



PROTECTING OUR PARTICIPANTS' RIGHTS

Washington WIC Annual Civil Rights Training
DOH Pub 960-101 March 2023

About this training

Everyone working in the WIC Program is required to receive annual training on Civil Rights.



A complete list of policies and procedures related to Notification, Civil Rights, and Fair Hearings is available in the Washington WIC Policy and Procedure Manual, [Volume 1, Chapter 20](#).

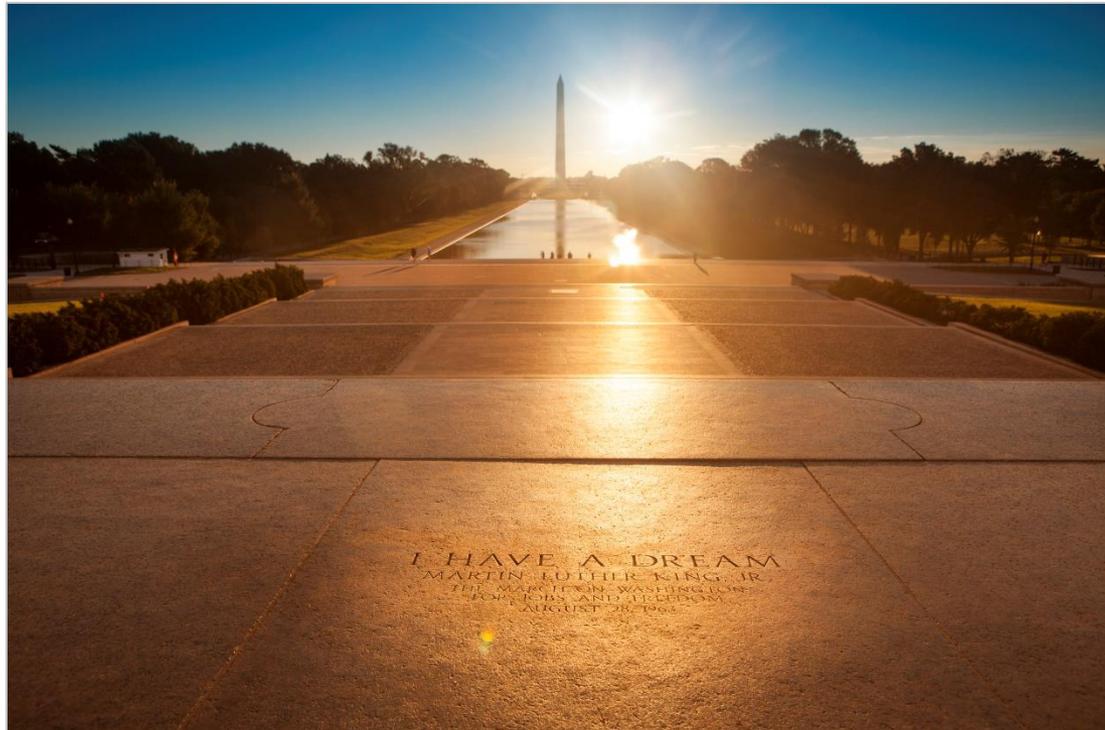
Learning objectives

After completing this module, you will have:

1. Considered at least 2 ways to prevent Civil Rights discrimination complaints.
2. Acknowledged your own implicit bias.
3. Described ways to provide meaningful access to participants with Limited English Proficiency (LEP) and participants with disabilities.
4. Located materials in your clinic that provide notification of WIC's non-discrimination policy.
5. Recalled the timeframe for filing Civil Rights discrimination complaints.
6. Distinguished Civil Rights Complaints from Fair Hearing Requests.
7. Summarized why WIC collects race and ethnicity data.

