Maine CDC WIC Nutrition Program
Civil Rights Training

FFY2019

Adapted with permission from
California WIC Program

Equality for All

Civil Rights
Trainee Workbook
Maine CDC WIC Nutrition Program

Adapted from California WIC Program, with permission
Revised for FFY2019

Agenda

1.	**Welcome, Introductions, Agenda and Objectives Review**	10 minutes
2.	**Warm-Up Activity**	15 minutes
3.	**Ethnicity and Race**	20 minutes
4.	**Data Collection**	15 minutes
5.	**WIC Protected Categories**	15 minutes
6.	**Discrimination Concepts**	20 minutes
7.	**Accommodating Participants with Disabilities and Limited English Proficiency**	20 minutes
8.	**Customer Service and Conflict Resolution**	20 minutes
9.	**Complaint Procedures**	30 minutes
10.	**Public Notification, Monitoring Visits, and Resolution of Noncompliance**	5 minutes
11.	**Closing Activity, Evaluation**	10 minutes

Objectives

At the end of this training, trainees will be able to:

- Understand Maine CDC WIC policies regarding civil rights and discrimination
- Identify examples of the protected categories listed in the Rights and Responsibilities section of the Maine CDC WIC Participant Booklet
- Distinguish between stereotype, prejudice, and discrimination and explore their roles in protecting civil rights.
- Describe methods for making reasonable accommodations for participants with disabilities and limited English proficiency.
- Differentiate between ethnicity and race and review USDA's reporting requirements regarding these terms.
- Learn the steps WIC staff must take in the discrimination complaint process.
- Explore ways to prevent complaints using customer service and conflict resolution techniques.

Activity 1
Ethnicity and Race

Instructions: Review the USDA ethnicity and race categories below. In your table groups, share which categories you would choose for yourself and why.

Ethnic / Racial Categories as Identified in SPIRIT

Ethnic Category (Choose one)	Definition
Hispanic or Latino	A person of Cuban, Mexican, Puerto Rican, South or Central America, or other Spanish culture or origin regardless of race. The term "Spanish origin" can be used in addition to "Hispanic" or Latino".
Not Hispanic or Latino	A person not having Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
Race Category (Choose as many as apply)	**Definition**
American Indian or Alaska Native	A person having origins in any of the original peoples of North or South American (including Central America), and who maintains tribal affiliation or community attachment.
Asian	A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent including, for examples, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, or Vietnam.
Black or African American	A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" can be used in addition to "Black or African American".
Native Hawaiian or Other Pacific Islander	A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
White	A person having origins in any of the original peoples of Europe, Middle East, or North Africa.

Activity 2

Ethnicity and Race Data Collection

Instructions: Answer each question below independently.

1. What are the two civil rights questions that WIC staff must ask all participants?

   - ☐ Height and Weight
   - ☐ Ethnicity and Race

2. When is WIC staff required to collect ethnicity and race data?

   - ☐ Whenever time is available
   - ☐ At initial certification or enrollment

3. What are the two items that WIC staff must explain to participants when collecting ethnicity and race data?

   - ☐ The collection of the information is necessary to receive their food instruments, and could have an effect on receiving WIC benefits.
   - ☐ The collection of the information is strictly for statistical reporting and has no effect on the determination of their eligibility for WIC benefits.

4. What information must WIC staff review with a participant / authorized representative at <u>all</u> certifications?

   - ☐ Rights and Responsibilities
   - ☐ Race and Ethnicity

5. What should WIC staff do if a participant refuses to state her ethnicity or race?

   - ☐ Ask them why they won't answer
   - ☐ Select and enter an ethnicity and race for them and enter it into SPIRIT

Optional Discussion Question: What are some ways that you have effectively asked the ethnicity and race questions?

Activity 3
WIC Protected Categories

Instructions: For each **Category** listed below, match the Civil Rights **definition** in the right-hand column. Write the letter of the definition in the **Answer** column.

