



NC Department of Health and Human Services

Civil Rights Training

Connie Dixon, SNAP Program Coordinator

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Administrator**

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Why Civil Rights Training?

To ensure compliance with and enforcement of the prohibition against unlawful discrimination in SNAP and all FNS nutrition programs and activities, whether federally funded in whole or not.

Why Civil Rights Training? (cont.)

To ensure that each employee understands:

- The Federal Civil Rights Laws, Regulations, Instructions, policies, and guidance regarding unlawful discrimination.
- The policies and practices that we must implement to ensure applicants and participants are afforded an equal opportunity to participate in and have meaningful access to FNS programs and activities.

Why Civil Rights Training? (Cont.)

- We must treat our participants and each other fairly and equitably, with dignity and respect.
- We have a legal obligation not to unlawfully discriminate either for or against anyone on any protected bases in the course of our work.
- State agencies are responsible for training local agencies.
- Local agencies are responsible for training their subrecipients, including “frontline staff” and their supervisors on an annual basis.
- New employees should receive Civil Rights training before participating in SNAP/SNAP-Ed/SNAP E&T activities.
- Maintain documents after training is performed (i.e. sign-in sheets of attendees, agenda, etc.)

Why Civil Rights Training? Cont.

Specific subject matter required, but not limited to:

- Collection and use of data
- Effective public notification systems
- Requirements for language assistance
- Requirements for reasonable modifications and auxiliary aids and services for persons with disabilities
- Compliance review techniques
- Resolution of noncompliance
- Complaint procedures
- Conflict resolution
- Customer service



Civil Rights Authorities

Title VI of the Civil Rights Act of 1964

Race, Color, and National Origin

Civil Rights Restoration Act of 1987

Clarifies the scope of the Civil Rights Act of 1964

Section 504 of the Rehabilitation Act of 1973; Americans w/Disabilities Act of 1990; and the Americans with Disabilities Act Amendments Act of 2008

Disability

Title IX of the Education Amendments of 1972

Sex

Age Discrimination Act of 1975

Age

Civil Rights Authorities

Food and Nutrition Act of 2008, as amended

Prohibits discrimination on the basis of race, color, sex, age, national origin, religion, political beliefs or disability

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996

Enforces Title VI of the Civil Rights Act of 1964 and related statutes in block grant type Programs.

7 CFR Parts 15

Nondiscrimination in USDA Federally Assisted Programs

7 CFR Part 16, "Equal Opportunity for Religious Organizations"

Gives equal footing to religiously affiliated organizations

Civil Rights Authorities

28 CFR Part 35

Covers nondiscrimination on the basis of disability in State/local government services

28 CFR Part 36

Covers Nondiscrimination on the Basis of Disability – Public Accommodations

28 CFR Part 42

Covers nondiscrimination in Federally assisted programs

Civil Rights Authorities

- SNAP Guidance on Non-Citizen Eligibility (June 2011)
- Executive Order 13166 – (LEP)
Improving Access to Services for Persons with Limited English Proficiency
- 7 CFR 272.4 (provides LEP guidance and thresholds)
- USDA LEP Policy Guidance (79 Fed. Reg. No. 229, page70771. Friday, November 28, 2014)
- USDA Departmental Regulation 4330-2 (non-discrimination regulations)
- FNS Instruction 113-1 and Appendix A (SNAP)

What is discrimination?

“Different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions...”

Protected classes for SNAP:

Race

Color

National Origin

Age

Disability

Sex

Religion Creed

Political Beliefs

Examples of Unlawful Discrimination

- Delay or denial of service / benefit on the basis of a protected class
- Unequal opportunity to participate in services or program benefits
- Neutral policies and procedures that have a disproportionate, adverse effect on a particular protected class

Assurances

To qualify for Federal financial assistance, an application (SNAP Ed Plan) must be accompanied by a written assurance that the entity to receive financial assistance will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines.

FNS will obtain a written assurance from each state agency and will ensure that state agencies obtain assurances from recipient/partner agencies and

A Civil Rights assurance statement must be incorporated in all agreements between State agencies, local agencies and subrecipients

Public Notification

- Required for SNAP/SNAP-Ed/SNAP E&T State or implementing agencies and their sub-recipients
- The purpose is to inform applicants, participants, and potentially-eligible persons of:
 - Program availability (including dates, times and locations of SNAP/SNAP-Ed/SNAP E&T activities)
 - Program rights and responsibilities
 - Policy of nondiscrimination
 - Policy for filing a complaint



Methods of Public Notification

- Ensure the “And Justice for All” poster is prominently displayed at service delivery points.
- Inform applicants or participants of programs or changes in programs.
- Provide information in alternative formats and languages as necessary and post multilingual notices offering free communication assistance for individuals with LEP and/or with disabilities.
- Convey message of equal opportunity in all photographic or pictorial program information.

