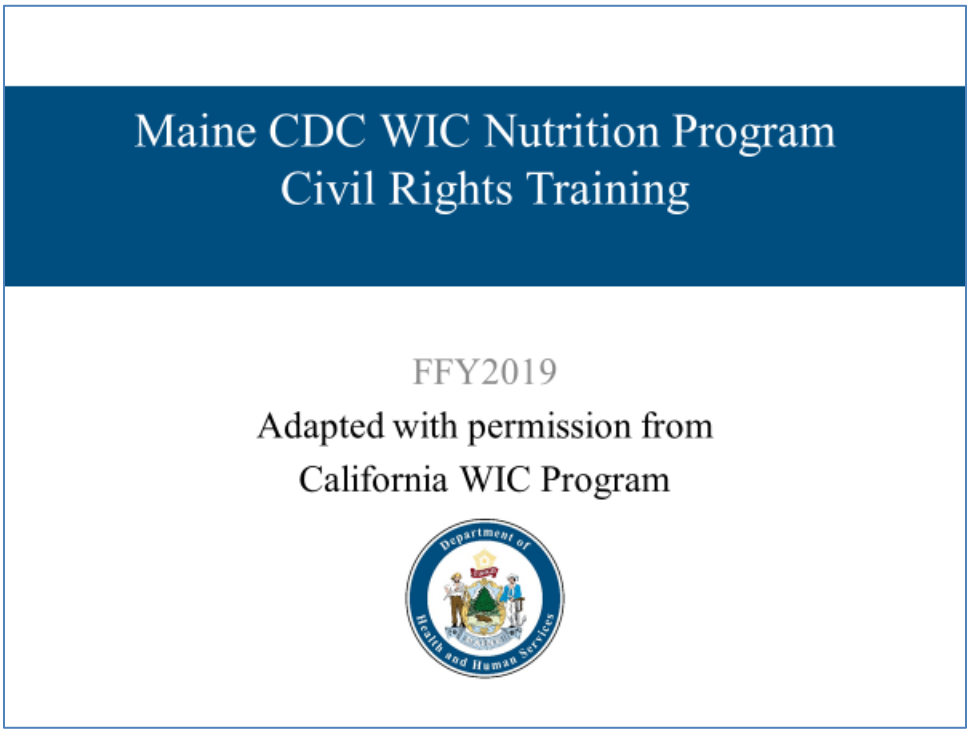


Equality for All

Civil Rights
Facilitator's Guide
Maine CDC WIC Nutrition Program

Adapted from California WIC Program, with permission
Revised for FFY2019

Equality for All

Who:	**Who is this training designed for?** The United States Department of Agriculture (USDA) mandates that all programs receiving Food and Nutrition Services (FNS) funding to train their staff on civil rights. This training is designed for local agency and state WIC staff to meet this requirement.
What:	**What is this training about?** This training provides information on discrimination, federal and state civil rights requirements, and civil rights complaint procedures. **USDA requires the Civil Rights training include:** • Collection and Use of Data • Effective Public Notification System • Complaint Process • Monitoring Visits • Noncompliance • Reasonable Accommodations for Persons with Disabilities • Language Assistance Requirements • Customer Service / Conflict Resolution The Facilitator's Guide provides directions, instructions and actual training content. The instructions are written to assist the trainer in facilitating specific segments. The directions give step-by-step procedures for conducting each training activity. Learner centered activities have been incorporated.
Why:	**Why is this training required?** The USDA Food and Nutrition Service establishes policies prohibiting discrimination in all FNS nutrition programs and activities, whether federally funded or not.
Duration	3 hours
Materials	Trainee workbook Computer and projector for PowerPoint slides Pens or pencils
Set-up:	Tables for small groups or pairs of trainees

Agenda

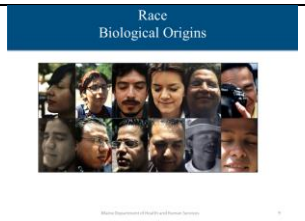
1.	**Welcome, Introductions, Agenda and Objectives Review**	10 minutes
2.	**Warm-Up Activity**	15 minutes
3.	**Ethnicity and Race**	20 minutes
4.	**Data Collection**	15 minutes
5.	**WIC Protected Categories**	15 minutes
6.	**Discrimination Concepts**	20 minutes
7.	**Accommodating Participants with Disabilities 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.

