

# MINNESOTA DEPARTMENT OF HUMAN SERVICES

## CIVIL RIGHTS PLAN

Civil rights coordinator: (651) 431-3034 (voice)  
ADA coordinator: (651) 431-3039 (voice)  
Limited English proficiency (LEP) coordinator: (651) 431-4018 (voice)



Minnesota Department of **Human Services**

Office for Equal Opportunity

P.O. Box 64997

St. Paul, MN 55164-0997

Voice: (651) 431-3040

TTY/TDD: (866) 786-3945

Minnesota Relay: (800) 627-3529

Fax: (651) 431-7444

[dhs.equalopportunity@state.mn.us](mailto:dhs.equalopportunity@state.mn.us)

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This information is available in alternative formats to individuals with disabilities by calling your agency at (651) 431-3040 (voice). TTY users can call directly at (866) 786-3945. TTY users can also call through the Minnesota Relay (800) 627-3529. For Speech-to-Speech, call (877) 627-3848. For additional assistance with legal rights and protections for equal access to human service benefits, contact your agency's ADA coordinator.

Attention. If you want free help translating this information, call (651) 431-3040.

ملاحظة: إذا أردت مساعدة مجانية في ترجمة هذه المعلومات، فاتصل على الرقم (651) 431-3040.

កំណត់សំគាល់ បើអ្នកចង់បានជំនួយបកប្រែព័ត៌មាននេះដោយមិនគិតថ្លៃ សូមទូរស័ព្ទទៅ (651) 431-3040 ។

Pažnja. Ako vam je potrebna besplatna pomoć za prevod ove informacije, nazovite (651) 431-3040.

Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu (651) 431-3040.

ໂປດຊາບ. ຖ້າຫາກທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປຂໍ້ຄວາມດັ່ງກ່າວນີ້ພຣີ, ຈົ່ງ ໂທຮັຫາ (651) 431-3040.

Hubaddhu. Yoo akka odeeffannoon kun sii hiikamu gargaarsa tolaa feeta ta'e, lakkoofsi bilbiltu (651) 431-3040.

Внимание: если вам нужна бесплатная помощь в переводе этой информации, позвоните (651) 431-3040.

Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la'aan ah, wac (651) 431-3040.

Atención. Si desea recibir asistencia gratuita para traducir esta información, llame al (651) 431-3040.

Chú Ý. Nếu quý vị cần dịch thông-tin này miễn phí, xin gọi (651) 431-3040.

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## Purpose and Introduction

The mission of the Minnesota Department of Human Services (DHS) is to assist eligible individuals and families living in Minnesota to meet basic human needs. To make services possible, DHS receives federal financial assistance from the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Agriculture (USDA).

As a primary recipient of HHS and USDA funds for human services programs in Minnesota, DHS is responsible for providing core services through its many agencies and providers to assist and support Minnesota's most vulnerable populations. The Office for Civil Rights (OCR) within HHS enforces federal civil rights laws to assure that all individuals receive equal access to program services and information and that those programs are operated and provided in a nondiscriminatory manner. In addition to federal law, Minnesota state law also assures freedom from unlawful discrimination in public services.

DHS has a civil rights plan to ensure the state's compliance with federal and state civil rights laws intended to bring all individuals into the mainstream of public life. The plan also ensures that civil rights policies, procedures and other access-related requirements are consistently applied agencywide. DHS executes a written assurance of compliance as required by USDA's Food and Nutrition Service and maintains additional assurances of compliance as necessary.

The purpose of the DHS Civil Rights Plan is to ensure that applicants, clients and members of the public are not discriminated against on the basis of: **race, color, national origin, sex, sexual orientation, age, creed, religion, political beliefs, disability or status with regard to public assistance**. The plan also serves as a source of information for department staff and the general public by setting out the civil rights administrative policies and procedures, identifying key contact persons within the agency, and linking the reader to applicable laws and guidelines.

Finally, DHS civil rights staff is available as a resource for technical assistance necessary for the development of civil rights policies, procedures and related matters.

