

# Civil Rights, Fair Hearings, and Civil Rights Complaints



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# Instructions

## **This module requires use of the computer.**

The information in one module section usually builds on that in previous sections. Therefore it is important that you start at the beginning of each module and work through it from beginning to end. It is also important to complete the modules in the order listed on the WIC Training Module Completion Sheet.

Words that are printed in the KWIC policy module glossaries are printed in bold italics the first time they appear in the text.

The Progress Checks and Skill Builders are meant to be learning tools. To challenge yourself, try to complete each one without referring back to the text. Feel free to look back in the training module pages if you need to refresh your memory.

Be sure to ask your Local Agency (LA) WIC Coordinator or supervisor if you don't understand the policies and procedures presented in the modules, or what is meant in the Progress Checks and Skill Builders. After completing the module, your WIC Coordinator or supervisor will review your progress and document your completion of the module. If additional review is needed, your supervisor will follow up until you both are confident of your progress.

# Introduction

The purpose of this training is to provide information to aid in protection of the Civil Rights of our WIC applicants and clients. It also provides guidance in the *fair* administration of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). The United States Department of Agriculture (USDA) is the federal agency which regulates the WIC Program.

All new WIC employees are required to complete this module during orientation . All WIC employees are required to participate in annual civil rights training.

This module is used for new employee orientation training and may be used as part of the agency's annual civil rights training sessions. This training module is intended to set the foundation for all civil rights trainings for WIC Local Agencies and includes a component on each of the following topics:

1. Civil Rights laws and regulations
2. Requirements for reasonable accommodation of persons with disabilities
3. Effective public notification
4. Civil Rights Compliance
5. Fair Hearings
6. Collection and use of data
7. Limited English proficiency requirements
8. Civil Rights complaint procedures
9. Records and compliance
10. Communication
11. Customer service
12. Conflict resolution

# Civil Rights, Fair Hearings, and Civil Rights Complaints

## Objectives

Upon completion of this activity, WIC staff will be able to:

1. Appropriately record and submit civil rights complaints to the State Agency.
2. Understand the rules and regulations governing civil rights.
3. Effectively notify WIC clients/caregivers or applicants of their civil rights.
4. Accurately inform clients/caregivers of their right to a fair hearing.
5. Understand the collection and use of data obtained by the WIC program.
6. Accommodate the needs of Limited English Proficient clients and individuals with disabilities.
7. Establish what effective communication is and how it can be used to provide good customer service.
8. Identify resistant behaviors, which create communication barriers.
9. Use strategies and techniques to resolve conflict.

Reading Assignment:

Go to the KDHE Nutrition and WIC web-site at:

[http://www.kansaswic.org/local\\_agencies/policy\\_procedure\\_manual.html](http://www.kansaswic.org/local_agencies/policy_procedure_manual.html)

The Civil Rights & Fair Hearings policies are found in the Program Integrity section. Review:

- PRI 01.00.00 Civil Rights Compliance
- PRI 01.01.00 Public Notification
- PRI 01.02.00 Civil Rights Complaints
- PRI 03.00.00 Fair Hearings
- PRI 03.01.00 Fair Hearing – Request & Procedures

# Civil rights training



**CIVIL RIGHTS EXIST TO ENSURE THAT ALL PEOPLE HAVE EQUAL ACCESS TO OUR PROGRAM AND ARE NOT TREATED DIFFERENTLY THAN OTHERS.**

## Civil Rights

The Civil Rights Division (CRD) of United States Department of Agriculture (USDA) has a mission to ensure compliance with applicable laws, regulations, and policies for the Food and Nutrition Services (FNS) customers and employees. The Civil Rights Division also facilitates equal and timely access to FNS programs and services for all customers. USDA prohibits discrimination on the basis of race, color, national origin, age, sex, and disability within the WIC program.

The Local Agency (LA) will assure that all applicants and clients receive equal access to WIC services for which they are eligible regardless of race, color, national origin, age, sex or disability.

## THE LAWS...PAST AND PRESENT

### **Title VI of the Civil Rights Act of 1964**

Title VI specifies that no person in the U.S. shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Affirmative Action measures should be taken to assure equal opportunity and make up for historic and continuing discrimination.

*Executive Order 13166*

On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." Title VI and its regulations require State agencies, local agencies, and indirect recipients of Federal funds to take reasonable steps to ensure "meaningful" access to program information and services by persons with limited English proficiency.

### **Title VII of the Civil Rights Act of 1964**

Title VII states that the policy of the U.S. Government is to **provide equal opportunity in employment** for all persons; to prohibit discrimination in employment because of race, color, religion, sex, or national origin; and to promote equal opportunity through Affirmative Action in each Federal department and agency. Equal opportunity must be an integral part of personnel policy and practice including employment selection, training, advancement and treatment.

### **Title IX of the Education Amendments of 1972**

The specific purposes of Title IX are to prohibit discrimination against individuals in federally funded programs or activities, and in every aspect of employment because of their gender. Title IX provisions include prohibitions against male/female job-related stereotyping, sexual harassment, unequal opportunities for training, advancement and other benefits of employment.

## Americans with Disabilities Act of 1990

The ADA was signed into law by President George Bush on July 26, 1990, extending rights protection to individuals with physical or mental disabilities.

Title I states “that no entity shall discriminate against a qualified individual with a disability because of the individual's disability in regard to job application procedures, hiring, advancement, discharge, compensation, training and other terms, conditions and privileges of employment.”

Title II of the Act states “that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity. A "qualified individual with a disability is any individual with a disability who, with or without reasonable modifications to rules, policies or practices; the removal of architectural, communication or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements of employment, receipt of services or participation in programs or activities provided by a public entity.”

Local Agencies must assist those applicants or clients with hearing, vision, speech, or mental impairments by providing appropriate means of communication without cost to them.

The purpose of the Americans with Disabilities Act (ADA) is to prohibit employers from discriminating against qualified job applicants and current employees who either are or have become disabled. The ADA covers all aspects of employment including the hiring process, training, discipline, benefits, promotions, transfers, and retaliation.

What is a reasonable accommodation? A reasonable accommodation is any change to a job function, employment practice, or work environment that provides an equal employment opportunity to an individual with a disability and does not create an undue hardship on the employer. Examples of reasonable accommodations include: job restructuring, modified work schedules, assignment to vacant positions, installing or modifying equipment or devices, adjustments to hiring or training materials, or provision of readers and interpreters.