Section 1:

OVERVIEW OF CIVIL RIGHTS

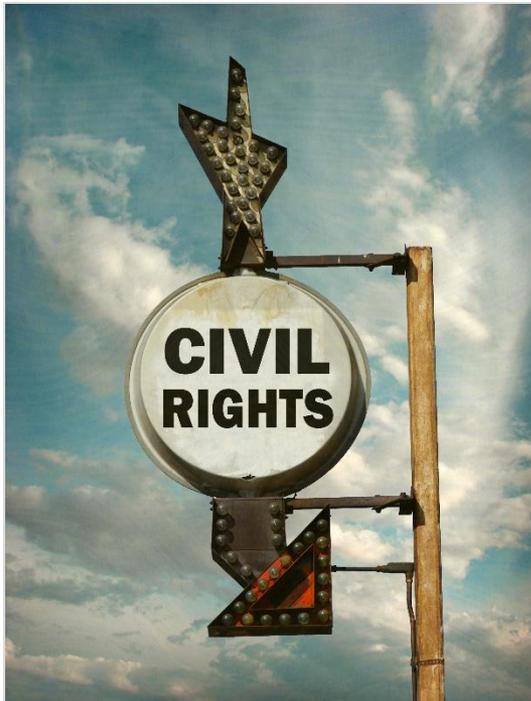




Civil Rights are
the rights of
individuals to
be treated
equally.

Protection from discrimination

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



- **Race**
- **Color**
- **National origin**
- **Sex (including gender identity and sexual orientation)**
- **Disability**
- **Age**

These are considered the protected bases.

State non-discrimination laws

State laws additionally 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:

Washington State Department of Health
1-800-525-0127

Civil.Rights@doh.wa.gov



Training Focus

The focus of this training is on:

1. Federal Civil Rights laws
2. WIC's role in upholding the laws and preventing discrimination



About discrimination

Discrimination occurs when individuals are:

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

because of the person's race, color, national origin, sex (including gender identity and sexual orientation), age, or disability

Tips for preventing Civil Rights violations

Here are 8 tips for preventing violations:

Tip #1:

Provide good 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's better to be sure you correctly understand a person's question or response 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 the appointment.



The image shows a form titled "WIC YOUR NEXT APPOINTMENT". The form includes the following fields and checkboxes:

- Date/Time:** _____
- For:** _____
- Bring:**
 - Proof of Income
 - Proof of Address
 - ProviderOne Services Card
 - ID/Hospital certificate
 - Immunization Record
 - Bloodwork information
 - WIC Medical Documentation form
- Child(ren): _____
- Other: _____

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

Help participants understand WIC

Tip # 4:

Help applicants and participants learn about the WIC program, so they know what to expect.

This includes information about how to apply for WIC, how to follow WIC rules, and what to expect from the program.

Assure they know:

- Income eligibility requirements
- When their eligibility period ends
- WIC rules

Inform applicants and participants about expected waiting & appointment times

Tip # 5:

Let people know how long to expect to wait for their appointment time and how long the appointment should take.



This is good customer service. It lets everyone know that the time scheduled to provide WIC services is similar for all applicants and participants.

Follow application and processing standards

Tip # 6:

Follow processing standards.

- Pregnant and migrant applicants must be offered an appointment within 10 days of their initial date of contact.
- Applicants in other categories (Children, Infants, Postpartum and Breastfeeding adults) must be offered an appointment within 20 days of their initial date of contact.

Collect applicant's race and ethnicity information at the certification

Tip # 7:

Gather applicant's race and ethnicity during the certification appointment, not when you're creating the Cascades file and scheduling the appointment.

Use the [Race & Ethnicity Tool](#) to help the applicant self-report their race and ethnicity.

Staff ask the applicant for their race and ethnicity information at the initial certification. This prevents applicants who may be determined ineligible to conclude that staff denied services based on the individual's race or ethnicity.

Make sure transfer participants don't miss out on WIC benefits

Tip # 8:

Ensure that participants transferring into your clinic receive uninterrupted benefits, so they don't miss out on any WIC benefits they're entitled to receive.



Remember...