## Authorities and Definitions

### Federal Authorities

- **Title VI of the Civil Rights Act of 1964**, 42 U.S.C. 2000 *et seq.*; 45 CFR Part 80  
<http://www.hhs.gov/ocr/part80rg.html>.
- **Section 504 of the Rehabilitation Act of 1973**, 29 U.S.C. 794; 45 CFR Part 84  
<http://www.hhs.gov/ocr/504part84.html>.
- **Americans with Disabilities Act of 1990, Title II**, 42 U.S.C. 12131; 28 CFR Part 35  
<http://www.usodg.gov/crt/ada/reg2.html>.

- **Age Discrimination Act of 1975**, 42 U.S.C. 6101; 45 CFR Part 91  
<http://www.hhs.gov/ocr/agereg.html>.
- **Food Stamp Act of 1977**, 7 U.S.C. 2011 *et seq.*  
<http://www.fns.usda.gov/fsp/rules/Legislation/pdfs/fsa77.pdf>.

Note: For a full list of legal authorities and descriptions, see the appendix.

## State Authorities

- **Minnesota Human Rights Act (MHRA)**, Minn. Stat. 363A  
[http://www.humanrights.state.mn.us/attorneys\\_363.html](http://www.humanrights.state.mn.us/attorneys_363.html)

## Definitions of Terms

**Age:** The term “age” refers to how old a person is, or the number of years from the date of a person’s birth.

**Applicant (for Services):** An “applicant” is a person who has submitted an application or request for services for whom no decision has been made regarding eligibility.

**Civil Rights Complaint (Discrimination Complaint):** A “civil rights complaint” is a person’s complaint about the conduct, behavior, or adverse actions of another person when the complainant believes the behavior was related to the complainant’s race, color, national origin, sex, sexual orientation, age, creed, religion, political beliefs, disability or status with regard to public assistance.

**Civil Rights Assurance of Compliance:** A “civil rights assurance of compliance” is a contract between or among entities that demonstrates a recipient’s voluntary intent to comply with federal and state civil rights laws and regulations. The assurance also confirms a recipient’s commitment to provide services and programs in a nondiscriminatory manner to applicants, clients and members of the public.

**Civil Rights Plan:** A “civil rights plan” is a written document that sets out an agency’s civil rights administrative policies and procedures to ensure that applicants, clients, and members of the public receive equal access to human services programs and program information and that civil rights requirements are consistently applied agencywide. A civil rights plan also serves as a valuable resource tool for employees and clients alike. It sets forth policies and guidance in handling and preventing complaints of discrimination and contains important contact information, as well as the equal opportunity and limited English proficiency policies and procedures.

**Client:** In this document, a “client” is a person who is an applicant, beneficiary or member of the public.

**Discrimination:** The term “discrimination” refers to exclusion from participation in, denial of the benefits of, or other subjection to discrimination under any programs to which Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment Act of 1972, Age Discrimination Act of 1975, Community Service Assurance of the Hill-Burton Regulations and the Omnibus Budget Reconciliation Act of 1981 applies. Accordingly, discrimination may be alleged on the grounds of race, color, national origin, sex, sexual orientation, age, creed, religion, political beliefs, disability or status with regard to public assistance.

**Discrimination Complaint:** See “Civil Rights Complaint.”

**Equal Opportunity:** The term “equal opportunity” refers to equal access to federal assistance programs, services, and benefits by all applicants, clients and members of the public regardless of race, color, national origin, sex, sexual orientation, age, creed, religion, political beliefs, disability or status with regard to public assistance.

**Ethnicity:** The term “ethnicity” for purposes of this civil rights plan refers to the program data collected on the following ethnic groups:

(1) **Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term “Spanish origin” can be used in addition to “Hispanic or Latino.”

(2) **Not Hispanic or Latino.**

**Federal Financial Assistance:** The term “federal financial assistance” means any grant or loan of federal funds, the grant or donation of federal property and interests in property, the detail of federal personnel, the sale and lease of and the permission to use federal property or any interest in federal property and any federal agreement, arrangement or other contract that provides assistance.