Elements of Public Notification

Program Availability

Inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation

Complaint Information

Must advise applicants and participants at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures

Nondiscrimination Statement

All information materials and sources, including websites, must contain the USDA nondiscrimination statement. (The statement is not required to be included on every page of the program website. At a minimum the USDA nondiscrimination statement or a link to it must be included on the home page of the program information).

Non-Discrimination Statement

In addition to all information materials and sources, and websites, the non-discrimination statement must also be included on forms, public releases, announcements of scheduled services, and all other publications.

IT MAY NOT BE MODIFIED WITHOUT USDA APPROVAL.



Non-discrimination Statement (cont.)

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, religious creed, disability, age, political beliefs 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.

Non-discrimination Statement (cont.)

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf> , 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 Right
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.

Non-discrimination Statement (cont.)

- For SNAP-Ed grantees, documents developed, adapted, or reprinted by NCDHHS/DSS and implementing agencies must use the short nondiscrimination statement when information conveyed is specifically for SNAP-Ed.

“This institution is an equal opportunity provider” when used specifically for SNAP-Ed.

In general, anything that features USDA logos, such as MyPlate, or communicates SNAP-Ed programming information, including times, dates, and locations as well as objectives and outcomes of classes or activities, falls into this category.

https://snaped.fns.usda.gov/sites/default/files/documents/508_Compliant_FY_2021_SNAP-Ed_Plan_Guidance_04-13-2020_No_Doc_Number.pdf

(SNAP-Ed Guidance, page 153)

Non-discrimination Statement

The full USDA FNS nondiscrimination (NDS) statement (slide 17) is rarely, if ever, required for SNAP-Ed.

It is necessary to have the full NDS if SNAP or other FNS program eligibility or application information is provided.

For online sites, individual SNAP-Ed webpages should provide the full version of the nondiscrimination statement if there is information that requires the full statement to be featured even if it is on a different webpage of the site.

A recommendation is to link to the appropriate version, available at <http://www.fns.usda.gov/fns-nondiscrimination-statement>, in the footer of the site. Don't forget to select the appropriate language!

https://snaped.fns.usda.gov/sites/default/files/documents/508_Compliant_FY_2021_SNAP-Ed_Plan_Guidance_04-13-2020_No_Doc_Number.pdf

(SNAP-Ed Guidance, page 153)

Non-discrimination Statement

USDA Nondiscrimination Statement

Short versions

- **This institution is an equal opportunity provider.**
- **Esta institución es un proveedor que ofrece igualdad de oportunidades.** (Spanish)
- *Can be used in special circumstances only

Translations

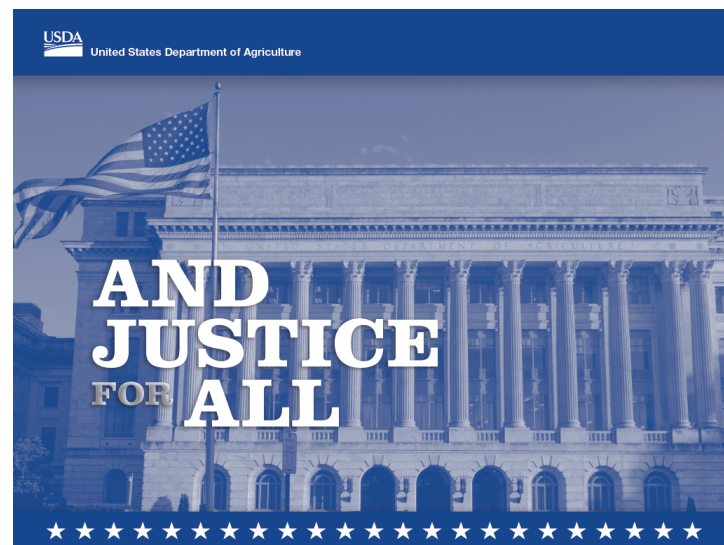
- Available on the FNS Website

“And Justice For All” Poster

Display the poster in a prominent location for all to view

AD-475B is required for SNAP, SNAP-ED and SNAP-E&T

Check with your State Agency’s Civil Rights Coordinator to obtain 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, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at https://www.ascr.usda.gov/sites/default/files/USDA_OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

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

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

email:
program.intake@usda.gov.