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

- denied services,
- delayed from receiving services, or
- treated differently from others based on their:
 - **Race**
 - **Color**
 - **National origin**
 - **Sex (including gender identity and sexual orientation)**
 - **Age**
 - **Disability**



ACTIVITY 1: “Consider this”

Review the list of Civil Rights violation prevention tips before doing this activity.

Activity 1: “Consider this”

Tao arrives at a WIC clinic and asks how he can apply. He heard WIC provides help with food.

Which Civil Rights violation prevention could occur in this situation?



What if the staff person tells Tao...

Staff person



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

Can I give you a referral
to the food bank?

“Consider this”

It's true that men aren't categorically eligible for WIC, however men are often caregivers.



Tao has custody of his 2-year-old granddaughter, Binh.

If the staff person doesn't ask questions about the household, they won't know that Binh is eligible to be served by WIC.

Consider the applicant's perceptions



If Tao felt his family was being delayed from receiving services because of his race, color, national origin, sex (gender identity or sexual orientation), age, or disability, he might choose to file a Civil Rights violation complaint.



Implicit Bias

We and our participants rely on our own experiences, beliefs, and assumptions to fill in missing pieces of information.

When this happens,
there's a risk of
misunderstanding information
and
misinterpreting situations.



What is Implicit Bias?

“It may not have been your intention when you were crossing the road for you to step on my foot, but the impact of you stepping on my foot, it still remains.”

-Anonymous

Implicit bias means having attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.



Why Does Implicit Bias Matter?

Implicit bias matters because....

- Everybody has these unconscious associations.
- They affect our interactions with others.



Although implicit biases can be **positive or negative**, **both can have harmful effects** when they influence our decision-making.



What Can I Do about Implicit Biases?

Having biases doesn't make you a bad person—it only makes you human. Fortunately, our implicit biases aren't permanent; they can be changed.

Take these steps on the next few slides to challenge your unconscious beliefs.



Implicit Bias: Take Action

What do you
see?

What do you
think your
participant
sees?

An apple?

Two faces?



Implicit Bias: Take Action

Ask questions and check your understanding with those you serve.

This helps prevent misunderstandings and keeps us from misinterpreting situations and information.



Implicit Bias: Be Accountable

Read the following:

Slipmy put, traet ppolee the way you want to be tetraed. Always taret plpoe with love and kdnsiens. Take the tmie to cendosir someone else's feienlgs, so they will in rtreun cdnoesir yrous. Be kind in oderr to riceeve kenindss. You never know what soonmee is gnoig through, a simple act of knnedsis and tteanrig snmoeoe with love cluod cnaghe ethreyving.

Implicit Bias: Be Accountable

Sometimes it seems easy to fill in the missing pieces. However, it causes us to assume we understand the information.



Be open to seeing implicit bias.
Take the time to examine your actions or beliefs. Think of how you would justify them to other people.

Implicit Bias: Educate Yourself

Take **two or more** Implicit Association Tests (IAT) to learn about your unconscious beliefs.

Click here:

implicit.harvard.edu

Use their [Frequently Asked Questions \(FAQ\) guide](#) to discover more about yourself and your answers to the tests.

Section 2:

MEANINGFUL ACCESS TO SERVICES



Section 2 – Part 1

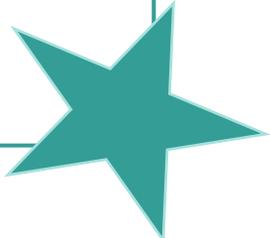
MEANINGFUL ACCESS FOR LIMITED ENGLISH PROFICIENCY (LEP) PARTICIPANTS

Meaningful language access



WIC provides meaningful access to services by assuring that applicants and participants 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

This order requires federally funded programs like WIC to provide individuals with Limited English Proficiency (LEP), meaningful access to services (2000).

