

Shining the Light on Civil Rights in WIC



Format: This is a **Civil Rights** lesson plan using the Learner-centered education (LCE) format. LCE revises the roles of the educators and learners to foster a relationship between the learners and educators based on mutual respect and ideas. This civil rights lesson plan will encourage the educator and learner to ask open questions, respect other adult learners, affirm what they may already know about civil rights and assist them in reviewing new information immediately useful in the clinic!

Who is this class is for?	All Local WIC Agency Staff
Why WIC is offering this lesson plan	<ul style="list-style-type: none"> • The United States Department of Agriculture (USDA) Food and Nutrition Services (FNS) establishes policies prohibiting discrimination in all FNS nutrition programs and activities, whether federally funded or not. • Local agencies are responsible for training staff on an annual basis and this lesson plan will assist your agency in meeting this requirement. • The training log you keep at your agency should list the training topic, the date conducted, and a listing of employees completing the training. If staff missed your agency’s annual training, your log should include information about an alternative training provided to ensure all staff receive an annual Civil Rights training.

Training Objectives

By the end of this session, WIC staff will have:

- Understood that no WIC Program applicant or participant can be discriminated against on the grounds of race, national origin, age, color, sex, or disability.
- Participated in an overview of the WIC Program’s Civil Rights and American Disabilities Act (ADA).
- Acquired knowledge and developed skills necessary to communicate WIC’s Civil Rights policies to participants in areas related to:

Collecting and using data	Discrimination Complaint Procedures	Non-compliance resolution	Conflict Resolution
Public Notification	Compliance Review Methods	Requirements for reasonable accommodations for persons with disabilities	Customer Service

- Reviewed an effective customer service and conflict resolution strategy to handle challenging situations with participants
- Identified three ways the agency ensures participants know about WIC’s compliance with USDA, ADA, and Limited English Proficiency (LEP) directives related to civil rights – public notification

To receive completion credit, all areas with an asterisk* must be completed

Lesson At-A-Glance

Agenda
Shining the Light on Civil Rights
Welcome
Warm Up– Tracing the Steps of the Civil Rights Movement Gallery Walk
*Regulations: Keeping WIC on Track
*Who’s Who in WIC?
*Public Notice in WIC Scavenger Hunt
*Walking Through the Discrimination Complaint Process
*WIC Civil Rights Discrimination Complaint Case Studies
Evaluation – Take Home the Learning with the Letterman List

1. Welcome

Please **join** the group in the large circle. You are invited to **share** your name with the group. After sharing your name with the group, please take a post-it note and **write one** reason you feel it is important for WIC staff to know about civil rights. Post your responses on the “Civil Rights in WIC - We Need Them” poster.



2. Warm Up– Tracing the Steps of the Civil Rights Movement



Pretend you are visiting an art museum. Take a few minutes to **walk** around the room; **look** at the pictures and **read** the historical information detailed below the photographs. In your agency, the gallery walk may be a PowerPoint slide show.

As you participate in the gallery walk or watch the PowerPoint Slide show, **consider** these questions:

- How have some of these events touched your life?
- What role does WIC play in following Civil Rights and ADA laws?
- What information is new to you? If any information is new, **write one** detail that improved your understanding of the Civil Rights Movement.

3. *Shining the Light on Regulations: Keeping WIC on Track

Let's take a closer look at regulations designed to keep WIC on track.

Complete this learning activity with a partner or table group. **Find** your handout, "Shining the Light on Regulations Keeping WIC on Track". **Choose one** section of the "Shining the Light on Regulations Keeping WIC on Track." The sections are titled:

- The American Disabilities Act (ADA)
- Civil Rights Act-Limited English Proficiency (LEP)
- Equal Opportunity for Religious Organizations

Take a few minutes to **review** your section. With your partner or table group, **summarize one** point from your section to share with the large group. We will **hear** from each group.



Let's shine a brighter light on the benefits of providing good customer service in situations when participants may feel they are being treated unfairly. The **VERA Strategy** helps us to deliver good customer service and effectively resolve conflict.