This institution is an equal opportunity provider.

Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, credo religioso, discapacidad, edad, creencias políticas, venganza o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en https://www.ascrusda.gov/sites/default/files/USDA_OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf, en cualquier oficina del USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

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

fax:
(833) 256-1665 o (202) 690-7442;

correo electrónico:
program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.

Disability Access

Sections 504 of the Rehabilitation Act of 1973 and USDA implementing regulations at 7 CFR Part 15b, prohibits discrimination based on disability in programs or activities receiving Federal financial assistance.

Title II of the Americans with Disabilities Act of 1990 (ADA), as amended by the **ADA Amendments Act of 2008, at 28 CFR Part 35**, prohibits discrimination on the basis of disability in all services, programs and activities provided to the public by State and local governments.

Title III of the Americans with Disabilities Act of 1990, as amended by the **ADA Amendments Act of 2008 (ADA Amendments Act)**, at **28 CFR Part 36**, prohibits discrimination on the basis of disability by public accommodations.

Disability Access

No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of NCDHHS/DSS.

Disability Access Definition of Disability

- Any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.
- The Americans with Disabilities Act Amendments of 2008 (P.L. 110-325) expanded the definition of “disability.”
- Major Life Activities now also include: “Major Bodily Functions”, such as, “...function of the immune system,...digestive, bowel, bladder functions, and reproductive systems.”
- Individuals who take mitigating measures to improve or control any of the conditions recognized as a disability, are still considered to have a disability and require a reasonable modification.

Disability Access

- NCDHHS/DSS must make **reasonable modifications** in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability, unless NCDHHS/DSS can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. This fundamental alteration decision must be made by the NCDHHS/DSS Executive Director or his/her designee.
- Reasonable modifications must be made in policies and practices for persons with disabilities in order to access benefits.
- This means that it is almost never appropriate to deny someone a reasonable modification based on the fact that the requested modification runs counter to established ways of doing things (policies and practices).

Disability Access

- NCDHHS/DSS and its subrecipients also must provide individuals with disabilities with an equal opportunity to participate in the most integrated setting and ensure equally effective communication when accessing its programs, activities and services.
- At times, different or special treatment may actually be necessary in order to ensure effective aids, benefits, and services are effective.
- State and local offices that deliver SNAP, SNAP-ED and SNAP E&T must post notices offering free auxiliary aids and services and how to request them in a prominent location in reception areas, on program websites and within vital documents as appropriate.
- Staff must also offer free auxiliary aids and services in situations where an individual with disabilities brings their own interpreter, reader or other type of assistance to access NCDHHS/DSS programs.
- Agencies must also provide notice of protections against discrimination assured them by the Section 504 and the ADA, including how to file a complaint.

Disability Access Accessibility

- ✓ Operate each service or activity so that, when viewed in its entirety, facilities, websites, and online systems are accessible to and usable by people with disabilities.
- ✓ Provide services, programs and activities in the most integrated setting appropriate
- ✓ Provision of auxiliary aids and services may be required to ensure access to program information, applications and assistance (i.e. Braille, large print, and audio tape).
- ✓ Provision of qualified sign language interpreters for persons with hearing disabilities may be necessary to be able to communicate effectively with these applicants and participants.

Disability Access

Equally Effective Communication

- **ADA Primary Consideration Rule:** To ensure effective communication, NCDHHS/DSS staff are required to give primary consideration to the choice of aid or service requested by the person who has a communication disability. (28 C.F.R. § 35.160)
- Staff must honor the person's choice, unless it can demonstrate that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration or in an undue burden.
- Sub-recipients that are public accommodations (non-governmental entities) are encouraged to consult with the person with a disability to discuss what aid or service is appropriate. The goal is to provide an aid or service that will be effective, given the nature of what is being communicated and the person's method of communicating. (28 C.F.R. § 36.303)

Disability Access

Equally Effective Communication

- ✓ The term “companion” includes any family member, friend, or associate of a person seeking or receiving an entity’s goods or services who is an appropriate person with whom the entity should communicate.
- ✓ Ensure equally effective communication with “companions” of patients, applicants or participants.
- ✓ Do not require or plan to utilize a family member or friend as a sign language interpreter.