Meaningful access to services is required for individuals:

- ☆ Whose primary language isn't English, and
- ☆ Who have a limited ability to read, speak, write, or understand English



Access to services for LEP

**What are ways we
provide our WIC applicants' and
participants' meaningful access
to services?**



Meaningful access - outreach

WIC provides meaningful access to services by assuring information is available in other languages.



- Outreach materials are printed in many languages.
- The messages are aimed to reach members of our community who may benefit from WIC services.

Meaningful access – materials

Program materials are available in languages other than English.



Meaningful access - languages

Outreach and materials are provided in these languages:



- ★ Amharic
- ★ Arabic
- ★ Burmese
- ★ Chinese
- ★ Dari
- ★ French
- ★ English
- ★ Karen
- ★ Korean
- ★ Oromo
- ★ Pashto
- ★ Russian
- ★ Somali
- ★ Spanish
- ★ Tigrinya
- ★ Ukrainian
- ★ Vietnamese

Meaningful access - interpreters

Staff assure interpreters are available to assist LEP* participants.

This is done by:

- ★ Employing bilingual staff who speak the language of the participants' served
- ★ Using certified interpreters
- ★ Using the contracted phone interpretation service (Language Link)

*LEP = Limited English Proficiency

Meaningful access - interpreters

Best practice:

Make eye contact and direct questions to the participant, not the interpreter, during conversations.



Section 2 – Part 2

MEANINGFUL ACCESS FOR PARTICIPANTS WITH DISABILITIES

Protections for people with disabilities

WIC clinics and services must be accessible to people with disabilities including:

- Mobility
- Sight
- Hearing and other conditions



Definition of disability

A person who:

- has a physical or mental impairment which substantially limits one or more major life activities,
- has a record of such an impairment, or
- is regarded as having such an impairment.

Major life activity means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Definition of disability

The ADA Amendments Act of 2008 expands the definition of disability to include:

Functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions. (ADAAA 2008)

Note: This is not an all-inclusive list.



Assure Public Accommodation



- Accessible parking lots
- Accessible entrances and exits
- Accessible halls
- Accessible elevators
- Accessible rest rooms
- Signs to accessible doors
- Qualified and competent sign language interpreters
- Braille signage
- Allow service animals
- Offer alternative arrangements for service

Section 2 - Activities



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



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



List at least one way to assure public accommodations.

Section 3: NOTIFICATION POLICIES

WIC P&P MANUAL, VOLUME 1, CHAPTER 20.



Non-Discrimination Statement

When a material includes information about WIC eligibility, the material must include the non-discrimination statement.

Examples include:

- Application forms
- Outreach materials (flyers, posters) and media campaigns (billboards, bus wraps)
- Public Service Announcements (PSA's)
- Letters used for notifying applicants and participants of ineligibility or termination

Best practice is to include the full non-discrimination statement shown on the next slide.

Non-Discrimination Statement

Effective May 5, 2022

Washington WIC doesn't discriminate

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, 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 at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, 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:

1.mail:

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

2.fax:

(833) 256-1665 or (202) 690-7442; or

3.email: program.intake@usda.gov

This institution is an equal opportunity provider.
Washington WIC doesn't discriminate.

Non-Discrimination Statement

The shorter non-discrimination statement is allowed when space on the material is limited.