Slide 2	Equality for All Civil Rights Training 	**Welcome** trainees to the "Equality for All" civil rights training. **Training purpose:** • USDA requires all WIC staff attend civil rights training annually to prevent discrimination • This training plays a key role in high quality customer services **Instruct** trainees to turn to the Agenda and Objectives on **pages 2 and 3** in their workbooks and review.
Slide 3	Equality for All Civil Rights Training 	**Ask** trainees: • What does the term "civil rights" mean? • What are some civil rights that you have? **Explain:** Our society was built on rights for the people and by the people. The Declaration of Independence mentions "inalienable rights". We have constitutional rights, and we have civil rights. Civil rights are the rights of individuals to be treated equally. All civil rights categories must be honored and protected to ensure all people are treated fairly.
Slide 4	Ethnicity and Race 	**Ask** trainees: what comes to mind when you hear the terms ethnicity and race?
Slide 5	Ethnicity Groups with Common Ancestry 	**Explain:** Ethnicity is socially defined. Ethnic groups share a common genealogy or ancestry. **People in an ethnic group may share:**
Slide 6	Ethnicity Common Culture 	Culture, including: • Cultural heritage • Ancestry • History • Homeland • Cuisine • Clothing styles
Slide 7	Ethnicity Religion 	Religious beliefs, mythology, or ritual

Slide 8		Language or dialect
Slide 9		**Explain:** Race is based on someone's biological origins and refers to a person's physical appearance, including skin color, eye color, hair color, bone structure, and facial type. **Emphasize:** • Hispanic or Latino is a culture, not a race • In prior years a significant number of participants were classified as Native American, many of whom were actually Hispanic or Latino • Ethnicity was added to WIC data collection to more accurately represent the Hispanic and Latino population. **Activity 1: Ethnicity and Race** **Instruct** trainees to turn to **Activity 1** on **pg. 4** in their workbooks. Ask them to read the instructions and share with their table group or partner which ethnicity and race(s) they would choose for themselves and why. **Debrief:** Invite trainee(s) to share what they chose with the larger group. **Explain**: ethnicity and race questions: • Are for data collection purposes only • Possibility they may not be the same descriptions participants would choose for themselves—**ask** for staff to share any examples from actual work with participants. (possible example: "white" race choice for someone from Middle East)

Activity 1
(p.4)
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.

Slide 10		**Ask:** Why does WIC collect Ethnicity and Race data: **Debrief:** All USDA funded programs are required to collect this data. Data is used to: • Determine how well WIC is reaching potential eligible persons • Identify areas where additional outreach is needed
Slide 11		**<u>Data Collection:</u>** **Explain:** USDA requires WIC to tell every participant: • The collection of the information is strictly for statistical reporting requirements, and • Has no effect on the determination of their eligibility for WIC benefits If a participant asks how the data is used, you may explain: *The information is used by USDA to determine how effectively WIC is reaching minority groups, and to identify where additional outreach is needed.* **Explain:** While explaining this information to each participant, WIC staff must assess the applicant's understanding of the verbal explanation of ethnicity and race. **Explain:** <u>Ethnicity and race</u> questions must be asked at <u>initial</u> certification. The <u>Rights and Responsibilities</u> information must be reviewed with every participant at <u>all</u> certifications. **Encourage** participants to self-report their ethnicity and race, and stress the importance of the information. If the participant refuses, WIC staff must select and enter an ethnicity and race for them in the MIS. **Explain:** While many staff may feel uncomfortable asking the questions, it is a USDA requirement (like asking the drug and alcohol questions). **Refer** trainees to **Appendix I** *Ethnicity and Race* (p.18) and **Appendix II** *Ethnicity and Race Data Collection Flowchart* (p.19). **Review both.** **Ask:** what questions do you have? **<u>Activity 2—Data Collection</u>** **Ask** trainees to turn to **Activity 2** on **page 5** in their workbooks and answer the questions individually. **Debrief:** Review answers as a group. Ask a few people to share ways they have effectively asked the ethnicity and race questions (question 6 in the activity). **Probe** for other comments and ideas as time permits.

Activity 2
(p.5)
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.

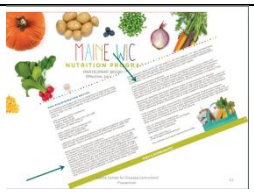
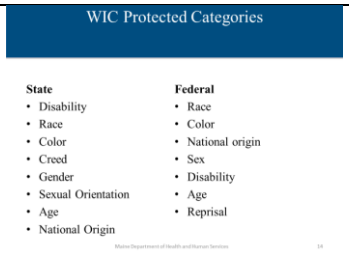
4. What information must WIC staff review with a participant / authorized representative at <u>all</u> certifications?