Disability Access Equally Effective Communication

- ✓ Only use an adult or minor child (companions) to facilitate communication in emergency situations involving an imminent threat to the safety or welfare of an individual or the public when a qualified interpreter is not available.
- ✓ In situations not involving an imminent threat, only use an adult companion as an interpreter when an individual requests this, the accompanying person agrees to interpret, and reliance on the accompanying adult is appropriate under the circumstances.
- ✓ In this case, do not use minor children as interpreters.

Disability Access

Equally Effective Communication

Auxiliary aids and services include, but are not limited to:

- ✓ Accessible electronic and information technology
- ✓ Qualified interpreters on-site or through video remote (VRI) interpreting services
 - A qualified interpreter is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.
- ✓ Voice, text, and video-based telecommunications products and systems
- ✓ Braille or tactile displays
- ✓ Screen reader software

Waiver of Rights to Free Interpreter Services

In all cases, staff must offer to provide a qualified sign language interpreter or other necessary auxiliary aid or service to individuals with disabilities that require communication assistance.

If the individual with a disability voluntarily chooses to provide his or her own interpreter, after making an offer of free communication assistance, document the customer's choice and complete the DSS-100 at [DSS-10001: Language Services Agreement](#).

[DSS-10001ins: Instructions for completing the DSS-10001](#)

Where precise, complete, and accurate interpretation is vital for program access or adjudicatory or legal reasons, or where the competency of the informal interpreter is not established, staff must provide a qualified sign language interpreter even if the customer wants to use his or her own interpreter.

Disability Discrimination

Equally Effective Communication

- NCDHHS Division of Services for the Deaf and Hard of Hearing (DSDHH) has provided licensed qualified interpreter for deaf, hard of hearing and deaf/blind applicants and/or clients to enable them to communicate with NCDHHS/DSS staff. Services may be obtained through the website: <https://www.ncdhhs.gov/documents/sign-language-interpretertransliterator-directory> .
- Additionally, persons may access NC Relay, which provides telephonic communication services to assist hearing, vision, and speech-impaired individuals. This free service may be obtained by dialing 7-1-1; <https://www.youtube.com/watch?v=lxwnt4qIJfw&feature=youtu.be>
- NC DSDHH provides additional auxiliary aids and services if needed.

Disability Access Service Animals

- A Service Animal is defined as a dog that has been individually trained to do work or perform specific tasks for a person with a disability.
- The agency must permit service animals to accompany persons with disabilities in all areas where the general public has access.
- “Comfort”, “therapy”, or “emotional support” animals have not been trained to perform the specific tasks required to meet the disabled person’s needs and therefore do not meet the ADA definition of service animal.

Disability Access Service Animals

- When it is not obvious what service an animal provides, only limited inquiries are allowed.
- Staff may ask two (2) questions:
 1. Is the dog a service animal required because of a disability?
 2. What work or task has the dog been trained to perform?

Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Disability Access Service Animals

- ✓ NCDHHS/DSS and its sub-recipients must allow access for service animals unless:
 - The animal is out of control and the handler does not take effective action to control it; or
 - The animal is not housebroken
- ✓ But, where there is a legitimate basis to exclude the animal, the individual with a disability should be given the opportunity to participate in the program without the animal.

Disability Access Miniature Horses

- ✓ Although not a service animal, a miniature horse that has been individually trained to work or perform tasks for people with disabilities has protections similar to a service animal.
- ✓ The ADAAA provide assessment factors to assist entities in determining whether reasonable modifications can be made.
- ✓ The type, size, and weight of the horse and whether the facility can accommodate those features
- ✓ Handler has sufficient control of the horse
- ✓ Horse must be housebroken
- ✓ Whether the horse's presence in a specific facility compromises legitimate safety requirements
- ✓ ADAAA service animal requirements also apply to miniature horses. [28 CFR §§ 35.136(c)-(h) and 28 CFR §§ 36.302(c)(3)-(8)]

Disability Access Wheelchairs

- ✓ A wheelchair is a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.
- ✓ Staff must permit individuals with mobility disabilities to use wheelchairs in any area open to pedestrian use.
- ✓ Staff must also allow individuals with mobility disabilities to use manually-powered mobility aids (includes include walkers, crutches, canes, braces, or other similar devices) in areas open to pedestrian use.