Although the information provided above is stated from the aspect of employer-employee relationship, the concept of “disability” should not be thought of as pertaining to employment practices alone. Disability is one of the protected categories of Civil Rights, and therefore extends to all services, programs, and activities of state and local governments, not only those receiving federal financial assistance, as well as public services such as retail grocery stores, social service centers, including day-care and senior citizen centers, homeless shelters, and food banks.

For purposes of the ADA and the Kansas WIC Program, “a person is considered disabled if he or she has a physical or mental impairment that substantially limits a major life activity, a record of such impairment, or is regarded as having such impairment. What is a “major life activity?” Major life activities include, but are not limited to, caring for oneself, walking, seeing, hearing, speaking, breathing, learning, and working.”

## **The Civil Rights Act (CRA) of 1991**

Effective November 21, 1991, the Civil Rights Act (CRA) of 1991 reverses in whole or part several Supreme Court decisions interpreting Title VII. The 1991 CRA includes the following provisions: “Requires the employer to demonstrate that a challenged employment practice is job-related for the position in question and consistent with business necessity. Stipulates that a violation is established when discrimination is a motivating factor, even though other factors motivated the challenged actions. CRA allows an employee to challenge a seniority system allegedly adopted with a discriminatory purpose when that system adversely affects them, or when they become covered by it.”

## **Affirmative Action**

The purpose of affirmative action is to overcome the effects of past societal discrimination by allocating jobs and resources to members of specific groups, such as minorities and women. The policy was implemented by federal agencies enforcing the Civil Rights Act of 1964 and two executive orders, which provided that government contractors and educational institutions receiving federal funds develop such programs. The Equal Employment Opportunities Act (1972) set up a commission to enforce such plans. Affirmative action ensures equal opportunities and clarifies the intent of congress to prevent discrimination in all programs.



Match the first column to the correct information in the second column by drawing a line to the correct answer.

Civil Rights law that guides the WIC program	Prohibits discrimination based on sex (gender)
The protected Civil Rights Bases	Federal Agency which establishes guidelines/regulations for the administration of WIC services
Clarified the intent of Congress to prevent discrimination in all programs	Signed into law in 1990. Prohibits discrimination on the basis of disability in all services, programs, activities provided to the public by State and local government.
Title IX of the Education Amendments of 1972	Title VI of the Civil Rights Act of 1964
U.S. Department of Agriculture (USDA) Food & Nutrition Services (FNS)	Race, color, national origin, sex, age, disability
Americans with Disabilities Act	Affirmative Action

*Answers to these questions are located in Appendix A.*

Discuss with your Supervisor any questions or clarifications about material covered to this point. Continue with module after exercise is finished.

### **Civil Rights Definitions**

The following list of definitions will assist LA staff in providing clarification and interpretation of the terms frequently used.

- *Appellant* – A person who appeals an adverse decision.
- *Applicant* – A person who applies in writing, electronically, verbally, or through a designated representative for participation in WIC.
- *Assurance* - A contractual agreement in which a State or Local agency legally agrees to administer a WIC Program in accordance with the civil rights laws, regulations, and FNS Instruction 113-2, Rev 1.
- *Bilingual Capability* - Appropriate bilingual services and/or program materials available to limited or non-English communicating persons that will ensure equal opportunity for participation in the program by eliminating any communication or information barriers.
- *Civil Rights Laws and Regulations* - Title VI of the Civil Rights Act of 1964 and other authorities as outlined in Section II of the FNS Instruction 113-2, Rev. 1 (Civil Rights Compliance and Enforcement in the Special Supplemental Food Program for Women, Infants and Children and the Commodity Supplemental Food Program).
- *Complainant* - Any person or groups of persons who allege discrimination in the delivery of program benefits and services.
- *Complaint* - A verbal or written allegation of discrimination from a WIC applicant or participant.
- *Corrective Action Plan* - A plan describing the actions to be taken to resolve noncompliance with civil rights regulations, instructions, policies, and guidelines.
- *Discrimination* - Any distinction of one person or a group of persons from others; intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, national origin, age, sex, or disability.
- *Disability* - A physical or mental impairment that substantially limits one or more of an individual's major life activities, having a record of such impairment, or being regarded as having such impairment.
- *Grassroots Organization* – An organization at the local level that interacts directly with potential eligible persons or participants, such as a migrant group, religious organization, community action program, or other similar group.
- *Investigation* - Formal gathering of facts/information by the Office of Minority Affairs (OMA) that will refute or substantiate an allegation of discrimination.
- *Limited English Proficiency (LEP) Persons* – Individuals who do not speak English as their primary language and who have limited ability to read, speak, write, or understand English. Recipients of Federal financial assistance have a responsibility by person(s) with limited English proficiency.
- *Noncompliance* – The finding that any civil rights requirement, as interpreted by regulations or policies, has not been satisfied.
- *Office of Minority Affairs (OMA)* - The organizational unit within the USDA reporting to the Assistant Secretary for Administration charged with developing and administering a comprehensive program to assure equal opportunity to persons in all aspects of USDA

programs under civil rights laws and regulations. Formerly the Office of Equal Opportunity (OEO).

- *Prejudice* - Prejudice describes a set of rigid and unfavorable attitudes toward a particular group that is formed without considering facts.
- *Stereotyping* - This is the preconceived or oversimplified generalization involving beliefs about a particular group. These generalizations may either be positive or negative.

## **Skill Builder Self-Test Questions**



Answer the questions below about the civil rights information covered thus far. Determine if the following clinic scenarios are examples of *Stereotyping, Prejudice or Discrimination*.

1. Ms. Bennett, a WIC Nutritionist, told a WIC RN that she has a really difficult time counseling clients at her clinic because most of her WIC moms live in low-income housing and “those moms” are all irresponsible and negligent toward their children. What is her attitude a reflection of?
  - a. Stereotyping
  - b. Prejudice
  - c. Discrimination
  
2. Mr. Bison, the Nursing Supervisor at the Cottonwood Health Clinic, gave the WIC Clerk specific orders to place all of the WIC clients who were currently unemployed on a waiting list. He said since they were too lazy to go out and get a job, they would have to wait for their WIC benefits. His attitude is an example of:
  - a. Stereotyping
  - b. Prejudice
  - c. Discrimination
  
3. Ms. Smith, a WIC client, noticed that a teenage girl had a “gang symbol” tattooed on her wrist. She watched the tattooed girl sit down in the waiting room. Ms. Smith quickly grabbed her own purse and held it close. She had heard that some gang members had been arrested for shoplifting at the mall. Which concept does this reflect?
  - a. Stereotyping
  - b. Prejudice
  - c. Discrimination
  
4. A WIC client, Angela, is transferring to the Sunflower WIC Clinic. Angela comes in ten minutes prior to her WIC appointment. She has an obvious physical disability and struggles with a speech impairment. She checks in with the clerk, she sees the clerk write her name on a list, then takes a seat in the waiting room. Angela is prepared with all required paperwork in hand. She notices that WIC Staff tend to all other clients, even persons who appear to be late. After an hour goes by, she tells the clerk she has been waiting for an hour and she feels like the WIC staff are ignoring her. The clerk tells her that she is on the list and should be called soon. Angela notices that many clients have been marked off the list that came in after she did. The unfair treatment of the new client is an example of which civil rights concept?
  - a. Stereotyping
  - b. Prejudice
  - c. Discrimination

*Answers to these scenarios are located in Appendix A.*  
Continue with module after exercise is finished.