Take a few minutes to **listen** to the VERA Strategy. After hearing about the VERA strategy, **circle** what stands out to you as a good technique to use with WIC participants. We will **hear** a sampling. Applying the **VERA** Customer Service Strategy may help you resolve some situations without the participants filing a discrimination complaint.

Remember, if the participant still requests to file a discrimination complaint, WIC cannot reject their request.

4. *Who's Who in WIC?



The State WIC and your agency collect racial/ethnic information and compare data on current WIC participants with data on “*potential WIC eligible*” persons. If the data shows underserved areas, your agency will know how to focus outreach efforts. Federal policies require local agencies to document in the Integrated Statewide Information System (ISIS) the racial/ethnic categories of all applicants and participants. After WIC staff has explained that collecting this information has no effect on participation in the program, participants are asked to self report their racial/ethnic group. It is helpful to reassure participants that this data is collected only for WIC’s statistical reporting requirements.

If a participant refuses to self identify, agency staff should identify the participant by:

- Visual identification, or
- Primary language spoken by the participant

With a partner or table group, **discuss** the following questions?

- When requesting data or ethnic information from participants, what kinds of challenges have you encountered?
- How have you successfully handled those challenges?

At the conclusion of your discussion, use a post-it to **write one** helpful hint that may help others to successfully collect this very important data. **Post** your tip on the flip chart with the light bulb labeled “Shining the Light on Data Collection in WIC.”



5. *Public Notice in WIC – Scavenger Hunt

Before you begin your Scavenger Hunt, let’s talk about **compliance**. Periodically, State and Local agencies are reviewed to determine if they are in compliance (following) with civil rights requirements.

USDA/FNS reviews State WIC→	State WIC reviews local agencies→	Local agencies review their contractors.
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When a Local Agency or the State WIC is in non-compliance (not following) civil rights requirements, it is called a review finding. State WIC and Local agencies respond to review findings by developing a plan to correct the area of non-compliance. One area of compliance for your agency focuses on notifying the public about WIC’s non-discrimination policies. This Scavenger Hunt activity will help you to:

- **Understand** local WIC agencies responsibility to notify the public about WIC’s non-discrimination policies and
- **Review** your agency’s efforts to comply with federal and state mandates requiring local WIC agencies to inform all applicants, participants, and potential eligible persons of the program availability, program rights and responsibilities, nondiscrimination policy, and the procedure for filing a complaint.

Scavenger Hunt Instructions:

Use your Scavenger Hunt handout to **find** printed materials your agency uses to help participants (and potential eligible persons) know:

- WIC Program participants have rights and responsibilities, and
- WIC is an equal opportunity provider.

Find the location of an item on the scavenger hunt list

or

Bring one item that you find back to the large group to share!



6. *Walking Through the Civil Rights Discrimination Complaint Process



All WIC participants have a right to file a discrimination complaint if they feel they have been treated unfairly. Their complaints may be based on allegations of unjust treatment in the following areas:

Race	Sex	Age
Color	National Origin	Disability

Discrimination complaints must be handled according to processes outlined by the USDA and the State WIC Program. Take out your copy of the Civil Rights Complaint Process Flow

Chart.

Walking Through the Civil Rights Discrimination Complaint Process (Continued)

We will walk through this process to help you understand. **Think** of questions that you may have about the Civil Rights Complaint Process. **Join** the group at the first flip chart poster titled, "Participant Alleges Discrimination". You also have a handout detailing the federal process for processing a discrimination complaint.

Now that you have walked through the Civil Rights Complaint process;

- **Work** as a table group or with a partner;
- Use a post-it to **write** one question of interest to your group.
- **Place** your post-its on the flip chart step that you have questions about.

Review the case study given to your table group/partner. **Reflect** on the information learned in our Civil Rights Training and your experiences with WIC participants. Take a moment to **record** your group's/partners responses on the case study handout. We will invite you to share your responses with the large group.

Training Evaluation – The David Letterman List

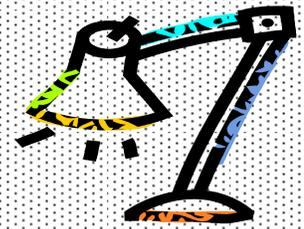
Let's look back at our time together and evaluate the lessons learned. You may be familiar with David Letterman, the late night talk show host. David Letterman often develops famous lists of ten top things.