   - ☐ 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?

Slide 12		**Explain:** WIC has protected civil rights categories that are mandated by State and Federal laws.
Slide 13		These WIC protected Civil Rights categories are listed in the Rights and Responsibilities of the WIC participant booklet. Both state <u>and</u> federal WIC protected Civil Rights categories are listed in the Rights & Responsibilities on page 3 of the WIC participant booklet
Slide 14		**Say:** Here is a list of the protected categories. **Read list.** What categories, if any, have you never heard before? **Activity 3: WIC Protected Categories** Instruct trainees to turn to **page 6** in their workbooks and complete the matching exercise. They may work alone, in pairs, or table groups. **Debrief:** Answers to matching exercise. **Activity 4: WIC Protected Categories review** **Ask** trainees to turn to **page 7** and review the definitions and the examples of each category. They can use this page for a reference. Discuss with a partner what protected class you found interesting, and which class(es) apply to you. The full USDA Nondiscrimination Statement lists the federally protected categories in the first paragraph. USDA Nondiscrimination Statement, required for all WIC Programs to use, is included for your reference. This statement is in the participant handbook; full statement must also be included on all notifications of ineligibility, adverse action (such as appeal notice), program home webpage (or a link to it), and public information, including program literature. The shorter version can be used for printed materials put out by your program if the document is too small to include the full version. **Read** aloud the following story, or tell a personal story in your own words:

		Imagine you are in a bank applying for a loan and you notice the loan officer is staring at you. After collecting your loan information, she excuses herself to discuss your application with her supervisor. You overhear the loan officer mentioning to her supervisor that you don't look like the type of person who would repay a loan. The loan officer returns and informs you that you do not qualify for the loan and your application has been denied. **Debrief:** Ask trainees what they thought, and how that would make them feel? **Instruct** trainees to break up into their small groups. Ask them to share a situation in which they felt they were discriminated against and the impact that it had on them. **Debrief:** Ask for a volunteer(s) to share their story with the larger group. **Thank** them for sharing.

Activity 3
(p. 6)
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
__H__	Disability	A. A followed spiritual belief. It does not have to be an organized group or traditional denomination
__F__	Ancestry	B. An individual belonging to one of the accepted anthropological groups; or the perception, based usually on physical characteristics.
__C__	Color	C. Includes shade of skin within a racial group.
__D__	Sex	D. Gender (including breastfeeding)
__A__	Religion	E. The country or part of the world that an individual or his or her ancestors are from.
__J__	Sexual Orientation	F. The people who were in a person's family in past times.
__I__	Political affiliation or opinion	G. Applies to persons 40 years old and over.
__G__	Age	H. Physical or mental impairment, permanent or temporary.
__B__	Race	I. Known to be a member of a political group or to have certain political views.
__E__	National Origin	J. The direction of one's affection, sexual or emotional attractions involving others.
__K__	Reprisal	K. The act of being threatened or retaliated against for participating in any aspect of the discrimination complaint process.

Activity 4
(p. 7)
WIC Protected Categories (or 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:

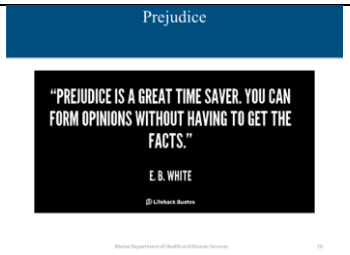
(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(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.

Slide 15		**Stereotype** is "a preconceived or oversimplified generalization involving beliefs about a particular group". It is what we <u>think</u> about a group of people (e.g., all police officers eat donuts, or all women are bad drivers). **Stereotypes:** • Can be negative or positive (ask for positive examples—such as "All breastfeeding mothers are caring and nurturing") • Do not consider individual characteristics • Based on what we hear, read, or believe • Based on how someone supposedly thinks or behaves
Slide 16		**Prejudice** is "a rigid unfavorable judgment or opinion <u>formed beforehand</u> without knowledge or examination of the facts." Prejudice is often: • A pre-judgment • Not factual (ignorance based) • Can be based on race, gender, nationality, social class, disability