## Civil rights training



## **Public Notification**

### **Complaint Information**

Applicants and clients must be advised of their right to file a complaint, how to file, and the procedures that guide the complaint process.

Local Agencies must ensure that any applicant or client who seeks services provided by the Kansas WIC Program has the right to file a complaint of discrimination.

Refer to Policy: [PRI 01.01.00](#) for specific compliance information.

### **Nondiscrimination Statement**

The LA shall assure the following statement is included on all publications, outreach materials, handouts, referral materials, pamphlets, and brochures, which are created by their agency:

***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](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; or by fax: (202)690-7442; Email: [program.intake@usda.gov](mailto:program.intake@usda.gov). This institution is an equal opportunity provider.***

The nondiscrimination statement must be included on all program materials and sources, including Web sites. The statement is not required on items such as cups, magnets, pens, or buttons.

The entire nondiscrimination statement is not required for public service announcements. The statement, “**This institution is an equal opportunity provider,**” is sufficient.

If printed material is too small to permit the full statement, at a minimum include the following statement in print no smaller than the text.

**“This Institution is an equal opportunity provider”**

**Methods of Public Notification**

The Local Agency must inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about the WIC program and Civil Rights requirements.

The LA shall display civil rights informational posters in a prominent place in WIC waiting areas, including satellite sites. The posters shall be visible to all WIC clients and applicants, as well as, the general public. The state agency will maintain and provide the required posters. The LA shall replace posters when they become damaged or unreadable. LAs are required to post the following posters:



- The photo to the left is the USDA “And Justice for All” non-discrimination poster for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) that LAs are mandated to display. The poster is available at the following website: <http://www.fns.usda.gov/cr/justice.htm>, form AD-475A, or from the State WIC Office. At the bottom portion of the webpage there are links to other posters, which have been translated in eleven different languages.
- The Kansas Department of Health and Environment “Fair Hearing” poster.

**Participant Fair Hearings: Rights and Notifications**

The SA and LA shall assure that all applicants and clients are aware of their right to appeal a state or local agency action which results in denial of participation, suspension from the program, or a claim for repayment of improperly issued benefits.

A client request for a hearing is defined as any clear expression by the individual, parent, caregiver, or representative that he/she desires an opportunity to present their case to a higher official. The time limit for the request of a fair hearing is 60 days from the date the agency mails the letter or hand delivers notice of adverse action. Continuation of benefits must occur if a client appeals a suspension within 60 days. Continuation of benefits occurs until a hearing official makes a final decision. The continuation of benefits does not apply:

- to applicants denied benefits at the time of certification (e.g. over income),
- if the certification period has expired, or
- if the client becomes categorically ineligible.

The LA shall provide written notification of the right to a fair hearing (appeal) to the applicant, client or parent/guardian at any of the following times:

- denial of participation,
- suspension, or
- an assessment of a claim for repayment of the cash value of improperly issued benefits.

The SA or LA does not inform the client of a fair hearing when he/she is no longer eligible for WIC benefits.

The LA shall not deny a request for a fair hearing unless:

- the request is not received within 60 days of the adverse action notification,
- the appellant or representative withdraws the request in writing,
- the appellant or representative fails to appear at the scheduled hearing, or
- the appellant has been denied participation by a previous hearing and cannot provide evidence to illustrate changes relevant to program eligibility sufficient to justify a hearing.

## **Data Collection and Reporting**

### **Racial and Ethnic Data**

WIC LA staff shall respect the individuals' dignity when asking the applicants/clients to self-identify or self-report their race and ethnic category. The following is an example statement LA may utilize when soliciting characteristic racial and ethnic data from an applicant/client:

"This information is requested for the purpose of determining the State's compliance with federal civil rights laws. Your response has no effect on eligibility. By providing this information, you will assist us in assuring that this program is administered in a nondiscriminatory manner."

If the applicant/caregiver/client does not wish to self-identify, the LA staff shall do so by visual identification. The staff member should identify a child as the same race as the mother. If the father is the only parent present and the staff person does not know the race of the mother, then identify the child as the race of the father. Results would be recorded in the KWIC system.

The USDA recommends collecting Ethnicity first, then Race. A client may list up to five races in KWIC, but only one is required.

### **Racial Categories**

- **Black or African American** - a person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" may be used.
- **White** - a person having origins in any of the original people of Europe, North Africa or the Middle East.

- **Asian** - a person having origins in any of the original peoples of the Far East: Southeast Asia, the Indian subcontinent. This area includes, for example China, Japan and Korea.
- **American Indian or Alaskan Native** - a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition (includes Aleuts and Eskimos).
- **Native Hawaiian or Pacific Islander** - A person having origins in any of the original peoples of the Hawaiian Islands or Pacific Islands. This area includes, for example, the Philippine Islands, Samoa, Guam and Hawaii.

## **KWIC Racial Categories**

The drop down list in KWIC has a wide variety of choices meant to list many possible answers from clients. For instance, both White and Caucasian are listed. In reports, these are combined into “White” with other choices that the State Agency determined would likely be white, such as Western Russian. Each choice listed in KWIC will roll into one of the five federal race types.

## **Bi or Multi-Racial**

Applicants/clients can consider themselves as Bi or Multi-Racial which is a person who self-identifies their race with two (Bi) or more (Multi) categories mentioned above. The KWIC system will allow for more than one race to be recorded.

## **Ethnicity**

Ethnicity is defined as identity with or membership in a particular racial, national, cultural group and observance of that group’s customs, beliefs and language.

**Hispanic or Latino** - This category is considered an “ethnicity”, not a racial category. A person of Mexican, Puerto Rican, Cuban, Central American, South American or other Spanish culture or origin, regardless of race belongs in this category. The term “Spanish origin” may be used by the applicant/client to denote that they are “Hispanic or Latino”.