With your partner or table group **evaluate** our training time today:

- **Discuss** the top three valuable Shining the Light Civil Rights/Non-discrimination Principles learned during today's training. **Write** them in ascending order of importance, with three being the least important.
- **Choose** a spokesperson from your group to read your top three choices.
- Briefly, **share** why your top three are important and how your group intends to use these particular knowledge points, skills, or abilities in the workplace.

Thank you for your participation and evaluation of this training!

Shining the Light on Civil Rights in WIC



Training Handout Materials

**Shining the Light
on
Regulations Keeping WIC on Track**

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The American Disabilities Act (ADA)	
What is it?	The <u>American Disabilities Act (ADA)</u> is the most comprehensive federal legislation enacted as law to prohibit discrimination against people with disabilities. <u>Public and private businesses, state and local government agencies, private entities offering public accommodations and services, transportation and utilities are required to comply with the law.</u> The ADA was signed into law by President George Bush on July 26, 1990, extending rights protection to individuals with physical or mental disabilities in areas related to employment, public transportation, public accommodations, telecommunications, and miscellaneous.
Who is protected by ADA?	ADA protects individuals with disabilities. A <u>disability</u> is 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 an impairment.
In WIC, ADA mandates Reasonable Accommodation	<p>ADA-Reasonable Accommodation</p> <p>A 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:</p> <ul style="list-style-type: none"> • Changing existing facilities to make them accessible/usable • Acquiring or modifying equipment • Modifying tests, training materials, or policies to accommodate program participants with disabilities
Civil Rights Act of 1964 - Title VI Limited English Proficiency (LEP)	
What is it?	Title VI and its regulations require State agencies (WIC), local agencies, and indirect recipients of Federal funds to take reasonable steps to ensure "meaningful" access to program information and services by person(s) with limited English proficiency.
Who is protected by LEP?	Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
In WIC, Local Agencies have a LEP plan	<p>Your agency's LEP plan will include the following:</p> <ul style="list-style-type: none"> • Plan to identify individuals needing language assistance • Staff training on ways to assist individuals needing language assistance • Notify LEP individuals about available support services
Equal Opportunity for Religious Organizations	
What is it?	Department of Agriculture regulations ensuring a level playing field for the participation of Faith-Based Organizations(FBO) and other Community Organization (CO) in USDA programs.
Who is protected by the regulations?	FBOs/COs are protected from discrimination on the basis of religion, religious belief, or religious character in the administration or distribution of Federal funds. The regulation allows a religious organization that participates in USDA programs (WIC) to retain its independence and continue to carry out its mission, provided USDA funds do not support any inherently religious activity such as worship, religious instruction, or proselytization.



Shining the Light on Customer Service and Resolving Conflict

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When might a participant become unhappy, upset or with WIC?

- After being determined ineligible for WIC and receiving a Notice of Action Affecting WIC Program Applicants
- After being issued a Notice of Action Affecting WIC Program Participation
- After experiencing unsatisfactory customer service

How can we provide good customer service and resolve conflict with unhappy WIC Participants?

The VERA Strategy:

- **Vent**- Listen to the participant and let them vent or get it all out. Make it your goal to really understand what may have happened. Be a partner to identify a solution if possible, not an adversary. Remain calm and you will be more successful in calming a participant only if you remain calm yourself. Don't take the situation personally.
- **Empathy**-Acknowledge the vent. Listen to the participant express their perception of the problem without interrupting. Show them that you are trying to understand their perspective by listening with eye contact, and other verbal signs. Show a desire to help the participant work out the issue without statements that say "WIC Policy states" or "WIC rules say" Avoid making excuses for anyone and express your regret that the situation occurred.
- **Real Problem**- Identify the real concern. Ask tactful questions to find out the real issue. Repeat what you have heard them say and verify if you understood them correctly. State what you have identified as the real problem and offer an appropriate solution.
- **Agreement**-Find an answer together. Respect their point of view. Agree with what you can and act with sincerity. Explore mutually acceptable solutions. Offer realistic solutions to the perceived problem. For example say "What appointment times will work for you?" Try to phrase things positively. Summarize what you will do and follow through!