Disability Access Other Power-Driven Mobility Device (OPDMD)

- ✓ OPDMD means “[A]ny mobility device powered by batteries, fuel, or other engines – whether or not designed primarily for use by individuals with mobility disabilities – that is used by individuals with mobility disabilities for the purpose of locomotion.”
- ✓ Covered entities must make reasonable modifications to permit individuals with mobility disabilities to use OPDMDs, unless the entity can demonstrate that the class of OPDMD cannot be operated in accordance with legitimate safety requirements adopted by the entity.
- ✓ Covered entities must consider specific assessment factors to determine whether a reasonable modification can be made. (28 CFR § 35.137(b)(2))
- ✓ Entities may not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual’s disability.

Self-Evaluation

- ✓NCDHHS/DSS will routinely evaluate its current services, policies and practices to ensure compliance with the ADA AAA requirements.
- ✓Involve interested persons, including individuals with disabilities or organizations representing them in the self-evaluation process.

Section 504/ADA Coordinator

- ✓ A State or local government that employs 50 or more persons must designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the ADA.
- ✓ A recipient or sub-recipients that employ 15 or more individuals must also appoint a Section 504 coordinator to coordinate services and resources for individuals with disabilities.
- ✓ One person may coordinate implementing regulations, directives and guidance for both statutes.
- ✓ The name, office address, and telephone number of the Section 504/ADA Coordinator must be provided to all interested persons.

NC DHHS Section 504/ADA Administrator

For questions or concerns about providing reasonable modifications and auxiliary aids and services for individuals with disabilities, please contact:

Carlotta Dixon, MHS, CPM

Section Chief

State Emergency Response Team(SERT) ESF/RSF 6 Human Services Lead

Title VI/ADA-Civil Rights Administrator

NC Division of Social Services-Program Compliance

North Carolina Department of Health and Human Services

919-825-2478 State Emergency Operations Center (SEOC)

919-527-6421 Office

919-334-1198 Fax

Carlotta.dixon@dhhs.nc.gov

820 South Boylan Avenue, McBryde Building

Raleigh, North Carolina 27603

Limited English Proficiency

Title VI of the Civil Rights of 1964

- Race, color, and national origin

Civil Rights Restoration Act of 1987

- Clarifies the scope of the Civil Rights Act

7 CFR Parts 15, USDA Title VI Regulations

USDA LEP Policy Guidance (79 Fed. Reg. No, 229, Friday, [p. 70771 – 70784] November 28, 2014)

Title VI & Language Access

- “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C § 2000d
- National origin refers to a persons ancestry, place of origin; or the physical, cultural or linguistic characteristics of a national origin group.
- U.S. Supreme Court in *Lau v. Nichols*, 414 U.S. 563 (1974) found that language-based discrimination constitutes a form of national origin discrimination prohibited by Title VI.

Limited English Proficiency

Persons with Limited English Proficiency (LEP) are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English because of their national origin

- Recipients of Federal financial assistance have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with LEP.
- Meaningful Access- generally refers to the provision of reasonable language assistance services that enable an LEP individual to have substantially equal participation in and access to the benefits of a recipient's programs and activities.
- Staff are required to provide reasonable, timely, competent, qualified, accurate, impartial, and effective language services at no cost to individuals with LEP.

LEP & Program Access

Factors to consider in addressing LEP:

- Number or proportion of LEP persons eligible to be served or likely to be encountered within the service area.
- Frequency with which LEP individuals come in contact with the program.
- Nature and importance of the program, activity, or service provided by the program.
- Resources available to the recipient and costs.
See <http://www.lep.gov/maps/> for language mapping tools

Language Access Plan with Procedures

- ✓ After conducting a self-assessment, NCDHHS/DSS must ensure that its policies and procedures for providing meaningful access to LEP persons accessing SNAP, SNAP ED and SNAP E&T are current and effective.
- ✓ A plan helps management and front-line staff understand their roles and responsibilities with respect to overcoming language barriers for LEP individuals.
- ✓ A plan clarifies service delivery standards and establishes policy directives, including the manner by which NCDHHS/DSS will address the language service and resource needs identified in a self-assessment.

LEP & Program Access

- States must conduct assessments to determine a language profile for their State, taking into account regional differences and updating as appropriate.
- Competent translation of vital documents and certification materials is required.
- Competent interpretation and translation services are also required using qualified interpreters and translators.
- Staff training regarding how to provide LEP populations with meaningful access is paramount (front line staff).