## **Limited English Proficiency (LEP)**

The federal government and those agencies receiving assistance (this includes funding) from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. The LA must use creative solutions to address the needs of this ever-growing population of individuals, for whom English is not the primary language. The United States is home to millions of national origin, minority individuals who are considered "limited English proficient" (LEP). That is, they cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.

A client or caregiver should **not** be required to use friends or family members as interpreters. Use of such persons could result in a breach of confidentiality or reluctance on the part of friends or family members to reveal to other individuals personal information critical to their situations. In a medical setting, reluctance or failure to reveal critical personal information could have serious, even life threatening, health consequences. In addition, family and friends may not be competent to act as

interpreters, since they may lack familiarity with specialized terminology. However, a family member or friend (minimum 18 years of age) may be used as an interpreter if this approach is requested by the LEP individual and the use of such a person would not compromise the effectiveness of services or violate the beneficiary's confidentiality, and the beneficiary is advised that a free interpreter is available.

The LA shall ensure that all persons requiring interpretive, reading services or translators are provided with these services. Additionally, the person providing these services, as well as the participant, shall be made aware of the participant's right of confidentiality. The LA is responsible for paying any fees charged for interpreters, readers or translators. In most cases the fee is WIC reimbursable. Under no circumstances should the WIC participant be charged with the fees associated with providing the interpretive, reading or translation services.

The key to providing meaningful access to benefits and services for LEP persons is to ensure that the language assistance provided results in accurate and effective communication between the provider and LEP applicant/client about the types of services and/or benefits available and about the applicant's or client's circumstances. The Office of Civil Rights has found that effective programs usually have the following four elements:

- *Assessment* - The LWP conducts a thorough assessment of the language needs of the population to be served;
- *Development of Comprehensive Written Policy on Language Access* – The LA develops and implements a comprehensive written policy that will ensure meaningful communication;
- *Training of Staff* - The LA takes steps to ensure that staff understands the policy and is capable of carrying it out; and
- *Monitoring* – The LA conducts regular monitoring of the language assistance program to ensure that LEP persons have meaningful access to the program.

Unique ways of providing interpretive services and reaching out to the LEP community may include:

- Telephone information lines in languages spoken by frequently encountered language groups to instruct callers, in the non-English languages, on how to leave a recorded message that will be answered by someone who speaks the caller's language.
- Hiring bilingual staff in critical positions, e.g., for patient or client contact positions, would facilitate participation by LEP persons. However, where there are several LEP language groups in a recipient's service area this option may be impractical and additional language assistance options may be required.
- Use of staff or community volunteers may provide recipients with a cost-effective method for providing interpretive services. However, recipients should ensure that such a system is sufficiently organized so that interpreters are readily available during all hours of its operation. In addition, recipients should ensure that such volunteers are qualified, trained and capable of ensuring patient confidentiality.
- The use of contract interpreters may be an option for LAs that are small, have less common LEP language groups in their service areas, or need to supplement their in-house capabilities on an "as needed" basis. Such contract interpreters should be readily available, qualified and trained.

## **Discrimination Complaint Process**

All WIC applicants and clients have a right to file a complaint alleging discrimination based on race, color, national origin, sex, age or disability. If the applicant or client states they have been discriminated against based on the protected bases the LA shall report any occurrences even if the applicant/client themselves choose not to complete the required form. All Civil Rights complaints will be accepted: written or oral.

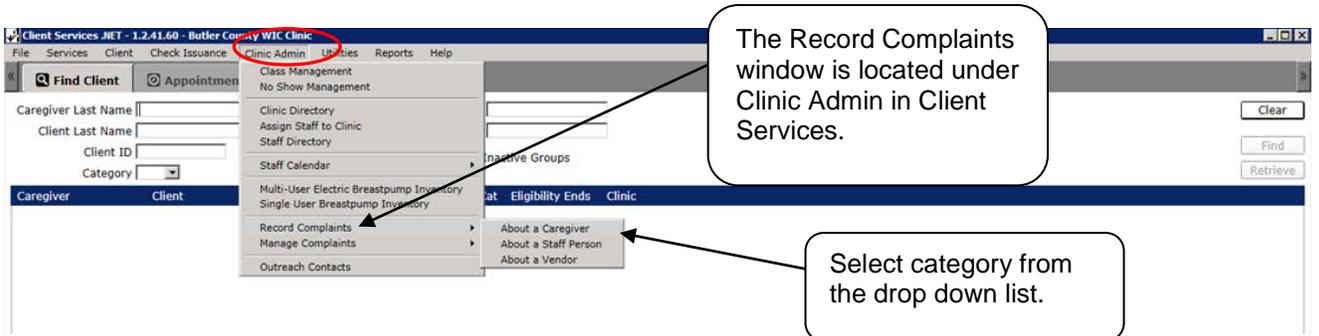
1. The Civil Rights Discrimination Complaint form must be filled out. A link to the [USDA Program Discrimination Complaint form](#) is located in the forms/administrative materials section under Local Agency Resources on the Kansas WIC website. If the applicant/client indicates that he/she is unable or unwilling to complete the form, complete the form on behalf of the person.
2. Complete all fields as indicated on the Civil Rights Discrimination Complaint form. The form should be filed with the SA within 120 days of the date of the alleged discrimination to allow adequate time for the SA to forward the CR complaint to USDA, Office of the Assistant Secretary for Civil Rights. The CR complaint must be filed with a Federal Agency within 180 days of the date of the alleged discrimination. It should describe:
  - a. Complainant name, address, and telephone number. The form must be signed. If you are filing on behalf of another person, include your name, address, telephone number, and your relationship to that person (e.g. staff, attorney, parent, etc.)
  - b. The name and address of the agency, institution, or department who allegedly discriminated against the complainant.
  - c. How, why, and when the discrimination occurred. Include as much background information as possible about the alleged acts of discrimination. Include names of individuals who allegedly discriminated against the complainant.
  - d. The names of any persons, if known, that the investigating agency could contact for additional information to support or clarify the allegations.
3. The LA shall maintain a Civil Rights Folder that contains documentation of all the CR complaints that have been filed at their agency including satellite sites. The CR Folder shall be available to the SA at all times.
4. A note shall be entered into KWIC indicating that a CR complaint is on file.  
*\*See instructions for recording CR Complaints in KWIC below.*
5. The applicant/client and the LA will be contacted by the USDA regarding status of the complaint.
6. A determination will be made based on the complaint investigation.
7. In compliance with Federal Regulations, the applicant/client will be advised of the right to appeal the finding.
8. Federal law prohibits retaliation for filing a complaint of discrimination. Evidence of such discriminatory actions will be handled in the same manner as a substantiated complaint.