**Food and Nutrition Services (FNS):** “FNS” refers to the nutrition assistance programs administered by the U.S. Department of Agriculture (USDA). The mission of the FNS is to provide children and needy families with better access to food and a more healthful diet through its food assistance programs and comprehensive nutrition efforts.

**Food Support:** “Food Support” is a federally funded program authorized by the USDA to provide food assistance to low-income individuals or families. The USDA Food Stamp program is known as Food Support in Minnesota.

**Limited English Proficiency (LEP):** A person with “limited English proficiency” or “LEP” is not able to speak, read, write or understand the English language well enough to allow him/her to interact effectively with health and social services agencies and other providers.

**National Origin:** The term “national origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.

**Participant:** A “participant” is a person who receives assistance, services or benefits.

**Protected Information:** The term “protected information” is data that is confidential and not readily available to the public, which, if disclosed, would identify an individual or be used in connection with other information to identify an individual. This type of information is protected, whether it is in writing, in an electronic medium or communicated orally.

**Qualified Individual with a Disability:** The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

**Disability:** The term “disability” means, with respect to an individual:

- (A) A physical or mental impairment that substantially limits one or more of the major life activities of such individual
- (B) A record of such an impairment
- (C) Being regarded as having such impairment.

**Race:** The term “race” for purposes of this civil rights plan, refers to the data collected on individuals in the following racial categories:

(1) **American Indian or Alaskan Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

(2) **Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

(3) **Black or African American.** A person having origins in any of the black racial groups of Africa.

(4) **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

(5) **White.** A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

**Recipient of Federal Financial Assistance:** A “recipient of federal financial assistance” is any state agency, state agency local counterpart, and state agency vendor participating in a federal financially assisted health, welfare and social service program.

**Subrecipient:** A “subrecipient” is generally regarded as a recipient of federal financial assistance and has all the duties of a recipient in these regulations, but receives federal/state funds through a primary recipient.

**Service Area:** The “service area” is the geographic area from which customers for your services are drawn (e.g. countywide, multi-county).

**Vendor:** A “vendor” is a provider of goods and services.

## Civil Rights Coordinator (Contact Person)

DHS has a **civil rights coordinator** who serves as the department’s primary contact on civil rights matters and works to ensure that applicants, clients, and members of the public have equal and meaningful access to programs and services. The civil rights coordinator is responsible for:

- Handling discrimination complaints
- Keeping civil rights documents and records
- Providing information about civil rights laws to DHS for staff, county and community agencies, applicants, clients and members of the public.
- Acting as a liaison between DHS and the U.S. Departments of Health and Human Services, Office for Civil Rights (HHS/OCR) and Agriculture (USDA) and community groups concerned with nondiscriminatory treatment in service delivery.
- Providing training and education on civil rights to DHS, county agencies and other providers.
- Providing information about civil rights laws to DHS, county staff, community agencies, applicants, clients and members of the public.

You may call or write to the Office for Equal Opportunity at DHS to reach the civil rights coordinator. See subsection “**File a Complaint**” of the “**Discrimination Complaint/Grievance Procedure**” Section for the civil rights coordinator contact information.

## Policy for Equal Opportunity in Service Delivery

It is the policy of the Minnesota Department of Human Services (DHS) to ensure that information about program benefits and services are made available to everyone and provided to all eligible individuals without discrimination, in compliance with federal and state civil rights laws.

DHS employees, programs, and policies cannot discriminate against clients or applicants for services on the basis of race, color, national origin, sex, sexual orientation, age, creed, religion, political beliefs, disability or status with regard to public assistance. DHS

employees, programs, and policies must also allow physical and program access for individuals with disabilities.

This civil rights policy covers DHS' full range of program benefits and services, including, but not limited to, access to information about services, eligibility determinations, intake and admission procedures and treatment. This policy applies to all of DHS' programs and services including those receiving state and federal financial assistance. It applies to programs and services conducted directly by DHS and its State Operated Services and those carried out by other public or private agencies or providers under contracts, licenses or other arrangements.