Answer	Class	Definition
_____	Disability	A. A followed spiritual belief. It does not have to be an organized group or traditional denomination
_____	Ancestry	B. An individual belonging to one of the accepted anthropological groups; or the perception, based usually on physical characteristics.
_____	Color	C. Includes shade of skin within a racial group.
_____	Sex	D. Gender (including breastfeeding)
_____	Religion	E. The country or part of the world that an individual or his or her ancestors are from.
_____	Sexual Orientation	F. The people who were in a person's family in past times.
_____	Political affiliation or opinion	G. Applies to persons 40 years old and over.
_____	Age	H. Physical or mental impairment, permanent or temporary.
_____	Race	I. Known to be a member of a political group or to have certain political views.
_____	National Origin	J. The direction of one's affection, sexual or emotional attractions involving others.
_____	Reprisal	K. The act of being threatened or retaliated against for participating in any aspect of the discrimination complaint process.

Activity 4
WIC Protected Categories / Classes

Blue shaded items: Federally protected groups for WIC
Gray shaded items: State protected groups
Pink shaded items: Both Federal and State

Protected Category	Definition	Examples
Creed	A followed spiritual belief. It does not have to be an organized group, traditional denomination, or world religion.	Catholic, Latter-Day Saints, Muslim, Jewish, etc.
Race	An individual belonging to one of the accepted anthropological groups; or the perception, based usually on physical characteristics, that a person is a member of a racial group.	African American—Black Caucasian—White Mongolian—Asian
Color	Color of skin, including shade of skin within a racial group.	Black, light brown, brown, dark brown, white, etc.
National Origin	The country or part of the world that an individual or his or her ancestors are from. (Most complaints associated with language or accents are covered here.)	Mexican, Cuban, Japanese, Vietnamese, Chinese, etc.
Age	Age discrimination Act of 1967 applies to persons 40 years old and over.	An individual 40 and over.
Disability	Physical or mental impairment, permanent or temporary	Blind, alcoholic, paraplegic, amputee, epileptic, arthritic, etc.
Sexual Orientation	The direction of one's affection, sexual or emotional attractions involving others.	Heterosexual, homosexual, bisexual
Sex	Gender, sexual harassment, pregnancy, childbirth, breastfeeding	Female, male, hermaphrodite; pregnancy-related medical conditions include mastitis, gestational diabetes, postpartum depression, loss or end of pregnancy or recovery from loss or end of pregnancy. Lactation accommodation: requires employer to provide a reasonable amount of time to allow employee to express breastmilk, and a place to pump milk in private that is near the workplace. A toilet stall is not an acceptable place to pump.
Gender	See description above	
Reprisal	No one employed or representing USDA shall intimidate, threaten, harass, coerce, or discriminate against anyone who participates in any aspect of the discrimination complaint process.	A person files a complaint and is treated unfairly or retaliated against.

Nondiscrimination Statement
FNS food assistance programs other than SNAP and FDPIR
(available in Spanish from USDA)

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

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

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Short version to be used if material is too small to permit full statement—Policy CR-1:
This institution is an equal opportunity provider.

Activity 5

Discrimination Concepts

- **Stereotype:** an oversimplified generalization or belief about a particular group
- **Prejudice:** a rigid unfavorable judgment or opinion formed beforehand, without knowledge or examination of the facts
- **Discrimination:** the act of treating people differently due to prejudices

Instructions: Read each statement and determine which concept(s) apply.

1. "I can't stand her. She always wears those nose rings."

   ☐ Stereotype ☐ Discrimination

   ☐ Prejudice ☐ All of these

2. "She's going to have to wait for her food instruments. As big as she is, she obviously doesn't need more food."

   ☐ Stereotype ☐ Discrimination

   ☐ Prejudice ☐ All of these

3. "Most participants come from poor families."

   ☐ Stereotype ☐ Discrimination

   ☐ Prejudice ☐ All of these

4. "I think if she wants to be a part of WIC, she should speak English."