**Review Civil Rights Policy: [PRI 01.02.00](#)**

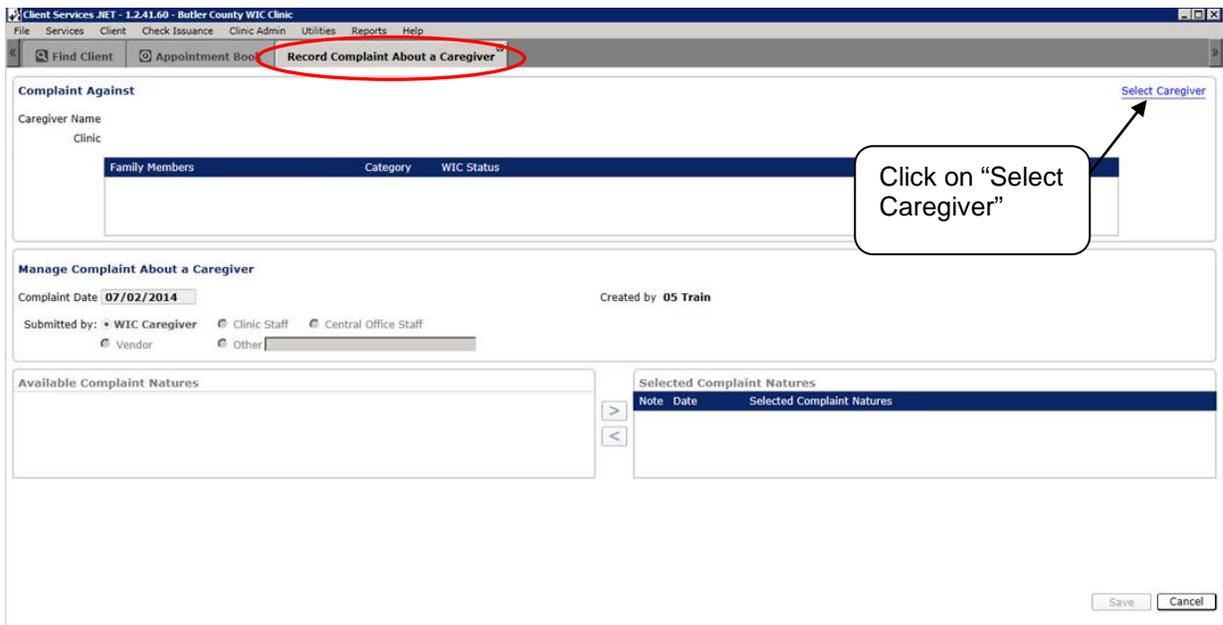
**\*To Record Civil Rights Complaints in KWIC:**

The examples below illustrate how to record a complaint about a **caregiver/client**. Complaints are recorded in the Client Services Application.