Some state laws provide greater protections than federal law. In these cases, DHS and other human services agencies and service providers doing business in Minnesota must follow state laws.

## Civil Rights/Discrimination Complaint Procedures

You have the right to fair treatment if you are an applicant, client, or member of the public trying to access human services program information or benefits. You may file a complaint if you believe you have been discriminated against because of your **race, color, national origin, sex, sexual orientation, age, creed, religion, political beliefs, disability** or because of your **public assistance status**. Someone discriminates against you when he/she wrongfully denies you services or treats you differently than others because of something about you, such as your race, skin color or because you have a disability.

### How to File a Complaint

You may file a civil rights complaint with DHS. You must file your complaint within **one-year** of the alleged discrimination. DHS may extend the one-year period if you can show good cause for not filing sooner. Your complaint must be filed **in writing**. This means you must complete and sign DHS' discrimination complaint form. To ask for a complaint form, call or write to the address below or you may access the complaint form on the DHS Web site at: <http://edocs.dhs.state.mn.us/lfservlet/Legacy/DHS-2807-ENG>.

#### Mail:

Civil Rights Coordinator  
Minnesota Department of Human Services  
Office for Equal Opportunity  
PO Box 64997  
St. Paul, MN 55164-0997

#### Phone:

(651) 431-3040 (Voice)  
(866) 786-3945 (TTY/TDD)  
(800) 627-3529 (Minnesota Relay)  
(877) 627-3848 (Speech-to-Speech Relay)

(651) 431-7444 (Fax)

**E-mail:** [dhs.equalopportunity@state.mn.us](mailto:dhs.equalopportunity@state.mn.us)

**Note:** If you do not wish to file a formal written complaint, but you would like to discuss your concerns regarding possible discrimination with the Civil rights coordinator, you may call, write, fax or e-mail at the contact information above. Let the Civil rights coordinator know that you are not filing a written complaint.

## **Help To File Your Complaint**

If you have any questions or need help to file your complaint, write, call, fax or e-mail the Civil rights coordinator at the contact information above.

## **Complaint Resolution**

Upon receiving your complaint, DHS will review it and notify you in writing, within 30 days, regarding whether it has the authority to investigate. If DHS has the authority to investigate and your complaint includes facts that support the allegations of discrimination, DHS will conduct a prompt and thorough investigation to determine whether the facts support a finding of discrimination.

If DHS concludes the facts do support a finding of discrimination, it will take appropriate action to correct the discriminatory practice. DHS will notify you of the outcome of the investigation within 60 days of the date the investigation began. Depending upon circumstances involved, there may be reason to extend this time line.

## **Appeal/Investigation Outcome**

You have the right to appeal the outcome of the investigation if you are not satisfied with the decision. To appeal, you must send a written request to review the outcome of the investigation. Be brief and state why you disagree with the decision, plus any additional information that may apply. Send your request to the attention of the Civil rights coordinator in the DHS Office for Equal Opportunity, Affirmative Action and Civil Rights. Use the address listed above. You may appeal two times. The second and final review will go to the director and that decision will be DHS' final determination. (This appeal process is not the same appeal process that DHS offers to challenge program decisions.)

DHS is not an enforcement agency. It can investigate situations where policies prohibiting discrimination may have been violated. You are always free to file a discrimination complaint with other appropriate agencies, including enforcement agencies.

**Note:** This appeal process pertains to complaints filed relating to discrimination in service delivery. If you feel you have wrongly been denied benefits because of some other factor not related to discrimination, contact the Appeals and Regulations Division at (651) 431-3600 to request a fair hearing. For additional information on DHS' Web site:

[http://www.dhs.state.mn.us/main/idcplg?IdcService=GET\\_DYNAMIC\\_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id\\_008649](http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_008649)

## Nonretaliation Policy

If you file a complaint, the people who work for the agency named in the complaint cannot retaliate against you. This means they cannot punish you in any way for filing the complaint. This protection against retaliation also protects anyone who gives information about the complaint on your behalf. If you experience retaliation, report it right away to the Office for Equal Opportunity at DHS.