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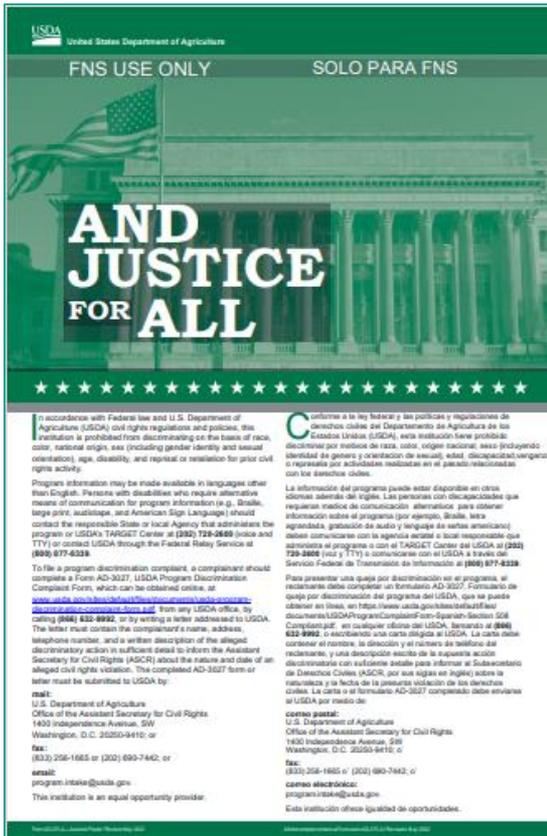
NOTE:

Both the long and short statement needs to be the same size or larger font than the size of other text on the material.

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’ve been discriminated against by WIC.



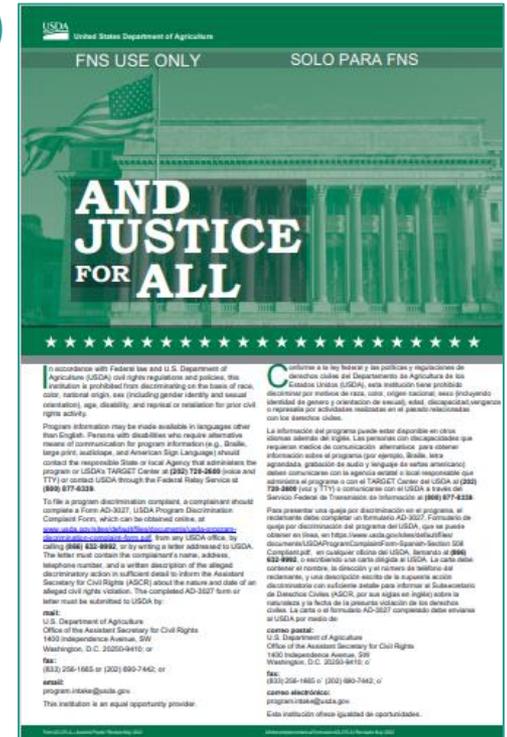
Section 3 - Activity



Locate the “And Justice For All” poster that is displayed in your clinic.



Find materials in your clinic that include the WIC non-discrimination statement.



Section 4:

CIVIL RIGHTS DISCRIMINATION COMPLAINTS

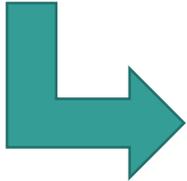


Civil Rights discrimination complaints



A Civil Rights discrimination complaint is filed to report a person who believes their Civil Rights have been violated.

How to file a complaint



To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, 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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2. fax:

(833) 256-1665 or (202) 690-7442; or

3. email:

program.intake@usda.gov

Timeframe: Civil Rights Discrimination Complaints

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

Staff are required to submit the complaint form within **5 days** of receiving the complaint.



Civil Rights Complaints – Staff's role

When WIC staff are aware that an applicant or participant would like to file a Civil Rights complaint, staff must assist the person in completing the form, if needed.

Staff notify the local agency's WIC Civil Rights Coordinator



See [WIC P&P Manual, Volume 1, Chapter 20](#)

Civil Rights Complaints – Staff's role

Once the Civil Rights Discrimination Complaint Form is complete, staff:

Make **three copies** of the form.

- Provide one copy to the participant.
- Provide two copies and the original to the local agency's WIC Civil Rights Coordinator.



Civil Rights Complaints – Staff's role

The local agency's WIC Civil Rights Coordinator:

- Puts one copy in a secure, confidential file in the clinic.
- Sends one copy to the state WIC Civil Rights Coordinator.
- Submits the **original form** to the USDA Office of Civil Rights.



Confidentiality

1. **Don't share details** of complaints among staff.
2. **No retaliation** against the applicant or participant filing a complaint.