1. Select what category the complaint will be recorded as; caregiver/client, vendor, or WIC staff person.



2. The Record Complaint window will appear.
3. Click on Select Caregiver.



4. Enter the caregiver/client name (full or partial) or Client ID number, if known.
5. Click Find to locate client file.

Find Client

Caregiver Last Name  First Name

Client Last Name  First Name

Client ID  Local ID

Category  DOB 00/00/0000   Display Inactive Groups

Caregiver	Client	DOB	Program	Status	Cat	Eligibility Ends	Clinic

Type caregiver/client (full or partial) name and/or client ID number

6. Select Caregiver/Client from the list, either highlight the name and click on retrieve or double click on the name.

Find Client

Caregiver Last Name  First Name

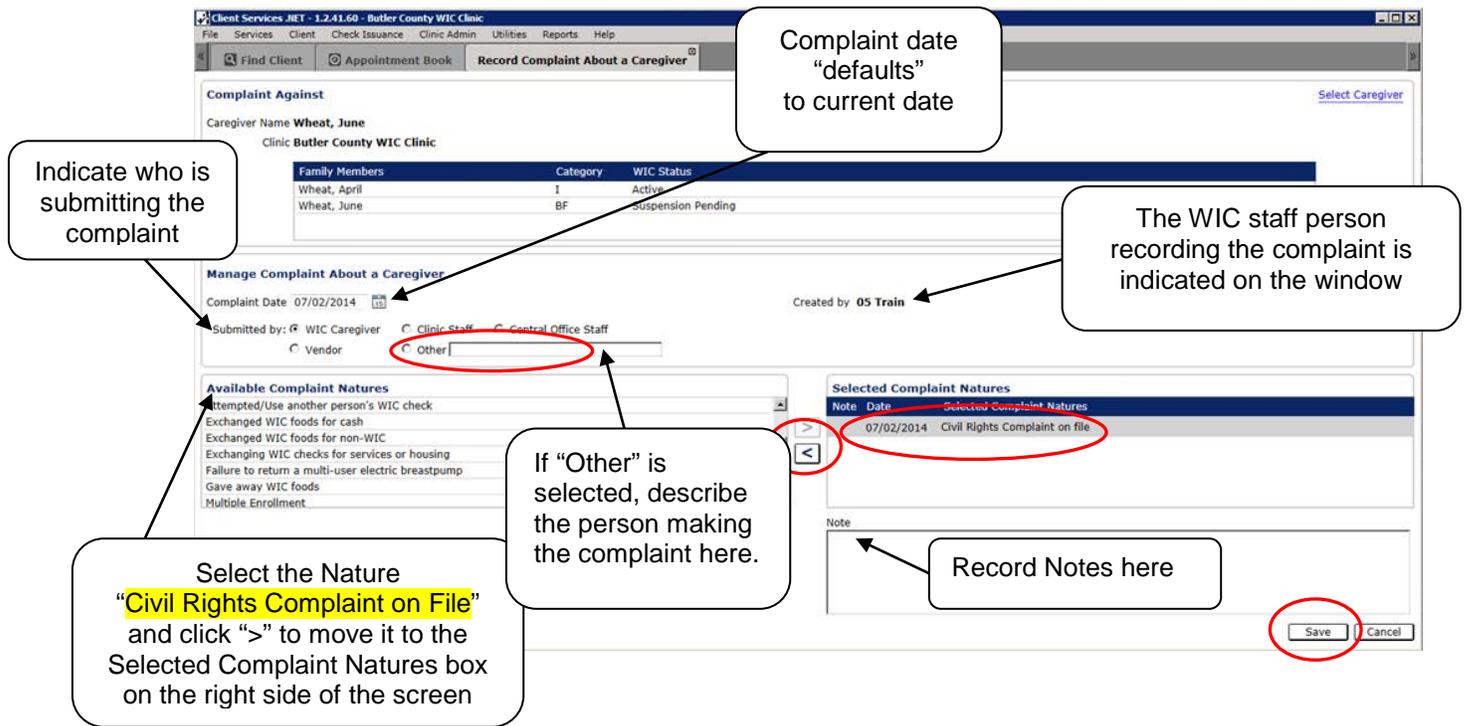
Client Last Name  First Name

Client ID  Local ID

Category  DOB 00/00/0000   Display Inactive Groups

Caregiver	Client	DOB	Program	Status	Cat	Eligibility Ends	Clinic
Wheat, June	Wheat, June	06/10/1984	WIC	Suspending	BF	04/30/2015	Butler County WIC Clinic
	Wheat, April	04/10/2014	WIC	Active	I	04/30/2015	

7. The selected caregiver/client will appear in the Record Complaint about a Caregiver window.
  - Family members enrolled in WIC will also be listed.
  - The Complaint date defaults to the current date. This can be changed to a date in the past if entering the complaint in KWIC after the information was taken.
  - The window also displays the person creating the complaint records.
8. Submitted by - Select who submitted the complaint.
  - If you select "Other", you must describe the type of person submitting the complaint in the field that appears next to "Other."
9. Highlight the Complaint Nature **Civil Rights Complaint on File** by clicking on it, and click (➤) to move it to the Selected Complaint Natures box.
  - A note may be recorded to further detail the nature of the complaint by highlighting a **Selected Complaint Nature**. Enter the note in the field that appears at the bottom of the screen. **A blue X will appear by the Complaint Nature when a note is associated with it.**



10. To remove a Complaint Nature, highlight it in the Selected Complaint Natures box and click the **exclude** button (<).

11. Click the Save button at the bottom of the window to save the complaint.

- If recording a vendor complaint, the complaint transfers to the Vendor Complaint Management Window for further action.
- Vendor complaints are managed in the Vendor Management application only.
- In order to save a complaint, the following must be selected: a caregiver/client, vendor, or WIC staff person; the date; and at least one Nature.

## Skill Builder Self-Test Questions



Refer to the information and policies previously reviewed to assist with the following exercise. Please complete the following true/false quiz.

1. Discrimination is any distinction of one person or a group of persons from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, national origin, age, sex or disability.
  - a. True
  - b. False
2. Failure to apply the same eligibility criteria to all applicants seeking participation in the WIC Program can be considered discrimination.
  - a. True
  - b. False
3. It is okay to talk to a client about another client as long as they are good friends.
  - a. True
  - b. False
4. You may hang the “And Justice for All” Poster anywhere in the clinic you can find a space for it, as long as it’s displayed somewhere.
  - a. True
  - b. False
5. A civil rights training is required for all LA WIC employees annually.
  - a. True
  - b. False
6. If a lawyer asks for information about a WIC client, you are required to give them what he/she asks for.
  - a. True
  - b. False
7. Any WIC applicant or client has a right to a fair hearing.
  - a. True
  - b. False
8. A client or caregiver may be required to use friends or family members as interpreters. You may request a LEP individual to bring their own interpreter to a scheduled WIC appointment.
  - a. True
  - b. False
9. A client or applicant should be considered disabled if he/she has a mental impairment that substantially limits a “major life activity.”
  - a. True
  - b. False
10. A Civil rights complaint must be filed with the appropriate Federal agency within 120 days of the alleged discrimination.
  - a. True
  - b. False

*Answers to these questions will be found in Appendix A.  
Continue with module after exercise is finished.*

## **Participant Rights**

At each certification process, the LA shall inform the client or caregiver of their rights and responsibilities related to WIC program. The LA shall require a signature (applicant/client) acknowledging understanding of their rights and responsibilities and allowing information to be released to appropriate programs. This is done to assure that clients are fully informed of their rights and responsibilities related to WIC program participation and to provide for proper documentation of such.

Since the participant's rights and responsibilities are listed in the client's WIC Program Booklet, the LA shall use the booklet as written notification. After the client has been informed of these rights and responsibilities, the LA shall obtain a signature on an electronic signature pad which retains the signature in KWIC.



[http://www.kansaswic.org/manual/forms/Rights\\_Responsibilities\\_English.pdf](http://www.kansaswic.org/manual/forms/Rights_Responsibilities_English.pdf)  
[http://www.kansaswic.org/manual/forms/Rights\\_Responsibilities\\_Spanish.pdf](http://www.kansaswic.org/manual/forms/Rights_Responsibilities_Spanish.pdf)

If the participant is unable to read, the LA shall read the rights and responsibilities statement aloud to the participant prior to obtaining a signature. The participant shall not have the option to refuse to sign the rights and responsibilities statement. The LA shall inform a participant who refuses to sign the form that benefits cannot be provided without the signature.

## **Participant Confidentiality**

The LA shall keep confidential all information obtained from program clients and applicants. The LA shall not disclose individual information to anyone without the client or caregiver's written consent. The local agency may release information to a physician treating a client only with the consent of the client, parent or guardian. In unique situations where the parent or guardian is unavailable, the LA shall contact the state agency for assistance.

## **Notification Letters**

The SA and LA shall assure that all applicants and clients are aware of their right to appeal a state or LA sanction or action which results in denial of participation, suspension from the program, or a claim for repayment of improperly issued benefits. The SA or LA shall provide written notification to the applicant, client or guardian of the right to a fair hearing (appeal) at any of the following times: denial of participation, suspension, assessment of a claim for repayment of the cash value of improperly issued benefits.

## Communication and Customer Service

Communication is the exchange of ideas, messages, or information, as by speech, signals, or writing. Communicating involves transmitting to others, to make known, either verbally or nonverbally. Effective communication is a key to good customer service.

### **Nonverbal Communication**

Nonverbal Communication: The way in which people reinforce the spoken word or replace the spoken word by using their bodies to make visual signals or their voices to make oral but nonverbal signals.

Nonverbal communication includes three categories: Environmental/Physical, Appearance, and Emotional.

Communication barriers include resistant behavior. Resistant behavior can be described as; a person rejects, denies or opposes a given situation through verbal, nonverbal or physical actions; this also could involve a hostile or contrary action.