## Enforcement Agencies

In accordance with state and federal laws, you may also file a complaint with the following agencies:

- **Minnesota Department of Human Rights**  
The Minnesota Department of Human Rights enforces the Minnesota Human Rights Act. **You have one year after the alleged discrimination has occurred to file a complaint.** For more information, contact:  
Minnesota Department of Human Rights  
Army Corps of Engineers Centre  
190 E. Fifth St.  
St. Paul, MN 55101  
(800) 657-3704 (voice)  
(651) 296-1283 (TTY/TDD)  
<http://www.humanrights.state.mn.us/>
- **U.S. Department of Health and Human Services, Office for Civil Rights (OCR)**  
The federal Office for Civil Rights (OCR) carries out federal laws that protect you from discrimination in human services programs receiving federal funds from the U.S. Department of Health and Human Services. **You have 180 days after the alleged discrimination has occurred to file a complaint.** For more information, contact:  
Office for Civil Rights  
U.S. Department of Health and Human Services  
Region V  
233 N. Michigan Ave., Suite 240  
Chicago, IL 60601  
(312) 886-2359 (voice)  
(312) 353-5693 (TTY/TDD)  
<http://www.hhs.gov/ocr/>
- **U.S. Department of Agriculture (USDA)**  
The U.S. Department of Agriculture oversees the federal Food Stamps or Food Support programs. State and county agencies run the programs for the USDA. If you believe you were discriminated against in receiving food support services, **you have**

**180 days after the alleged discrimination has occurred to file a complaint.** For more information, contact:

USDA  
Director, Office of Civil Rights  
1400 Independence Ave. SW  
Washington, D.C. 20250-9410  
(800) 795-3272 (voice)  
(202) 720-6382 (TDD)  
<http://www.fns.usda.gov/>

## **Information Privacy Protection**

DHS employees and agents (including its contractors) may, on occasion, as part of job-related responsibilities, obtain, use, or disclose private or confidential data, including protected health information (referred to below, collectively, as “protected information”).

### **Duty to Ensure Proper Handling of Data**

DHS and its contractors are responsible for training employees who are authorized to access and use the data collected under the terms and for the purposes specified in the contract. This responsibility includes ensuring that staff is properly trained regarding:

- The Health Insurance Portability and Accountability Act (HIPAA), 45 CFR. Parts 160, 162, and 164.
- The Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes Chapter 13, in particular, §13.36 (“welfare data”).
- The Minnesota Medical Records Act, Minn. Stat. §144.335.
- Federal law and regulations that govern the use and disclosure of substance abuse treatment records, 42 USCS § 290dd-2 and 42 CFR § 2.1 to § 2.67.
- Any other applicable state and federal statutes, rules, and regulations affecting the collection, storage, use and dissemination of private or confidential information.

### **Minimum Necessary Access to Data**

DHS and its contractors shall comply with the “minimum necessary” access and disclosure standards set forth in the Data Practices Act. The dissemination of protected information is limited to “that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.” See Minnesota Statutes, § 13.05, subd. 3.  
DHS and its contractors shall:

- Not use or further disclose the information other than as permitted or required by law.
- Use appropriate safeguards to prevent improper use or disclosure of the information by its employees and contractors.
- Appropriately respond to any known improper use or disclosure of protected information.
- Ensure that any agents, analysts, and others to whom it provides private or confidential data, agree to be bound by the same restrictions and conditions that apply to them with respect to such information.
- At termination of any contract, extend the protections of the contract to the information collected during the course of the contract.

## **Emergency Situations**

Information privacy protection regulations permit DHS' employees and agents to release private information concerning a client to third parties, including a family member or friend, in emergency situations without the client's written, informed consent. It is an emergency if knowledge of the information is necessary to protect the health and safety of the client or other persons. Staff should consult with a supervisor and the DHS data privacy attorney when determining whether an emergency exists and would require releasing private client data without the client's written informed consent.