   ☐ Stereotype ☐ Discrimination

   ☐ Prejudice ☐ All of these

5. "I am not going to approve her for WIC. She is obviously not eligible since she is wearing a diamond ring."

   ☐ Stereotype ☐ Discrimination

   ☐ Prejudice ☐ All of these

Activity 6

Case Studies

Following are two civil rights discrimination case studies. Each scenario provides a real life situation that may exist in a WIC site. Answer the question below each case study.

1. **Case Study — Ms. Diaz**

Ms. Diaz has an appointment at 9:15 at the Funtown City Hall site. She arrives at the site 15 minutes prior to her appointment. The site serves a high number of refugees from Africa. Ms. Diaz, who is not an African refugee, attends this site because it is close to her workplace. She notices that she is the only non-African descent participant in the site when she arrives.

It is now 9:45, and Ms. Diaz is still waiting for the nutritionist. She sees participants who came into the office after her, who have had their appointments and are leaving. She lets the receptionist know that she is still waiting and was told that it would probably be only an additional 5 minutes. However, 10 minutes pass and Ms. Diaz is still waiting to be seen. She tells the receptionist that she needs to be at work in 45 minutes. Ms. Diaz asks to speak with the supervisor. Ms. Diaz lets the supervisor know that she's seen other participants come and go within 15 minutes of coming into the site. She tells the supervisor that she feels that the staff sees other participants first because they are of African descent, and she is not. The supervisor tells her that if she wants to file a complaint, she can call the State WIC Program. The supervisor gives Ms. Diaz the State WIC Program's telephone number and explains to her about her right to file a complaint.

Ms. Diaz eventually sees the nutritionist who provides her with an excellent nutrition education session and issues her food benefits to her. Ms. Diaz leaves the Funtown City Hall site frustrated and unhappy due to the delay in waiting time and she calls the State WIC Program to complain.

Which protected class would this discrimination complaint fall under?

- ☐ Race
- ☐ Reprisal
- ☐ National origin

Question for added discussion: What could staff have done differently?

2. **Case Study – Ms. Johnson**

Ms. Johnson has just learned that she is four months pregnant and wants to sign to receive WIC services. She was previously on the WIC program with her other children who are now teenagers. She calls the Southend WIC office and schedules an appointment.

On the day of her appointment, Ms. Johnson arrives at the clinic site 15 minutes late for her appointment, but has all the required eligibility information with her. When she walks up to the receptionist desk, the receptionist notices that Ms. Johnson is legally blind and unable to read the signs and other information at the desk. The receptionist becomes nervous and does not know how to help Ms. Johnson, so she speaks loudly to inform her that they will need to reschedule her appointment. When Ms. Johnson asks why the appointment needs to be rescheduled, the receptionist loudly states that "It is because we are not equipped to assist people with your condition." The receptionist informs her that there may be someone to assist her "kind of people" at an appointment time next week.

Which protected class would this discrimination complaint fall under?

- ☐ Race
- ☐ Disability
- ☐ Religion

Question for added discussion: What could staff have done differently?

Activity 7

Americans with Disabilities Act and Limited English Proficiency

Americans with Disabilities Act (ADA)	
What is it?	The Americans with Disabilities Act (ADA) is the most comprehensive federal legislation that prohibits discrimination against people with disabilities
Who is protected by ADA?	ADA protects individuals with disabilities. A disability is a physical or mental impairment that substantially limits an individual's major life activities
ADA mandates reasonable accommodation	Reasonable accommodation is a modification or adjustment to enable individuals with disabilities to have equal access to benefits and privileges of a service or program, such as: • Changing existing facilities to make them accessible or usable • Acquiring or modifying equipment • Modifying tests, training materials, or policies to accommodate program participants with disabilities
Limited English Proficiency (LEP)	
What is it?	State and local agencies must take reasonable steps to ensure "meaningful" access to program information and services by people with Limited English Proficiency (LEP). These services may include: • Providing interpreters • Providing printed materials in different languages
Who is protected?	Individuals for whom English is not their primary language and who have a limited ability to read, speak, write or understand English.
Local agencies must adhere to LEP policies	Procedures taken by LA staff must include: • Proper identification of individuals needing language assistance • Consistent provision of interpreter services to LEP participants • Documentation in participant record when interpreter service is refused

