marital status;
- Must be reported within 180 days of the alleged discrimination;
- Collect the same information;
- Will be forwarded to the Montana Human Rights Commission, PO Box 1728, Helena, MT 59624

Complaint Log

- WIC and WIC FMNP have civil rights complaint logs
- Any civil rights complaint should be included in the log for tracking purposes
- Local agencies document all follow-up with the State Agency, complainant or investigator until a resolution has been reached.

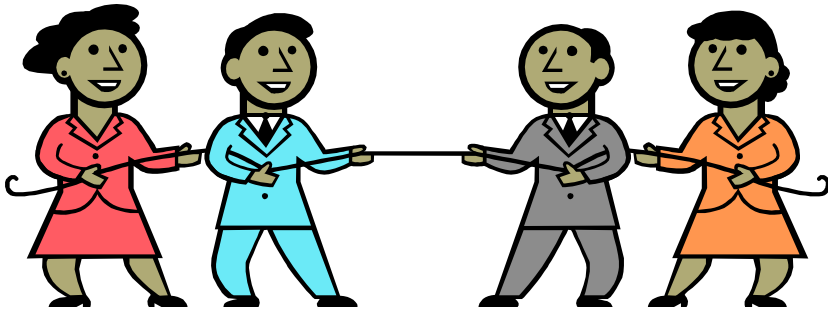
Program Eligibility Complaint

- Complaints concerning program eligibility are generally issues for fair hearings
  - discuss the matter with individual
  - explain the eligibility criteria

What You Can Do to Prevent Civil Rights Complaints

- Treat all WIC and WIC FMNP participants fairly and in the same manner.
- Reduce barriers to service that limit participation by persons with a disability or language issue.
- Train others on good customer service.

Conflict Resolution



- The first priority:
  follow the formal process and requirements.

- The second priority: check if anything could have been done differently.

- Many complaints are because of
  - Ineffective communication
  - Lack of customer service
  - Misunderstanding of requirements

Conflict Resolution (cont.)

Training can provide staff with the skills to resolve conflict.

- VENA Principles for Rapport Building
  - Customer service principles
  - reflective listening (OARS or 3 Step Counseling)
  - Cultural diversity

- WIC Works Resource
  - Online Modules, Lesson 1

CIVIL RIGHTS