Staff protect the applicant's or participant's confidentiality by keeping details about the Civil Rights complaint to the staff person receiving the complaint, the local agency's WIC Civil Rights Coordinator, the applicant or participant, and 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 don't cover possible acts of discrimination.

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

See [WIC Manual, Volume 1, Chapter 20](#) for more information.

About Fair Hearing Requests

An applicant or participant 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 the program, or
- Asking the person to pay money back to the program.

Section 4 - Activities



Briefly describe the difference between a Civil Rights discrimination complaint and a Fair Hearing request.



Identify who you would contact in your clinic if an applicant or participant wanted to file a complaint.



How long does an individual have to file a Civil Rights discrimination complaint from the time the person believes discrimination occurred?

Section 5:

RACE AND ETHNICITY DATA COLLECTION



Why does WIC collect race and ethnicity data?

The more we understand about the participants we serve, the better we're 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.

Steps for collecting race and ethnicity data

- 1) Staff share with the applicant why we collect race and ethnicity:
 - As a federal program, WIC is **required** to collect race and ethnicity information.
 - We use this information to help assess and plan services for Washington's diverse communities.

Race and Ethnicity Tool
WIC requires us to report race and ethnicity information.
We use this information to learn about who WIC serves.
It doesn't affect your eligibility or immigration status.

WIC staff will ask you the following two questions:

1. Do you consider yourself/your child Hispanic or Latino?
Hispanic or Latino means a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
Hispanic Non-Hispanic
2. How do you describe your race/your child's race?
Choose all that apply to you/your child.

American Indian or Alaska Native	Having origins in the original peoples of Alaska, Canada, the United States, Mexico, Central or South America and maintaining tribal affiliation or community attachment.
Asian	Having origins in 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	Having origins in the black racial groups of Africa.
White	Having origins in the original peoples of Europe, Middle East, or North America.
Native Hawaiian or Pacific Islander	Having origins in the original peoples of Hawaii, Guam, Samoa, or the other Pacific Islands.

WIC Nutrition Program doesn't discriminate.
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:

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

Fax: (202) 690-7442; or

Email: program.intake@usda.gov

This institution is an equal opportunity provider.
Washington State WIC Nutrition Program doesn't discriminate.

DOH 962-968 October 2018

When is the data collected?

Gather applicant's race and ethnicity during the initial WIC certification appointment, not when you're creating the applicant's file in Cascades and scheduling the appointment.

The applicant's initial WIC certification point might be:

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

Where is data documented?

WIC collects and documents race and ethnicity data under Race/Ethnicity in the Participant Demographics screen.

Race/Ethnicity

Declared Observed

Ethnicity ★
Non-Hispanic

Race ★

- American Indian or Alaskan Native
- Asian
- Black or African American
- White
- Native Hawaiian or Pacific Islander

Section 5 - Activities



Why does WIC collect information from applicants and participants about their race and ethnicity?



Where is race and ethnicity documented?

Race and Ethnicity Tool
WIC requires us to report race and ethnicity information. We use this information to learn about who WIC serves. It doesn't affect your eligibility or immigration status.

WIC staff will ask you the following two questions:

1. Do you consider yourself your child Hispanic or Latino?
Hispanic or Latino means a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
Hispanic: _____ Non-Hispanic: _____

2. How do you describe your race/your child's race?
Choose all that apply to you/your child.

American Indian or Alaska Native	Having origins in the original peoples of Alaska, Canada, the United States, Mexico, Central or South America and maintaining tribal affiliation or community attachment.
Asian	Having origins in 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	Having origins in the black racial groups of Africa.
White	Having origins in the original peoples of Europe, Middle East, or North America.
Native Hawaiian or Pacific Islander	Having origins in the original peoples of Hawaii, Guam, Samoa, or the other Pacific Islands.