## **DHS Civil Rights Plan Administration**

### **DHS Staff Training**

The department will distribute the DHS Civil Rights Compliance Plan and provide periodic training so that DHS employees and staff with ongoing client contact understand their responsibilities and obligations under pertinent civil rights laws and regulations. Training will be conducted as part of DHS new employee orientation and will include information on the following topics:

- DHS' legal obligation to ensure that human services programs are accessible to all in a nondiscriminatory manner
- The substance of DHS' Civil Rights Plan
- Civil rights contact information.

## Subrecipient Compliance Obligations

To satisfy HHS and USDA civil rights compliance obligations, subrecipients, such as county human services agencies, among others, must do the following within a reasonable period after appropriate notification by DHS:

- Develop and disseminate (internally and externally) a written equal opportunity policy that addresses service delivery.
- Develop and disseminate (internally and externally) a policy and procedure for receiving, investigating and resolving discrimination complaints related to service delivery.
- Sign and return the Civil Rights Assurance of Compliance, which confirms the entity's commitment to comply with applicable civil rights laws, regulations and OCR guidelines. DHS will supply the Civil Rights Assurance of Compliance form and maintain program data on race and ethnicity. Where there is a request or demand on DHS for such data, the subrecipient shall assist by providing protected class information upon request.

## Data Collection and Record Keeping

DHS must maintain program data on race and ethnicity on potentially eligible populations, applicants and participants in the program service area. The information requested from clients is in response to HHS and USDA data collection requirements. The categories of racial data the federal government requires DHS to maintain is data on American Indian or Alaska Native, Asian, black or African American, Native Hawaiian or other Pacific Islander and White. Ethnicity refers to whether the individual is of Hispanic or Latino origin. Racial and ethnic data collected must identify the total actual number of individuals among these classes, not estimates.

Clients are asked to self-disclose their race and ethnicity, and clients should be notified that they have the right to refuse to provide this information. If they refuse, however, workers must inform clients that the worker is obligated to make a best guess as to the client's race and/or ethnicity because DHS is obligated under federal law to maintain this information to assure its civil rights compliance. DHS is not violating civil rights law in identifying a client's race and ethnicity because the federal government is required to collect and maintain specific class program data to determine accurate program participation. This data will **not** be used to discriminate against clients.

## Monitoring

DHS recognizes that its responsibility to maintain compliance and that all subrecipients providing services under DHS' programs and activities are also compliant. DHS will assist subrecipients in achieving their compliance obligations by:

- Providing all county welfare departments and human service boards and other provider entities with a clear written explanation of their responsibilities
- Providing all county welfare departments, human service boards and other provider entities with an Assurance of Compliance
- Conducting periodic compliance reviews where necessary of service providers' policies, procedures and operations to determine compliance status. Reviews may be conducted under circumstances where discrimination is alleged or suspected.

DHS is required to document compliance reviews, keep reports of the requested information and monitor compliance of its own facilities and subrecipients. It must submit reports to HHS/OCR and USDA/FNS on an “as needed” basis for the purpose of determining recipient and/or subrecipient compliance status and permit HHS/OCR and USDA access to facilities, records and other information.

## **Civil Rights Plan Distribution and Public Posting**

Upon completion and approval by DHS management, the civil rights plan will be:

- Available in the Equal Opportunity Office for review
- Accessible to all DHS staff via posting on the DHS intranet
- Posted for public review on the DHS public Web site and available in the lobby.

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

Under Title VI of the Civil Rights Act of 1964, it is unlawful for entities receiving federal financial assistance to discriminate on the basis of national origin, which includes an individual's native language. DHS is committed to providing applicants, clients and members of the public with meaningful access to programs and services, though they may be limited in their English language proficiency. DHS will provide for effective communication between clients with LEP and DHS staff by making appropriate language assistance services available when clients need these services in a timely manner and at no cost to the client.

A copy of the DHS' LEP plan in its entirety may be accessed online at: <http://edocs.dhs.state.mn.us/lfsrver/Legacy/DHS-4210-ENG>.