Activity 8
Customer Service

Scenario: It is 11:50 A.M.; you have had computer network issues all morning, and the waiting room is packed. The front door open and a woman comes in with her two toddlers. Her voice is raised as she is waving her hands in the air. There is a room full of participants patiently waiting to be assisted when the woman walks to the front desk, points her finger in your face, and states very loudly, "Get me your supervisor now! I have a complaint!"

Instructions: Answer the following questions in your groups.

1. How do you handle this situation?

2. What can you say to her that might make her feel valued?

3. What actions might you use to calm the situation (tone of voice, body language, eye contact)?

4. Describe how she might be feeling or what may have upset her.

5. What words can you use to convey you understand, have compassion for, empathize with, and respect the participant?

In Times of Conflict

We can often prevent conflict from occurring by providing excellent customer service to our participants.

- Be patient and polite
- Listen with presence and compassion
- Avoid sarcasm
- Be empathetic
- Do not be afraid to ask for help to resolve a situation
- Smile whenever possible
- Apologize where appropriate
- To avoid offending anyone, be open to valuing the other person's opinion
- Do not feel you have the need to have the last word
- Treat everyone the same no matter who they are, how they look, or how they act
- Impose policies that impact all people the same
- Treat everyone with dignity and respect

Activity 9
Discrimination Complaint Process

If a participant claims to have been discriminated against, these steps must be followed:

Step 1

- Apologize to the participant and inform a supervisor immediately.
- *Note: the participant has up to 180 days after the incident to report the complaint. Complaints may be written, verbal or anonymous.*

Step 2

If the supervisor cannot resolve the situation:

- Share the rights and responsibilities information in the WIC Participant Booklet with the participant.
- Assist the participant with filing a complaint, if necessary.
- *Note: Maine CDC WIC Policy CR-4 provides detail on filing a complaint.*

Step 3

Send the complaint to the addresses listed below. If the participant files the complaint her/himself, provide the addresses for where to send the complaint.

- *Note: the agency must respond to the complaint within 5 days.*

Send the complaint form to:

United States Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, DC 20250-9410
Fax: (202) 690-7442
Email: program.intake@usda.gov

AND

Send a copy to:

Maine CDC WIC Nutrition Program
ATTN: Ginger Roberts-Scott
11 SHS
286 Water Street, 6th Floor
Augusta, ME 04333

ADA Compliance/EEO Coordinator
11 SHS
Augusta, ME 04333

Note: *Details of the complaint are confidential and should only be shared among WIC supervisors, staff involved in the incident, the person filing the complaint, and the State WIC Director or designee.*

Complaint Procedures Overview

Local Agency staff must advise the participant that their identity is kept confidential, except for the purpose of investigating the complaint, or conducting hearings or judicial proceedings.

The Local Agency shall ensure the following information is provided in the written complaint:

1. **Participant Information**
    a. Name
    b. Address
    c. Telephone number
    d. Or other means of contacting the individual

2. **Local Agency Information**
    a. LA name
    b. Location where the participant receives WIC services

3. **Complaint Description**
    a. The nature of the incident/action that led to the participant feeling discriminated against

4. **Persons involved or who may have knowledge of the incident / action**
    a. Names
    b. Titles
    c. Business addresses
5. **Date(s)**
    a. Date the incident/action occurred
    b. If continuing, the duration of incidents/actions

The Local Agency **shall not** interfere with any rights or privileges of a participant because she/he made a complaint or allegation, testified, assisted, or participated in the investigation, proceeding, or hearing relating to the incident/action.