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To the program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#) (AD-3027) found online at http://www.aphis.usda.gov/complaint_filing_cust.html, and if any USDA office, or write a letter addressed to USDA and provide the letter at all of the information requested on the form. To request a copy of the complaint form, call (866) 632-6992. Submit your completed form or letter to USDA by:

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

Fax: (202) 696-7442, or
Email: program.intake@usda.gov

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PUBLIC HEALTH
WASHINGTON



Locate the Race/Ethnicity tool in your clinic. Review the definitions of race categories.

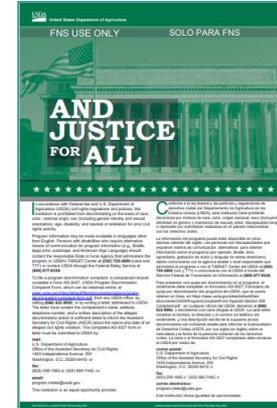
Section 6: SUMMARY



Summary

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

We take steps to prevent Civil Rights violations.



Large Print



Summary

Discrimination occurs when someone is:

- **denied** services unfairly,
- **delayed** from receiving services, or
- **treated differently** from others,

because of his/her race, color, national origin, sex (including gender identity and sexual orientation), disability, age or reprisal or retaliation for prior civil rights activity.



Summary

WIC assures that LEP applicants and participants don't experience a barrier to service because of their language.

Meaningful access to services is provided by assuring that applicants and participants have the information they need in their language.



Summary

WIC clinics and services **must be accessible** to people with disabilities including mobility, sight, hearing, and other conditions.

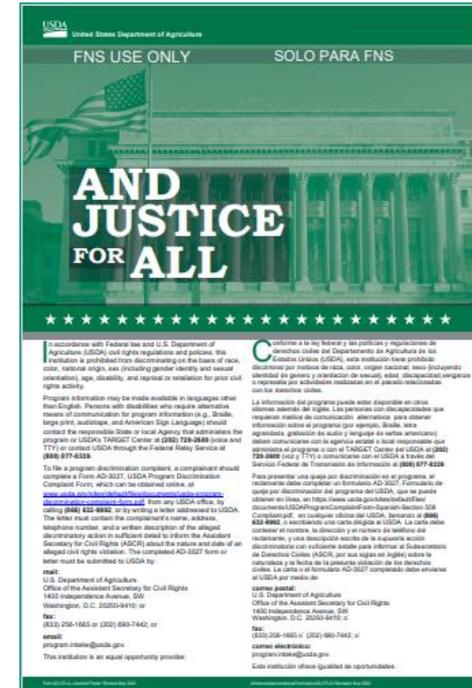
- Make parking lots and buildings accessible and ensure signage to identify accessible doors.
- Arrange for qualified and competent sign language interpreters, Braille signage, and allow service animals.
- Offer alternative arrangements for service.

Summary

The non-discrimination statement is printed on all program materials that include information about WIC eligibility.

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.



Summary

The person has **180 days** from the date of the alleged discriminatory act to file the complaint.



When staff assist the person with filing the complaint, they must submit the complaint **within 5 days** to the USDA Office of Civil Rights.

Summary

Civil Rights discrimination complaints involve suspected acts of discrimination.

Fair Hearing requests **don't**.

A Fair Hearing request is made to request that a judge assess if WIC was wrong in:

- determining a person ineligible for WIC,
- taking a person off the program, or
- asking a person to pay money back to the program.

Summary

Race and ethnicity data are used to assure WIC eligible participants from all race and ethnicity communities are appropriately represented within the WIC program.



By accurately collecting the information, WIC plays an important role in helping to identify health disparities and determining strategies to overcome them.

Civil Rights equates to human right—treating each and every person with respect as a human being.

Protecting the rights of another in essence protects the rights of ourselves.

***Samuel Chambers
Former Food and Nutrition
Administrator***



References

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<https://implicit.harvard.edu/implicit/selectatest.html>.

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Washington WIC Program
DOH 960-101 March 2023

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