Slide 17		**Discrimination** is "the act of treating people differently due to our prejudices." It is making a distinction of one person or a group of persons from others, either intentionally, by neglect, or by the actions or lack of actions based on a protected class. This is <u>our behavior</u> toward an individual group. Discrimination involves associating individuals to a group we've assigned them to. It usually includes: • Keeping people out of activities / places • Treating people with less respect • Denying people certain things • Not providing the same opportunities to everyone, e.g., training and career opportunities • **Discrimination is illegal** **Verification of Citizenship or Immigration Status:** not required for WIC participation; it is illegal for this issue to result in discrimination from program enrollment. **Activity 5: Discrimination Concepts** **Instruct** trainees to turn to **Activity 5, page 9** in their workbooks. Have them work in small groups or alone and answer each question. **Debrief:** Have trainees share their answers with the larger group. Discuss as needed. Optional activity: read <u>Brown Eyes, Blue Eyes</u>; debrief with large group. **Ask** trainees to turn to **Activity 6, pages 10-11** in their workbooks. Have them work in their groups; ½ group review and answer questions to scenario 1, and ½ group review and answer questions to scenario 2. Review as a group at end.

Activity 5
(p. 9)
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

Brown Eyes, Blue Eyes

Martin Luther King, Jr. was assassinated on April 4, 1968. The next day, Jane Elliott, an elementary-school teacher in Iowa, found herself trying to explain his death to her classroom of third-graders. In the all-white town of Riceville, Iowa, students were familiar with King but could not understand who would want him dead, or why.

Elliott said, "I knew it was time to deal with this in a concrete way, because we'd talked about discrimination since the first day of school. But the shooting of Martin Luther King, Jr., one of our 'Heros of the Month' two months earlier, couldn't be explained to little third-graders in Riceville, Iowa."

She came to class the next day with a plan: she aimed to make prejudice tangible to her students. At the start of class, she divided the students into two groups: brown-eyed kids and blue-eyed kids. She then made a shocking announcement: Brown-eyed kids were superior to blue-eyed kids— "They're the better people in the room." The groups were separated: Blue-eyed kids were forced to sit at the back of the classroom. Brown-eyed kids were told that they were smarter. They were given extra time at recess. The blue-eyed kids had to wear special collars, so that everyone would know their eye color from a distance. They two groups were not allowed to mix at recess.

Elliot was shocked at how quickly the class was transformed. "I watched those kids turn into nasty, vicious, discriminating third-graders…it was ghastly," she said. Friendships seemed to dissolve instantly, as brown-eyed kids taunted their blue-eyed former friends. One brown-eyed student asked Elliott how she could be the teacher "if you've got blue eyes."

At the start of class, the following day, Elliott walked in and announced that she had been wrong. It was actually the brown-eyed children who were inferior. This reversal of fortune was embraced instantly. A shout of glee went up from the blue-eyed kids as they ran to place their collars on their lesser, brown-eyed counterparts.

On the day when they were in the inferior group, students described themselves as sad, bad, stupid, and mean. "When we were down," one boy said, his voice cracking, "it felt like everything bad was happening to us." When they were on top, the students felt happy, good, and smart.

Even their performance on academic tasks changed. One of the reading exercises was a phonics card pack that the kids were supposed to go through as quickly as possible. The first day, when the blue-eyed kids were on the bottom, it took them 5.5 minutes. On the second day, when they were on top, it took 2.5 minutes. "Why couldn't you go this fast yesterday?" Elliott asked. One blue-eyed girl said, "We had those collars on…" Another student chimed in, "We couldn't stop thinking about those collars."

Elliott's simulation made prejudice concrete—brutally concrete. It also had an enduring impact on the students' lives. Studies conducted ten and twenty years later showed that Elliott's students were significantly less prejudiced than their peers who had not been through the exercise.

Excerpt from **Made to Stick** by Chip Heath and Dan Heath, pp. 111-112

Activity 6
(p. 10-11)
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

Optional question for added discussion: What could staff have done differently?

- They could have explained the reason for the wait time.
- Supervisor could have apologized and tried to be more empathetic.

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.

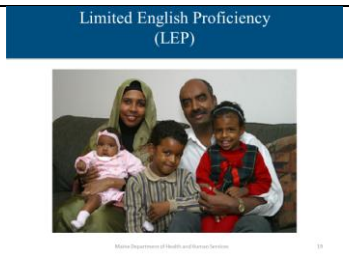
On the day of her appointment, Ms. Johnson arrives at the clinic site 15 minutes late for her appointment, but has all the required eligibility information with her. When she walks up to the receptionist desk, the receptionist notices that Ms. Johnson is legally blind and unable to read the signs and 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

Optional question for added discussion: What could staff have done differently?