Applying the customer service strategy described above may help you resolve conflict in some situations without the participants filing a discrimination complaint.



Remember, if the participant still requests to file a discrimination complaint:

- **Participants have right to file a complaint within 180 days of the alleged discriminatory action.**
- **Complaints of discrimination may NOT be rejected.**
- **If the complainant refuses to make the allegations in writing, WIC staff is obligated to put the details of the civil rights complaint in writing on behalf of the participant.**
- **All civil rights complaints must be sent to the USDA along with a copy to the WIC Program, Civil Rights Coordinator.**

Fair Hearing Requests:

If an applicant or participant is alleging discrimination on the part of a local agency in the agency's decision to deny participation or disqualify the participant from the Program, he/she has a right to a fair hearing. The following are timeframe guidelines for filing of benefits:

- **Request for Fair Hearings:** Requests must be made within 60 days from the date the local

agency or the State WIC Program mails or gives the applicant/participant the notice of the adverse action. However, participants whose certification period has expired or participants who appeal the termination of benefits within the fifteen (15) calendar days advance adverse notice period shall continue to receive Program benefits until the hearing officer reaches a decision, or the participant's certification period expires.

- **Disqualification in Mid-Certification:** Participants who appeal an agency decision to deny participation or disqualify the participant from the Program, within 15 days calendar days of advance notice of the effective date of the adverse action, shall continue to receive program benefits until the hearing official reaches a decision, or if the certification period expires prior to a decision being rendered, until the expiration of the certification period.
- **Disqualification at Certification:** Participants who are denied benefits during an initial or subsequent certification visit or because they have been determined to be categorically ineligible may appeal the denial but shall not receive benefits while awaiting the hearing.

Additional information can be found in the WIC Program Civil Rights and ADA Training Manual

WIC Scavenger Hunt

- **Select** a partner for your scavenger hunt. With your partner, **search** your clinic site to find the following materials related to civil rights and/or nondiscrimination in WIC.
- **You** may either bring back one item or write the location of the item.

- Poster with information about WIC's non-discrimination poster, "And Justice for All"
- One piece of outreach material with the full version of the Non-discrimination statement printed on the materials
- One example of educational material with the non-discrimination statement printed on the materials
- One WIC form that notifies participants how to file a complaint of discrimination
- Notice of Action Affecting WIC Program Participation form
- One example of material displaying the WIC Program's American Disabilities Act Policy guaranteeing equal opportunity access
- Find the location of your agency's Discrimination Complaint process information (poster)
- Find the business card/name of the person in your agency who is the Civil Rights contact person
- Notice of Action Affecting WIC Program Applicants form
- WIC Participants-Know Your Rights and Responsibilities pamphlet

SHINING THE LIGHT ON CIVIL RIGHTS IN WIC
CIVIL RIGHTS DISCRIMINATION CASE STUDY A

Ms. Participant, who is of Russian decent and speaks only Russian, has a 10:00 a.m. recertification appointment, at the West End WIC office. She recently moved to the east area and this is her first time at this site. The site serves a high number of the Hispanic population. She arrives early and has all necessary paperwork. When she walks in, she notices that the waiting room is full. She signs in at the receptionist desk and gestures to the receptionist that she does not speak English. The receptionist abruptly holds up her hand to indicate that she does not speak Russian. At that point, Ms. Participant walks over to the waiting area and notices that there are various other languages being spoken, so she assumes that someone will be able to assist her.

The receptionist notifies the supervisor that there is a participant waiting that speaks only Russian. The supervisor is unable to locate anyone that speaks Russian, so she walks over to Ms. Participant shaking her head to indicate that no one can help her because no one speaks Russian. Ms. Participant is confused and attempts to hand her recertification paperwork to the supervisor. The supervisor again shakes her head and pushes the paperwork back to Ms. Participant. By this time, Ms. Participant is very confused and begins to cry. The supervisor shouts loudly to those in the waiting room, "Does anyone speak Russian"; embarrassed Ms. Participant leaves hurriedly.