SNAP Language Access Requirements

Bilingual services:

- Specific threshold parameters are provided in 7 CFR 272.4(b)
- 7 CFR 272.4(b)(6) notes... “The State agency shall develop estimates of the number of low-income single language minority households, both participating and not participating in the program, for each project area and certification office...”
- The greater the number or proportion of LEP persons within the eligible service population, the more likely language services are needed. (7 CFR Part 15)

Qualified, Competent Language Assistance

All staff must offer and provide qualified, competent language assistance services for free to individuals with LEP.

A qualified interpreter is a highly trained individual who mediates spoken communication between people speaking different languages without adding, omitting, or distorting meaning or editorializing.

Notices offering free competent, qualified language assistance services and how to request these services must be posted in frequently encountered languages in prominent locations in reception areas, on program websites and within vital documents as appropriate.

Qualified Interpreters

- Demonstrate ability to communicate information accurately in English and in the target language
- Identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation)
- Understand specialized terms or concepts peculiar to the SNAP programs or activities
- Understand any particularized vocabulary and phraseology used by the LEP person
- Follow confidentiality and impartiality rules to the extent the Recipient requires
- Understand and adhere to their role without deviating into a role as counselor, legal advisor, or other roles
- Do not necessarily require formal certification

Qualified Language Assistance

- Agency personnel and/or external support identified as qualified to interpret
- Telephonic interpretation services
- Contract agencies
- Volunteers and Community partners (if qualified, competent to interpret)
- Competent/qualified interpreters

Bilingual Staff & Volunteers

- Competency requires more than self-identification as bilingual
- Some bilingual persons may communicate effectively when communicating information directly in a non-English language, but not be competent to interpret (or translate) in and out of English
- If bilingual staff are also used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting.

Obtaining Language Assistance

- NCDHHS/DSS has contracted with Telelanguage Language Services to provide interpreter services for all regional and county offices. Telelanguage provides over-the-phone interpreter services for 300+ language with over 5,000 Interpreters.
- Each division within the NCDHHS/DSS uses a unique toll-free number to contact the language line service to provide interpretation for LEP clients at the time of application, recertification, and/or when clients have questions regarding the agency's assistance programs.

Family, Friends and Children as Interpreters

- Staff should not plan to rely on a LEP person's family members, friends, or other informal interpreters to provide meaningful access.
- Applicants and participants cannot be asked to bring their own interpreters.
- However, LEP persons should be permitted to use family and friends at their own expense if appropriate **only after** free language assistance has been offered.
- Issues of confidentiality, privacy, competency or conflict of interest may also arise.
- Minor children (under the age of 21) may only be used in exigent situations as a last-resort alternative when a qualified interpreter is not available.

Family, Friends and Children as Interpreters

- ✓ For each visit, if a LEP person chooses to use their companion to facilitate communication, notify the LEP person of the availability of free interpreter services before requesting them voluntarily to sign a waiver of rights to free interpreter services.
- ✓ If translated waivers are not available, utilize a qualified and competent interpreter to orally translate the waiver for the LEP person.
- ✓ If it is apparent that ineffective communication or a conflict of interest is occurring when relying on the LEP person's companion, staff are required to secure a qualified interpreter to oversee or replace the companion's efforts to facilitate communication.

Waiver of Rights to Free Interpreter Services

In all cases, staff must offer to provide a qualified interpreter at no cost to the individuals with LEP.

If the individual with LEP voluntarily chooses to provide his or her own interpreter, after making an offer of free communication assistance, document the customer's choice on the **Waiver of Rights to Free Interpreter Services form**.

Where precise, complete, and accurate interpretation is vital for program access or adjudicatory or legal reasons, or where the competency of the informal interpreter is not established, staff must provide a qualified sign language interpreter even if the customer wants to use his or her own interpreter.

Written Translations

NCDHHS/DSS translates into at least Spanish materials that are “vital” to an individual’s participation, including:

- Application forms
- Documents that require a response from applicants (i.e. verification letters)

Anytime a vital document is updated, the State agency must, at minimum, issue that document simultaneously in English and the most encountered languages spoken in the area.