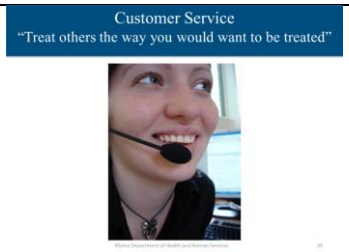
- Serve the participant because she has all the required eligibility information.
- Do no yell at the participant, use a normal voice.
- Always sincerely apologize for situations.
- The receptionist could have asked a more experienced co-worker or supervisor for assistance when she did not know what to do.

Slide 18		**<u>ADA</u>** **Activity 7: ADA and LEP** **Ask** trainees to refer to **Activity 7** on **page 12** (ADA and LEP) in their workbooks. **Ask** for a volunteer to read the top half under ADA. Definition of disability: physical or mental impairment which substantially limits one or more major life activities. Major life activity means functions such as caring for one's self, performing manual tasks, walking, seeing hearing, speaking, breathing, learning and working. This includes function of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions (ADA Amendments Act 2008). **Instruct** the group to state ways their agency provides reasonable accommodation for participants with disabilities. **Probe** for: • Parking lots • Entrances / exits and halls • Elevators and restrooms • Sign language interpreters • Braille • Service animals • * women, infants and children must be accommodated if medically or nutritionally warranted (**nutrition tailoring**)
Slide 19		**<u>LEP</u>** **1. Ask** for a volunteer to read the bottom half of the page under LEP **2. Instruct** the group to state ways their agency provides reasonable accommodation for participants with LEP. **Probe** for: • Interpreters • Written materials in different languages **Mention:** • Volunteers or family members, including spouses or children, may not be used unless the participant refuses interpreter services and requests the volunteer or family member to interpret for them. • Requirements regarding language and sign language interpreter services is included in Policy CR-6 *Language Access.* **Debrief: Ask** trainees to state ways an agency might discriminate against a WIC applicant / participant with a disability or limited English proficiency **or** share some of the following ideas and ask if they are discriminatory (trainer can add some additional scenarios that are not discriminatory). **Probe** for:

		• Segregation (separation) • Different waiting times • Facilities or services not accessible to people with disabilities • Failing to advise a LEP participant that an interpreter will be provided free of charge • Requiring people with LEP to bring their own interpreter • Treating people with disabilities differently from other participants • Operating a WIC site in an area that is not accessible to people in certain groups (no public transportation) • Providing different WIC benefits to individuals based on their membership in a protected class

Activity 7
(p. 12)
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

Slide 20		**<u>Customer Service</u>** **<u>Activity 8: Customer Service</u>** **Ask** trainees to turn to **Activity 8** on **page 13** in their workbooks. Have a volunteer read the scenario as trainees follow along. **Instruct** trainees to read the instructions for Activity 8. **Debrief:** Ask trainees to select one spokesperson from each table group and share their answers with the larger group. **Ask** trainees to provide one example of how someone helped resolve a similar situation at WIC and prevented a discrimination complaint. **Explain** that often we can prevent conflict from occurring by providing excellent customer service to our participants during individual consultations, group education, front desk contact, phone calls, and language on signage and outreach materials.
Slide 21		**Ask** trainees what this quote means to them. **Probe:** for situations where the initial contact with a person may have been an unfavorable experience.

Activity 8
(p. 13)
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, voice 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. (Possible answers)

1. How do you handle this situation?
   Let the participant know that you are here to help her
   Have a coworker get the supervisor, while you try to find out what's wrong
   Stay calm!!

2. What can you say to her that might make her feel valued?
   Apologize for the situation that has obviously upset her
   Let her know that you are going to help; you have asked for your supervisor to come, and the supervisor will be able to address her concerns in a private office

3. What actions might you use to calm the situation (tone of voice, body language, eye contact)?
   Use a calm, pleasant voice
   Keep your body language open and relaxed
   Make eye contact with the participant
   Let the participant speak without interruptions

4. Describe how she might be feeling or what may have upset her.
   She might be feeling angry because of the way she was treated at a store
   She might have been embarrassed at a store when she picked up the wrong food items and was told she could not buy them
   She may have thought you released information to an unauthorized person, such as her former partner
   She may have been expecting her benefits to be mailed, but she has not received them