As a result of a complaint, the LA must ensure that no person is:

- Intimidated
- Threatened
- Coerced
- Discriminated against

Maine Center for Disease Control and Prevention
An Office of the Department of Health and Human Services

Maine CDC WIC Nutrition Program

Certificate of Completion

Civil Rights Training

"Equality for All"

Presented to

_____

Name

Date

Local Agency

City, Maine

This certifies that the above named has completed the Civil Rights Training and has agreed to comply with the information given on discrimination, federal and state civil rights requirements and complaint procedures.

Appendix I

Ethnicity and Race

When asking the ethnicity and race questions, WIC staff must explain:

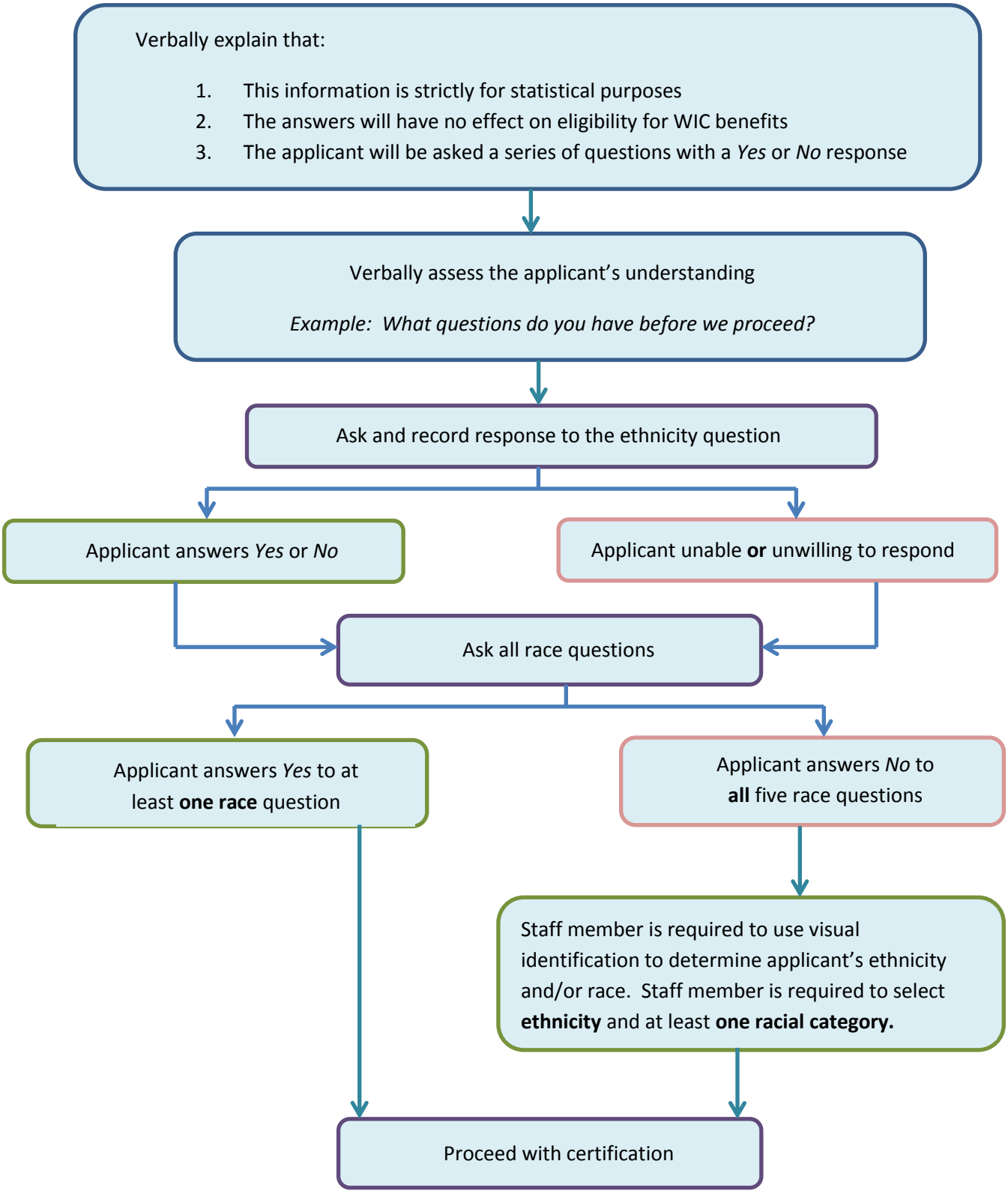
1. The collection of the information is strictly for statistical reporting requirements
2. Has no effect on the determination of their eligibility for WIC benefits.