Examples of resistant behavior include: being rude, indifferent, arguing, interrupting, ignoring, obscene hand gestures or any other behavior that demonstrates inappropriate actions.

Examples of Environmental or Physical forms of nonverbal communication barriers: *Many examples of this form of nonverbal communication go unnoticed and people may not be aware that they are barriers.*

- A cluttered desk that blocks the view or creates a distraction.
- Noise levels in the office. Is the office so loud that a person has to talk unusually loud to be heard or has to repeat what has been said?
- Distracting Odors. Is there a dirty diaper in the trash can?
- Traffic in and out of the office. Too many people passing through the office create distractions and confusion.

How Appearance and Personal Hygiene can affect nonverbal communication:

- What happens when a client walks in . . .
  - They haven't showered and have body odor,
  - Their hair is a mess,
  - Their clothes are dirty and torn.Stop . . . What are you thinking? Believe it or not . . . the nonverbal communication has already begun . . . **you have formed an opinion** of this person and your facial expressions and body language are beginning to tell a story.
- Now change the situation, the client walks in . . .
  - They are very well groomed,
  - Their clothes are clean and wrinkle free,
  - Their cologne is pleasant and subtle.Did your opinion change? Has your body language changed, as well?

How Emotions have an impact on nonverbal communication:

- Did you start your day out with too much stress?
  - Flat tire,
  - Your car wouldn't start,
  - road work that made you late to work,
  - Coffee spilled down your new white shirt . . .These situations can affect your performance and interaction with WIC clients.
- How is your energy level?
  - Are you getting enough sleep? Sleep deprivation can be detrimental to your health and your ability to function well at work.
- Consider how the following emotions can affect work performance:
  - Anxious,
  - Angry,
  - Annoyed, or
  - Depressed.If you are annoyed, the client will feel annoyed. If you are feeling tired and bored, the client will feel the same. These emotions are negative and can create resistant behaviors. Change your nonverbal communication to improve the communication between you and the client. Smile . . . look at the client, not the clock . . . be positive!

A Final Checklist on Nonverbal Communication:

- Be aware of how you use your voice:
  - Tone,
  - Volume, and
  - Pace.Tone and volume of voice play a big role in how you come across to the client and how the client reacts to you.
- Be aware of your posture.
  - What is your body position and posture telling the client?
  - Crossing your arms may signal to the client that you are not open to their opinions or ideas.
- Facial expressions can create conflicting messages.
  - An angry, grimacing face does not match the phrase "I'm glad you came to visit us today." What are you really telling the client?

## Breaking down the Barriers through Effective Communication Skills

Positive communication skills lead to better and more productive interactions with clients. The following techniques will enhance your communication skills:

- Be aware of body language and nonverbal communication.
- Use Reflective Listening.  
Reflective (active) listening involves listening and then restating what was heard. This allows the client to clarify when needed and lets them know you are listening to them. It is important to listen to the person talking without interrupting. Focus on what the person is saying (the problem) and not their appearance or the emotion. If someone is extremely upset, remain calm and do not become defensive.

Examples of reflective listening responses:

- It sounds like you are feeling. . .
- It sounds like you are not happy with. . .
- It sounds like you are concerned about . . .

Reflective listening is a bridge to effective communication, which helps in building rapport with others.

- Accept and acknowledge the participant's feelings.
- Ask for clarification.
- Use open-ended questions.  
The style of questions you ask can either limit or expand the amount of information the client provides to you. Open-ended questions help to establish trust. Be aware of one's tone of voice when asking another person these questions.

Open-ended questions will assist the client in providing more information.

Open-ended questions:

- can not be answered with a simple "yes or no"
- are broad based
- explores feelings and facts
- forces a person to ask one question at a time instead of multiple questions
- does not introduce bias or assumptions

Closed ended questions:

- limits responses
- ends with one or two word responses "yes or no"
- Offer support and encouragement
- Avoid being judgmental
- Utilize "I" rather than "You " statements  
Using "I" Statements is a form of speaking for you and not for others. We make our own statements and express our own opinions. Using an "I" Statement acknowledges that the viewpoint is our own.
  - Example of an "I" Statement
    - ***"I find it difficult to talk with that person"***
  - Using an "I" Statement in this case does not imply that others feel the same way.
  - Example of the same statement without using an "I" statement
    - ***"It is difficult to talk with that person"***

- Speaking in this manner can lead to destructive outcomes because the speaker assumes that their view is shared by all. Ownership is taken from those who may have a different view.
  - Other examples of people speaking for others
    - ***“It is miserable again today, it is cold and snowing.”***
    - ***“The people in this town are not very friendly.”***
  - In any conversation, even during conflict, it is important to speak only for ourselves.
  - Consider:
    - “How might a person use “I” statements for the examples given?”
  - By using “I” statements, interpersonal conflict is not introduced into a conversation.
- Avoid making **“You”** statements. These statements can lead to conflict and create a barrier.
- Examples of “You” statements (on slide):
    - ***“You should breastfeed your infant; it is much healthier for him.”***
    - ***“You should not give your child candy.”***
  - Making “You” statements may cause the recipient to become defensive. This creates a communication barrier.

## **Culture of Service**

Create a Culture of Service for your Clients.

- Make your clients feel welcome.
- Obtain and use your client’s names.
- Discover your client’s needs.
- Tell your clients you appreciate them.
- Invite your clients back.

# Civil rights training



## Conflict Resolution

### Handling the Angry Client

A client or applicant may become upset . . .

- After becoming determined ineligible for WIC,
- After experiencing unsatisfactory customer service,
- When sanctioned for abusing the WIC program, or
- In any situation where the client or applicant feels violated.

To defuse a hostile situation, it is important to follow a strategy that will move you out of the crisis. Remember to remain calm, do not raise your voice, and be aware of your body language. The following strategy (the LOVE technique) will assist you in working through a crisis:

- Listen to the Client
  - Let them vent their frustration.
  - Be sincere and try to understand.
  - Receive the other's comments without interruption.
  - Do not become defensive.
- Open ended questions
  - Should be asked tactfully to identify the "real" issue.
  - Avoid making excuses for anyone.
  - Express your regret that the situation occurred.
- Validate the Client's concern
  - Show a desire to help the participant work out the issue.
  - Most often, people in crisis are not capable of beginning with solutions.
  - The client needs to begin with emotional release in the first two steps.
  - Follow with a discussion of the problem.
- Empower, Empathize, Educate
  - Empower the client by working together to find an answer.
  - Empathize with the client and respect their point of view.
  - Educate by offering realistic solutions to the perceived problem.