## **Americans with Disabilities Act Compliance**

DHS is committed to ensuring equal access to human services for individuals with disabilities. Title II of the Americans with Disabilities Act of 1990 (ADA) protects “qualified

individuals with disabilities” from discrimination because of disability in receiving state and local government benefits. Title II extends the discrimination prohibition of federally assisted programs in Section 504 of the Rehabilitation Act of 1973 to all services, programs, or activities of state and local governments, regardless of whether they receive federal assistance.

DHS’ compliance with the ADA is maintained by the department’s ADA coordinator. The work involves investigating discrimination complaints, providing auxiliary aids and services, and modifying policies and procedures to ensure program access to applicants and clients with disabilities. DHS is required to provide such individuals with these reasonable accommodations unless the result would fundamentally alter the nature of its business or otherwise cause an undue burden to it.

You may call or write to the Office for Equal Opportunity at DHS to contact the ADA coordinator. More information about the ADA’s requirements for state and local governments and how to file a complaint is in DHS’ disability brochure online at: <http://edocs.dhs.state.mn.us/lfsrver/Legacy/DHS-4133-ENG>.

## **Office for Equal Opportunity staff**

The DHS Office for Equal Opportunity manages agencywide civil rights policies, monitoring and compliance, complaint resolution and training. This includes policies covering DHS, counties and other federally funded human service providers.

Director  
Office for Equal Opportunity  
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Civil rights coordinator  
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ADA coordinator  
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Coordinator for diversity and cultural competency  
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Equal opportunity consultant  
Minnesota Merit System county human service agencies  
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Equal opportunity consultant  
SOS and Central Office affirmative action, equal opportunity and civil rights  
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## Appendix

### Summary of Civil Rights Laws

#### Federal authorities

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

Title VI of the Civil Rights Act of 1964 is a federal law that protects eligible people from discrimination based on their **race, color, or national origin** in programs and activities that receive federal financial assistance.

Statutory citation: 42 U.S.C. 2000 *et seq.*

Regulatory citation: 45 CFR Part 80

<http://www.hhs.gov/ocr/part80rg.html>.

- **Section 504 of the Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act is a federal law that protects **qualified individuals with disabilities from discrimination based solely on their disability**.

Statutory citation: 29 U.S.C. 794

Regulatory citation: 45 CFR Part 84

<http://www.hhs.gov/ocr/504part84.html>.

- **Americans with Disabilities Act of 1990, Title II**

Title II of the Americans with Disabilities Act is a federal law that protects qualified individuals with disabilities from **discrimination on the basis of their disability when the discrimination occurs in state/local government services**. This law extends to **ALL activities of the state and local governments**, including those that do not receive federal financial assistance.

Statutory citation: 42 U.S.C. 12131

Regulatory citation: 28 CFR Part 35

<http://www.usodg.gov/crt/ada/reg2.html>.

- **Title II Technical Assistance Manual (1993)**

The Technical Assistance Manual addresses the requirements of Title II as they apply to the operations of state and local governments.

Regulatory citation: 28 CFR Part 35.102-35.104

<http://www.ada.gov/taman2.html>.

- **Age Discrimination Act of 1975**

The Age Discrimination Act is a federal law that protects people from discrimination based on their **age** in programs/activities that receive federal financial assistance.

Statutory citation: 42 U.S.C. 6101

Regulatory citation: 45 CFR Part 91

<http://www.hhs.gov/ocr/agereg.html>.