If a participant asks how the data is used, you may explain:

3. The information is used by USDA to determine how effectively WIC is reaching minority groups and to identify where additional outreach is needed.

Appendix II

Ethnicity and Race Data Collection Flowchart



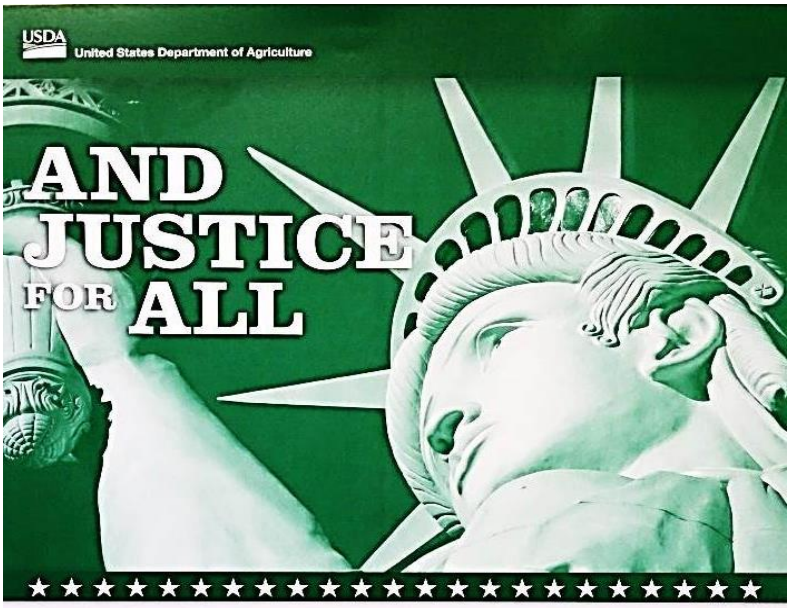
Appendix III

Maine CDC WIC Policies Related to Civil Rights

- **CR-1** Public Notification
- **CR-2** Compliance
- **CR-3** Data collection
- **CR-4** Complaint Process
- **CR-5** Training
- **CR-6** Language Access
- **CR-7** Special Populations

Appendix IV

And Justice for All Posters



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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 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**. Additionally, program information is available in languages other than English.

To file a complaint alleging discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at **http://www.ascr.usda.gov/complaint_filing_cust.html**, or 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.

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Las personas discapacitadas que requieran medios alternos para que se les comunique la información de un programa (por ejemplo, braille, letra agrandada, grabación de audio, lenguaje de señas estadounidense, etc.) deberán comunicarse con la agencia estatal o local responsable de administrar el programa o el TARGET Center del USDA al **(202) 720-2600** (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al **(800) 877-8339**. La información del programa también está disponible en otros idiomas además del inglés.

Para presentar una queja por alegada discriminación, complete el formulario de quejas por discriminación del programa del USDA, AD-3027, que podrá encontrar en línea en **http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf** o en cualquier oficina del USDA o escriba una carta dirigida al USDA que incluya toda la información solicitada en el formulario. Para solicitar una copia del formulario de presentación de quejas, comuníquese al **(866) 632-9992**. Envíe su formulario o carta completos al USDA por

correo:
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; o

correo electrónico:
program.intake@usda.gov.

Version AD-475A of the *And Justice for All* posters can be downloaded from the USDA FNS website at: **http://www.fns.usda.gov/cr/justice.htm**