For other languages, NCDHHS/DSS will provide customers with a multilingual tagline notice that states, *“This notice has important information about your application or coverage. Please tell us if you need assistance with this form because you have a disability or do not speak English. Free assistance is available.”*

Written Translations

- NCDHHS/DSS must use qualified, competent translators when translating vital documents.
- A person who is a competent interpreter may or may not be competent to translate.
- A **qualified, competent translator** is a highly trained individual who is able to render text from a source language into a target language while preserving meaning and adhering to generally accepted translator ethics and principles, including confidentiality.
- This requires the ability to understand the cultural context of the source and target languages.
- A qualified, competent translator has demonstrated his or her competence to translate through an independent language assessment.

Web-Based Systems

- NCDHHS/DSS must ensure access to online automation services for individuals with LEP, including:
 - Online applications
 - Websites forms
 - Brochures
- At minimum, vital information on online automation services must be available to LEP persons in a language they can understand.
- All vital information and hyperlinks to this information on web-based systems must be translated at least into Spanish.
- Additionally, posting multilingual taglines that instruct LEP persons on how to receive vital information in a language they can understand ensures meaningful access.

Telephone Voice Mail Menus

- Should be recorded in English and the most common languages encountered
- Should provide information about available language assistance services
- At minimum, should offer a Spanish language option

LEP Administrator

If you have questions or concerns about providing meaningful access to individuals with LEP, please contact:

Carlotta Dixon, MHS, CPM

Section Chief

State Emergency Response Team(SERT) ESF/RSF 6 Human Services Lead

Title VI/ADA-Civil Rights Administrator

NC Division of Social Services-Program Compliance

North Carolina Department of Health and Human Services

919-825-2478 State Emergency Operations Center (SEOC)

919-527-6421 Office

919-334-1198 Fax

Carlotta.dixon@dhhs.nc.gov

820 South Boylan Avenue, McBryde Building

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LEP Population & Data Sources

- ✓ Department of Justice site: LEP.GOV
<http://www.lep.gov/maps/>
- ✓ US Census Data
<http://www.census.gov/2010census/data/>
- ✓ American Community Survey
<http://www.census.gov/acs/>
- ✓ Migration Policy Institute's National Center on Immigrant Integration Policy
<http://www.migrationpolicy.org/>

Complaints of Discrimination

- Applicants or participants allege different treatment based on protected class(es) for SNAP.
- Applicants and participants must file within 180 days of the alleged action (the time frame may be extended by Secretary of Agriculture).
- Confidentiality is extremely important.

Complaints of Discrimination

Oral or written complaints should include:

- Name, address, and telephone number or other means of contacting the person alleging discrimination; **and**
- The location and name of the organization or office that is accused of the discriminatory practices; **and**
- The nature of the incident or action or the aspect of program administration that led the person to allege discrimination; **and**

Complaints of Discrimination

Complaints should include (cont'd):

- The names, titles, and business addresses of persons who may have knowledge of the discriminatory action; **and**
- The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions; **and**
- The basis for the alleged discrimination.

Complaints of Discrimination

- Complaint processing procedures must be operated in accordance with FNS Instruction 113-1.
- Staff must notify complainants of their right to file a complaint with the USDA and with NCDHHS/DSS.
- Complaints based on age must be forwarded to the FNS Regional Civil Rights Director within 5 working days.
- A Civil Rights Complaint Log must be kept confidential and only contain civil rights complaints.

Complaints of Discrimination

Additional information:

- Filing a complaint is a basic right
- Due process and the right to appeal is an entitlement
- Applicants/participants must file within 180 days of the alleged action (Secretary of Agriculture may extend this timeline at his/her discretion)
- Confidentiality extremely important

- USDA complaint form
English version:

http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf

Spanish version:

[http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish Form 508 Compliant 6_8_12_0.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf)

Ethnic & Racial Data Collection

- State and local agencies are required to obtain race and ethnic data
 - To determine how effectively FNS programs are reaching potentially eligible populations, applicants and participants,
 - To identify areas where additional outreach or services are needed,
 - To assist in the selection of locations for compliance reviews, and
 - To complete reports, as required.

Data Collection and Reporting

- ✓ State agencies, local agencies and other sub-recipients are required to obtain data by race and ethnic category on potentially eligible populations, applicants, and participants in their program service area.
- ✓ Systems for collecting actual racial and ethnic data must be established and information maintained for FNS programs, with the exception of certain Food Distribution Programs.