5. What words can you use to convey you understand, have compassion for, empathize with, and respect the participant?
   Let her know that you will make sure she has a better experience with you
   Let her know that WIC values her commitment to making sure her children are healthy and safe

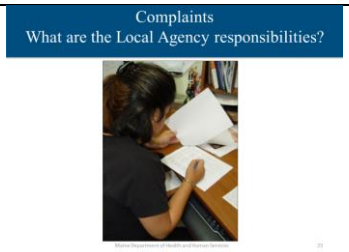
Slide 22		**<u>Conflict Resolution</u>**
		Explain: Many things can cause frustration or confusion for WIC participants, which can lead to complaints. These complaints can often be prevented or diffused.
		
		Ask trainees:
		Do all participants understand how WIC works when they leave an appointment?
		Are all participants comfortable with asking questions?
		Do all participants retain the information provided to them?
		
		• **Review handout: In Times of Conflict**, on **page 14**
		• **Ask:** what methods have you found difficult to do?
		• **Emphasize** the need to:
		  • Be safe
		  • Call 911 if needed (better safe than sorry)
		  • Trust your instincts

In Times of Conflict

(p.14)

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

Slide 23		**<u>Complaints</u>** **Refer** trainees back to the visualization of the person in the bank that felt discriminated against when applying for a loan. **Ask trainees** to consider what their WIC agency should do if a participant or applicant felt they were being discriminated against? **<u>Activity 9: Discrimination Complaint Process</u>** **Instruct** trainees to turn to **Activity 9** beginning on **page 15** in their workbooks. Briefly review the *Discrimination Complaint Process* on **page 15.** Ask for a volunteer(s) to read the *Complaint Procedures Overview* on **page 16** and discuss as a group. **Ensure** trainees know they must protect the individual's confidentiality. Details of the complaint should only be shared among: ▪ WIC supervisors ▪ The person filing the complaint ▪ State WIC Staff (Director or designee) ▪ Staff involved in the incident **Ask** what questions they have about the discrimination complaint process.

Activity 9
(page 15)
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

Office of DHHS Legal Counsel
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
(pg. 16)

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

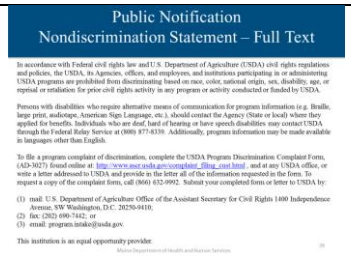
4. **Persons involved or who may have knowledge of the incident / action**
    a. Names
    b. Titles
    c. Business addresses
5. **Date(s)**
    a. Date the incident/action occurred
    b. If continuing, the duration of incidents/actions

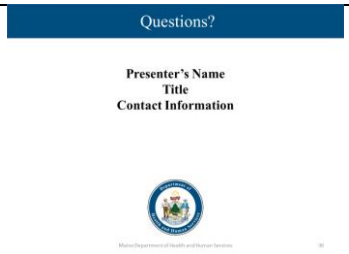
The Local Agency **shall not** interfere with any rights or privileges of a participant because she/he made a complaint or allegation, testified, assisted, or participated in the investigation, proceeding, or hearing relating to the incident/action.

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

- Intimidated
- Threatened
- Coerced
- Discriminated against

Slide 24		**<u>Public Notification</u>** **Explain:** Federal law requires WIC programs to inform potential WIC applicants or participants about: ▪ Program availability—inform applicants and potentially eligible persons of the availability of the program and the steps necessary for participation ▪ Rights and responsibilities—inform applicants, participants and potentially eligible persons of their program rights & responsibilities ▪ Complaint procedures—advise applicants and participants at the service delivery point of their right to file a complaint, and the complaint procedures. ▪ Nondiscrimination policy—all information and sources, including web sites, used to inform the public about FNS programs must contain a nondiscrimination statement. The statement is not required to be included on every page of the program web site; at a minimum, the nondiscrimination statement or a link to it must be included on the home page of the program information. **Ask** trainees to state ways in which their agency notifies the public of their civil rights. **Probe for:** • Outreach • "And Justice for All" poster—prominent display • Nondiscrimination statement on materials • Make program information available to public upon request • Inform potentially eligible persons, applicants, participants and community partners of program or changes in program • Convey message of equal opportunity in all photos and other graphics used to provide program or program-related information • Provide information in alternative formats for persons with disabilities and in appropriate language(s) for LEP individuals.
Slide 25		**Ask** trainees: Where should "And Justice for All" posters be in your WIC sites? **Debrief:** USDA requires that posters are placed where they are easily visible. LA's should check their "And Justice for All" posters to ensure they have the correct version (AD-475A). **Refer** trainees to **Appendix IV** on **page 21** in their notebooks for instructions on downloading the current "And Justice for All" posters. Supplies may also be ordered through the State Agency.