Above all else, show respect! It is important to respect a person for their differences, which is what makes them unique. Show consideration of another human as being of equal worth to ourselves. Showing respect can be difficult during conflict. If respect is not given during conflict, the situation can escalate out of control. Treating someone disrespectfully leads to an escalating series of destructive responses. This also creates a barrier to effective communication.

## Skill Builder Self-Test Questions



Refer to the information previously reviewed to assist with the following exercise. Please match the terms on the right with corresponding descriptions on the left.

- |   |                            |
|---|----------------------------|
| _____ 1. A person rejects, denies, or opposes a situation.  | A. "I" Message             |
| _____ 2. A technique which involves listening and then restating what was heard.  | B. Communication Barrier   |
| _____ 3. Speaking for yourself and not others.  | C. Nonverbal Communication |
| _____ 4. Continuation of benefits occurs if a fair hearing is requested within this time frame.                                 | D. 60 Days                 |
| _____ 5. The way in which people reinforce or replace the spoken word by using body language to create visual signals.          | E. "You" Message           |
| _____ 6. Cannot be answered with a simple "yes or no."  | F. Reflective Listening    |
| _____ 7. Distracting noise levels in the office.  | G. Open-ended Question     |
| _____ 8. Speaking in this manner can lead to destructive outcomes because the speaker assumes that their view is shared by all. | H. Resistant Behavior      |

*Answers to these questions will be found in Appendix A.*



**You have completed the Civil Rights Training Module!**

*When all questions have been addressed and all exercises have been completed, remove the Supervisor Verification of Completion page from Appendix B, sign, date and give to your supervisor.*

# Appendix A

## Civil Rights Answer Key



**ANSWERS TO SELF-TEST QUESTIONS – SECTION 1:**

*Match the first column to the correct information in the second column by drawing a line to the correct answer.*

Civil Rights law that guides the WIC program	Prohibits discrimination based on sex (gender)
The protected Civil Rights Bases	Federal Agency which establishes guidelines/regulations for the administration of WIC services
Clarified the intent of Congress to prevent discrimination in all programs	Signed into law in 1990. Prohibits discrimination on the basis of disability in all services, programs, activities provided to the public by State and local government.
Title IX of the Education Amendments of 1972	Title VI of the Civil Rights Act of 1964
U.S. Department of Agriculture (USDA) Food & Nutrition Services (FNS)	Race, color, national origin, sex, age, disability
Americans with Disabilities Act	Affirmative Action

**ANSWERS TO SELF-TEST QUESTIONS – SECTION 2:**

**Determine if the following clinic scenarios are examples of Stereotyping, Prejudice or Discrimination.**

1. Prejudice
2. Prejudice
3. Stereotyping
4. Discrimination

**ANSWERS TO SELF-TEST QUESTIONS – SECTION 3:**  
**Complete the following true/false quiz.**

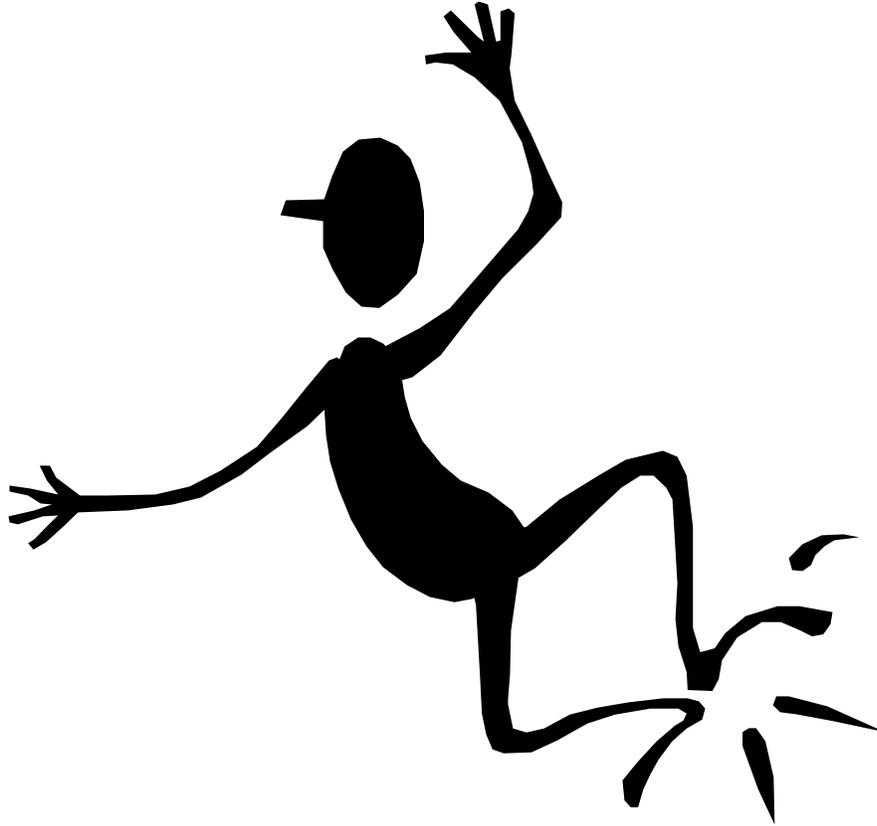
1. a. True
2. a. True
3. b. False
4. b. False
5. a. True
6. b. False
7. a. True
8. b. False
9. a. True
10. b. False

**ANSWERS TO SELF-TEST QUESTIONS – SECTION 4:**  
**Match the terms on the right with corresponding descriptions on the left.**

- \_H\_\_ 1.
- \_F\_\_ 2.
- \_A\_\_ 3.
- \_D\_\_ 4.
- \_C\_\_ 5.
- \_G\_\_ 6.
- \_B\_\_ 7.
- \_E\_\_ 8.

## Appendix B

### Supervisor Verification of Completion



## **SUPERVISOR VERIFICATION OF COMPLETION**

*This verification form is to be signed by the supervisor and the employee completing the Civil Rights Training module. The signed form shall be retained in the LA training file. CR training must be completed on an annual basis. Retain training verification for the current year plus 3.*

I verify that the employee listed below has successfully completed the Civil Rights Training module provided by Kansas Nutrition and WIC Services, Kansas Department of Health and Environment. Any and all questions asked by the employee have been addressed.

---

Supervisor Signature, Title

Date

Employee Signature: \_\_\_\_\_ Date of Hire: \_\_\_\_\_

Date of Civil Rights, Fair Hearings, and CR Complaints Module Completion: \_\_\_\_\_