QUESTIONS:

- ◆ Would you consider this an example of a discrimination complaint? Yes or No? Why?
- ◆ What would you do differently at the site to prevent future occurrence of this nature?

SHINING THE LIGHT ON CIVIL RIGHTS IN WIC**CIVIL RIGHTS DISCRIMINATION CASE STUDY B**

Ms. Doe has a 9:15 a.m. appointment at the Sunrise site. She arrives at the site 15 minutes prior to her appointment. The site serves a high number of the Asian population in the area. Ms. Doe, who is not of Asian descent, attends this site because it is close to her place of work. That morning, Ms. Doe realizes that she is the only non-Asian participant at the site.

It is now 9:45 a.m. and Ms. Doe is still waiting for the nutritionist. She sees participants, who came in to the office after her, receiving their food instruments. She lets the receptionist know that she is still waiting, and was told it would probably be only an additional five minutes. She tells the receptionist that she needs to be at work in 45 minutes. Ms. Doe asks to speak with the supervisor. Ms. Doe lets the supervisor know that she has seen other participants come and go within 15 minutes of coming into the office. She tells the supervisor that she feels that the staff sees other participants first because they are Asian, and she is not. The supervisor tells her that if she wants to file a complaint, she can call the WIC Program. The supervisor gives Ms. Doe the Program telephone number and explains to Ms. Doe about her right to file a complaint.

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

QUESTIONS:

- ◆ Would you consider this an example of a discrimination complaint? Yes or No? Why?
- ◆ What would you do differently at the site to prevent future occurrence of this nature?

SHINING THE LIGHT ON CIVIL RIGHTS IN WIC
CIVIL RIGHTS DISCRIMINATION CASE STUDY C

Ms. January has discovered that she is four months pregnant and wants to sign up to receive WIC services. She was previously on the WIC program with her other children whom are now teenagers. She calls the North area WIC office and schedules an appointment.

On the day of her appointment, Ms. January arrives at the clinic site 15 minutes late for her appointment with all the required paperwork. When she walks up to the receptionist desk, the receptionist notices that Ms. January is legally blind and unable to read the forms. The receptionist becomes nervous and does not know how to help Ms. January, so she speaks loudly to inform her that they will need to reschedule her appointment. When Ms. January 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 her next appointment.

- ◆ Would you consider this an example of a discrimination complaint? Yes or No? Why?
- ◆ What would you do differently at the site to prevent future occurrence of this nature?

SHINING THE LIGHT ON CIVIL RIGHTS IN WIC
CIVIL RIGHTS DISCRIMINATION CASE STUDY D

Ms. February arrives for her recertification appointment and signs in with the receptionist. After a few minutes, a WIC staff person comes out and calls Ms. February in for her appointment.

When Ms. February enters the office, she notices that the WIC staff person never offers any type of greeting. The staff person then snatches the paperwork from Ms. February and proceeds to enter information into the computer on her desk. When she asks Ms. February questions, they are very demeaning and rude. The staff person never looks away from the computer screen and appears to be frustrated when Ms. February does not answer the questions fast enough; she then shoves a copy of WIC Participants-Know Your Rights and Responsibilities pamphlet to her with no explanation. Ms. February receives her food instruments and walks out.

Upon arriving home Ms. February reads WIC Participants-Know Your Rights and Responsibilities and discovers that she can file a complaint about the way she was treated and quickly returns to the clinic. She explains to the supervisor that the staff person was extremely rude to her and she was very offended. She also states that she feels that she was treated that way because she was of a different race than the staff person. She demands to file a discrimination complaint. The supervisor sits down with Ms. February and explains how she can file a discrimination complaint. She also gives Ms. February the telephone number to the WIC Program as well as apologizes for the unpleasant experience.

- ◆ Would you consider this an example of a discrimination complaint? Yes or No? Why?
- ◆ What would you do differently at the site to prevent future occurrence of this nature?

LOCAL WIC AGENCY CIVIL RIGHTS COMPLAINT PROCESS FLOW CHART

*Consult staff designated to handle Civil Rights issues at your agency for additional complaint processing steps.