- **Community Service Assurance Provisions of the Hill-Burton Act**  
 The Hill-Burton Act is a federal act that gives hospitals and other health facilities money to build and remodel in return for providing limited health care services to people living in the area who cannot pay for health care. The nondiscrimination provisions of the Hill-Burton Act protect people from **discrimination on any ground not related to their need for the service** provided by the entity.  
 Statutory citation: 42 U.S.C. 291 et seq.  
 Regulatory citation: 45 CFR Part 124  
<http://www.hhs.gov/ocr/hbcsreg.html>.
- **Nondiscrimination Provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (federal block grants)**  
 The nondiscrimination provisions of OBRA protect service applicants and clients from discrimination on the basis of **race, color, national origin, disability and age** and in some cases **sex and religion** in programs/activities funded by federal block grants.  
 Regulatory citation: 45 CFR Part 96  
<http://www.acf.hhs.gov/programs/liheap/guidance/regulations/regs.html>.
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP)**  
 The executive order requires federal agencies to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and clients.  
<http://www.usdoj.gov/crt/cor/13166.htm>.
- **Family Violence Prevention and Services Act**  
 The nondiscrimination provisions of the Family Violence Prevention Services Act protects applicants and clients from discrimination on the basis of **race, color, national origin, age, disability, sex or religion**.  
 Statutory citation: 42 U.S.C. 10406  
<http://www.usdoj.gov/crt/cor/byagency/hhs10406.htm>.
- **Interethnic Adoption Act**  
 The Interethnic Adoption Act is a federal law that that prevents individuals or government agencies involved in adoption or foster care placement from denying or delaying the placement of a child on the basis of **the race, color, or national origin of the individual or child**.  
 Statutory citation: 42 U.S.C. 1996b  
<http://www.hhs.gov/ocr/mepa/>.
- **Food Stamp Act of 1977**  
 The Food Stamp Act of 1977 includes nondiscrimination compliance requirements and bilingual requirements for the Food Stamp Program. The U.S. Department of Agriculture prohibits discrimination in all its programs and activities on the basis of **race, color, sex, age, disability, religion, and national origin** and **requires that bilingual services are**

provided in areas with a significant proportion of non-English or limited English-speaking people.

Statutory citation: 7 U.S.C. 2011 *et seq.*

<http://www.fns.usda.gov/fsp/rules/Legislation/pdfs/fsa77.pdf>.

- **Nondiscrimination Compliance Requirements in the Food Stamp Program, Food and Nutrition Services, U.S. Department of Agriculture**

Regulatory citation: 7 CFR Part 272.6

[http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/cfr\\_2003/pdf/7CFR272.6.pdf](http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/cfr_2003/pdf/7CFR272.6.pdf).

- **Bilingual Requirements in the Food Stamp Program, Food and Nutrition Services, U.S. Department of Agriculture**

Regulatory citation: 7 CFR Part 272.4

[http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/cfr\\_2003/pdf/7CFR272.4.pdf](http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/cfr_2003/pdf/7CFR272.4.pdf).

- **FNS Instruction 113-1, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities, Food and Nutrition Service, U.S. Department of Agriculture**

<http://www.fns.usda.gov/cr/Documents/113-1.pdf>.

## State Authorities

- **Minnesota Human Rights Act (MHRA)**

The Minnesota Human Rights Act is a state law that protects applicants and clients of public services from discrimination on the basis of **race, color, creed, religion, nation origin, disability, sex, sexual orientation or status with regard to public assistance.**

Statutory citation: Minn. Stat. 363A

[http://www.humanrights.state.mn.us/attorneys\\_363.html](http://www.humanrights.state.mn.us/attorneys_363.html)

## Resources

### DHS

DHS' Limited English Proficiency Plan: Go to the DHS public Web Site at [www.dhs.state.mn.us](http://www.dhs.state.mn.us); from there choose the Limited English Proficiency page; then choose the LEP Plan.

### Federal

U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR):  
[www.hhs.gov/ocr](http://www.hhs.gov/ocr)

HHS/OCR Disability Policy Guidance in the TANF Program: [www.hhs.gov/ocr/prohibition.htm](http://www.hhs.gov/ocr/prohibition.htm)

HHS/OCR Limited English Proficiency Guidance: [www.hhs.gov-ocr-lep-lep\\_guidance080403.pdf](http://www.hhs.gov-ocr-lep-lep_guidance080403.pdf)

U.S. Department of Agriculture Food and Nutrition Service Instruction on Civil Rights Compliance in the Food Stamps Program: [www.fns.usda.gov/cr/Documents/113-1.pdf](http://www.fns.usda.gov/cr/Documents/113-1.pdf)

Information and Technical Assistance on the Americans with Disabilities Act: [www.ada.gov](http://www.ada.gov)

Federal Interagency Web Site on Limited English Proficiency: [www.LEP.gov](http://www.LEP.gov)