Slide 26		**Explain:** There are two kinds of nondiscrimination statements: the "full" version and the "short" version. Maine CDC WIC Program Policy CR-1 provides details on use of each statement. **Explain:** The nondiscrimination statement is not required for nutrition education and breastfeeding promotion and support materials that strictly provide a nutrition message and simply carry the WIC logo with no other mention of the WIC program.
Slide 27		**Explain:** The short statement may be used if material is too small to permit the full statement. Full details can be found in Policy CR-1
Slide 28		**<u>Monitoring Visits:</u>** **Explain:** When the SA conducts a program monitoring visit, they check to ensure: • WIC clinics are complying with civil rights laws and regulations • All staff members attend annual civil rights training **<u>Resolution of Non-Compliance</u>** **Explain:** If the SA finds that a LA has not complied with WIC civil rights laws and regulations: • The LA must develop a corrective action plan to resolve the issue(s) • The SA will follow up to ensure the issues have been corrected **Ask** trainees what questions they have about public notification, compliance review, and resolution of non-compliance.

Slide 29		**Read the following:** The Museum of Tolerance in Los Angeles welcomes its visitors in a unique and compelling way. Visitors must wait in the lobby until invited into the museum by a tour guide. The guide points out there are only two doors to enter the museum: • One door is marked "Prejudiced" • The other door is marked "Unprejudiced" Visitors are instructed to enter the door that most represents them. Almost always, the door marked "unprejudiced" is selected. The brave visitor who is first to try the door is unable to turn the knob. Much to everyone's surprise, the "unprejudiced" door is locked. The only way to enter the museum is through the door marked "prejudiced." **Debrief:** This is a powerful lesson. We are all prejudiced in some way for some reason. We must acknowledge this to ourselves. The real question is not… "Am I prejudiced?" …but rather "Am I <u>acting</u> on my prejudices?" It is in the <u>action</u> that discrimination exists. **Thank** trainees for their participation. Certificates of Completion can be found in the Trainee Workbook. **Ask** trainees to complete the evaluation at the back of their workbooks.
Slide 30		If you have further questions, please contact the State Agency for assistance.

Appendix I

(p. 18)

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.