Data Collection and Reporting

Let participants know:

- Self-identification is Voluntary
- Data will not affect benefits/ eligibility
- “This information is requested solely for the purpose of determining the State’s compliance with Federal civil rights laws, and your response will not affect consideration of your application and may be protected by the Privacy Act. By providing this information, you will assist us in assuring that this program is administered in a nondiscriminatory manner.”
- If applicant declines to self-identify, a visual identification of his/her race and ethnicity will be made and recorded in the data system.

Data Collection and Reporting

- Must use 2-part question

Ethnicity

- ✓ Hispanic or Latino
- ✓ Not Hispanic or Latino

Race (may select one or more of the following)

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

Race and Ethnicity Categories

- State agency may have categories for race in addition to the ones required by FNS; however, the additional categories must be mapped and extracted to the required categories.
- Program applicants may not be required to furnish race or ethnicity.
- Staff must notify customers that visual observation **SHALL** be used when the applicant does not self-identify.

Data Collection and Reporting

- Data must be collected/retained by the service delivery point for each program as specified in the program regulations, instructions, policies and guidelines.
- Records must be maintained for 3 years.
- Access restricted only to authorized personnel.
- Submitted as requested to FNS.

Compliance Reviews

- Civil Rights compliance is evaluated as part of the FNS Management Evaluation (ME) Process.
- State agency reviews SNAP, SNAP-Ed and SNAP E&T implementing agencies.
- Implementing agencies review their sub-recipients.
- State agency must report significant findings to the reviewed entity and FNS.

Pre-approval/Pre-award Compliance Reviews

FNS and State agencies must evaluate and determine:

- Compliance with Civil Rights requirements prior to approval for Federal financial assistance;
- Pre-approval/pre-award review report must be maintained in the appropriate program files;
- State and local agencies must update Civil Rights information when significant changes occur.

Post-Award or Routine Compliance Review Content

- Assurances
- Public Notification
- Racial and Ethnic Data Collection and Reporting
- Civil Rights Complaints
- Compliance Reviews
- Resolution of Noncompliance
- Civil Rights Training
- Disability Compliance
- Limited English Proficiency
- Verification of Citizenship or Immigration Status

Special Compliance Reviews

- Conducted by FNS Civil Rights Division
- May be scheduled or unscheduled
 - To follow-up on previous findings of noncompliance
 - To investigate reports of noncompliance by other agencies, media, or grassroots organizations
 - May be specific to an incident or policy
 - History of statistical underrepresentation of particular group(s)
 - Pattern of complaints of discrimination

Resolution of Noncompliance

“Non-Compliance”:

- A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by a state agency, local agency, or subrecipient.
- Steps must be taken immediately to obtain *voluntary* compliance.
- A finding’s effective date is the date of notice to the agency.

Resolution of Noncompliance

Provide immediate written notice to the local agency or sub-recipient indicating:

- The areas of non-compliance
- The action required to correct the situation
- Negotiate with the local agency or sub-recipient to achieve compliance

If instances of noncompliance are not resolved within 60 calendar days of the notice of noncompliance, NCDHHS/DSS must submit a written status report to the FNS Regional Civil Rights Officer.

Citizenship, Immigration Status and Social Security Numbers

SNAP staff must ensure that collection and verification of citizenship, immigration status and social security numbers (SSNs), when required by federal statutes and regulation, does not result in an access barrier or unlawful discrimination in the Department's programs, services and activities.

Staff must understand the federal rules regarding noncitizen eligibility and collection of this data.

Those who are eligible for the Department's programs must not be deterred from applying because of insufficient public notifications or inappropriate data collection methods.

Reference 7 CFR 273.4 and the SNAP Policy Guidance on Non-Citizen Eligibility <https://www.fns.usda.gov/snap/eligibility/non-citizen-eligibility>

Conflict Resolution

Conflict – A disagreement through which the parties involved perceive a threat to their needs, interests, or concerns

- Conflict can be large or small, originate in one person, between two or more people, or between two or more groups
- Conflict can be resolved depending on how its managed

Define the problem. Find the cause. Select an approach to resolve it. Implement it – take action.

The Code of Quality: Customer Service

Always:

- Smile and be pleasant
- Treat everyone with respect and courtesy
- Be caring and understanding
- Be a good listener
- Offer assistance
- Create a good learning environment
- Serve participants in a timely manner
- Apologize for any inconvenience
- Make participants feel appreciated

Remember: Your participant is your most important asset!

Questions



Contact Information

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- **Carlotta Dixon, MHS, CPM**
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THANK YOU