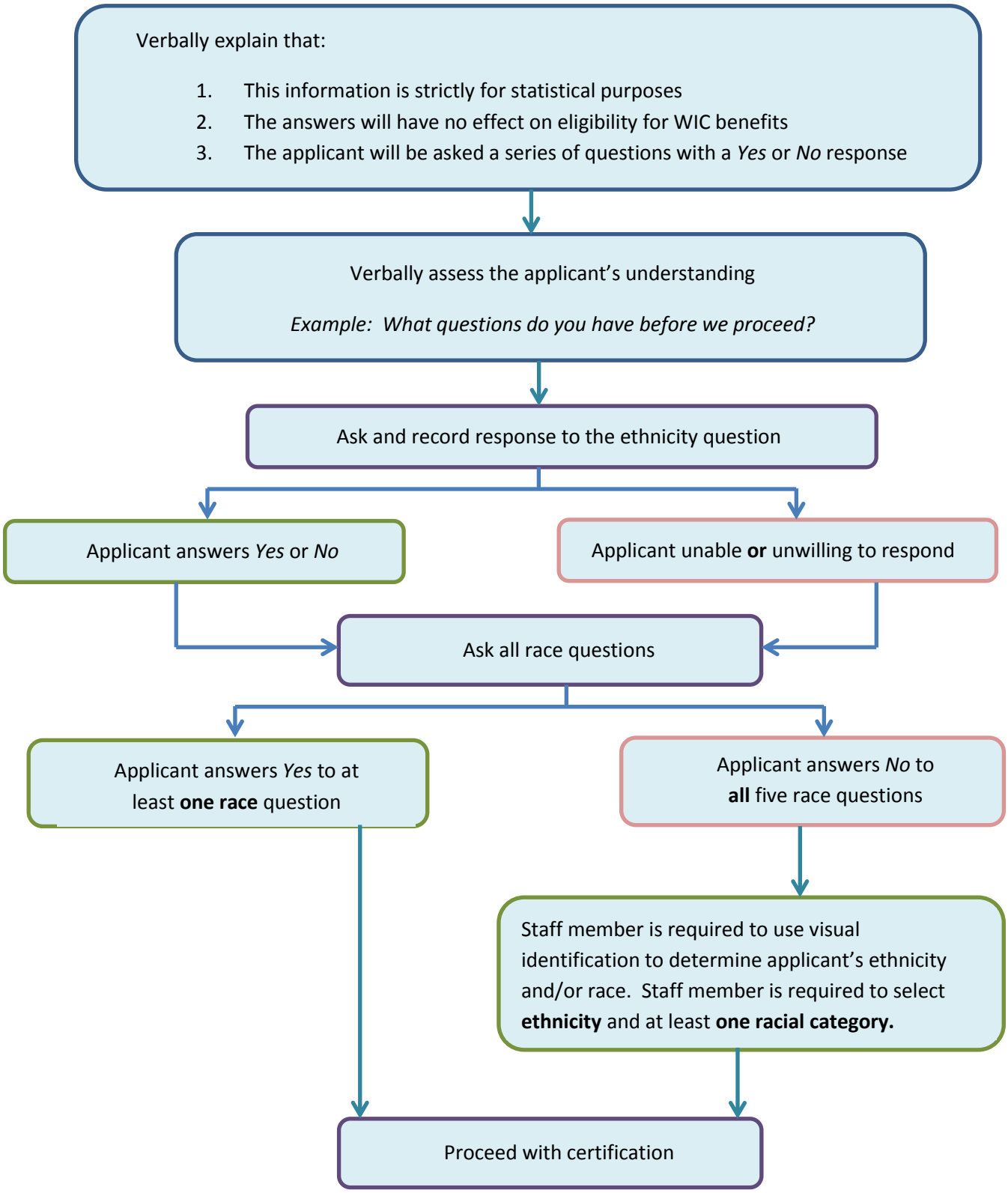
If a participant asks how the data is used, you may explain:

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

(p. 19)

Ethnicity and Race Data Collection Flowchart



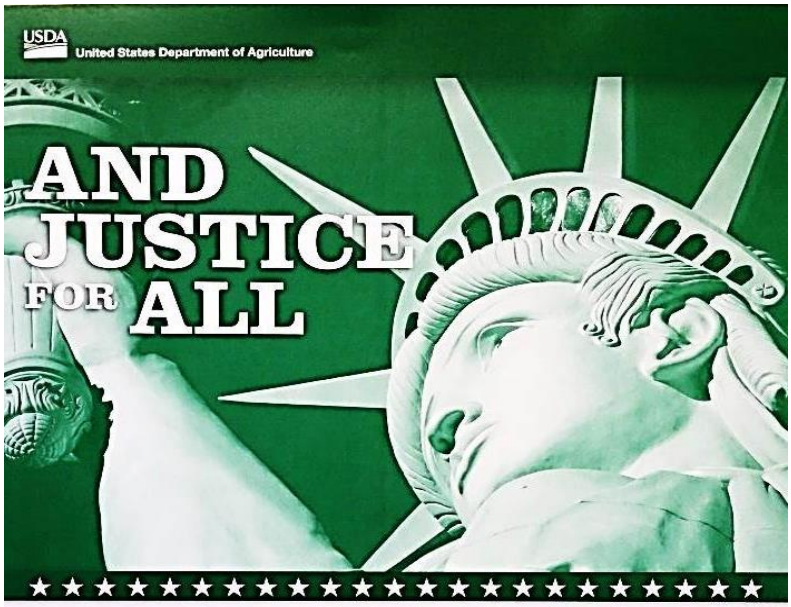
Appendix III
(pg. 20)

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
(p. 21)

And Justice for All Posters



In accordance with Federal 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, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

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.

This institution is an equal opportunity provider.

Conforme a las leyes federales y a los derechos civiles, reglamentos y políticas del Departamento de Agricultura de los Estados Unidos (U.S. Department of Agriculture, USDA), se prohíbe a esta institución discriminar por motivo de raza, color, nacionalidad, sexo, edad, discapacidad y reprimir o tomar represalias por actividades realizadas en el pasado relacionadas con los derechos civiles. (No todos los principios de prohibición se aplican a todos los programas).

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