



HHS CIVIL RIGHTS POLICY FOR HHS SERVICE DELIVERY CIRCULAR C-001

Purpose

To ensure non-discrimination in the delivery and provision of services to Texas Health and Human Services (HHS) applicants, clients, and the public.

Policy

HHS will not, directly or by contract discriminate against any person in the delivery of services on the basis of race, color, national origin, sex, age, religion, or disability, and in certain programs political beliefs or sexual orientation. (Not all bases apply to all programs.)

HHS will take reasonable steps to communicate with and provide meaningful access to programs, services, and activities to persons with limited English proficiency (LEP) and persons with disabilities. See HHS Circular C-013, Health and Human Services Language Services Policy.

HHS will not, directly or by contract, intimidate, threaten, coerce, discriminate, or retaliate against any person for the purpose of interfering with any right protected under civil rights laws, statutes, or policies or because the person:

- opposes any discriminatory practice,
- files a charge or complaint, or
- testifies, assists, or participates in any manner in a civil rights investigation, proceeding, or hearing.

Legal Bases

This policy is governed by state and federal laws, regulations, and agreements, including:

- Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.)
- Age Discrimination Act of 1975, as amended (42 U.S.C. 6101)
- Rehabilitation Act of 1973, Section 504, as amended (29 U.S.C. 794)



- Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 et seq.)
- Food and Nutrition Act of 2008, as amended (7 U.S.C. 2011 et seq.)
- Title IX of Educational Amendments of 1972, as amended (20 U.S.C. §§ 1681 et seq.)
- Title V of the Social Security Act of 1935, as amended (42 U.S.C. 701 et seq.)
- Civil Rights Restoration Act of 1987 (Pub. L. No. 100-259, 102 Stat. 28)
- Individuals with Disabilities Education Act, as amended (20 U.S.C. § 1400)
- U.S. Department of Agriculture (USDA) Food and Nutrition Services Instruction 113-1
- USDA Food Safety and Inspection Service Directives 1510.1 and 1520.1
- U.S. Department of Health and Human Services (USDHHS) Methods of Administration
- Texas Civil Practice and Remedies Code, Chapters 106 and 110
- Texas Government Code, § 2054.457, Access to Electronic and Information Resources by Other Individuals with Disabilities
- Texas Government Code, § 2054.116, Spanish Language Content on Agency Web Sites
- Texas Human Resources Code, Chapter 121. Rights and Responsibilities of Persons with Disabilities
- Texas Administrative Code, Title 1. Administration, Part 15. Health and Human Services Commission, Chapter 395. Civil Rights (1 T.A.C. 395)
- Administrative rules for HHS set forth in the Texas Administrative Code

Review of Policies and Procedures

HHS and the Civil Rights Office (CRO) will regularly review HHS policies and procedures to ensure compliance with civil rights requirements.

Prohibited Discriminatory Practices

HHS will not discriminate on the grounds of race, color, religion, national origin, age, sex, or disability, and in certain programs political beliefs or sexualorientation,



in the use of physical facilities; intake and application procedures; caseload assignment; determination of eligibility; the amount and type of aid, care, services, and other benefits under the program; and the use thereof. (Not all bases apply to all programs.) HHS will take steps to ensure compliance with the requirements of the Methods of Administration agreement with the U.S. Department of Health and Human Services. To obtain a copy, contact the CRO at HHSCivilRightsOffice@hsc.state.tx.us.

Discrimination on the Basis of Disability

HHS will not exclude from participation in, deny the benefits of, or subject to discrimination any person with a disability under any program or activity conducted by HHS, HHS contractors, or other entities providing HHS benefits or services.

To ensure persons with disabilities have access to programs and activities, HHS will seek to:

- ensure physical accessibility of facilities,
- make reasonable modification to policies and procedures, and
- provide auxiliary aids and services as necessary. See related policies HHS Circulars: C-024 Health and Human Services System Electronic and Information Resources (EIR) Accessibility and C-039 Reasonable Modifications for Applicants of Licensing and Certification Exams.

Dissemination of Information and Nondiscrimination Protections

HHS will inform applicants, clients, beneficiaries, and the public about its programs, services, and protections against discrimination. This information will be distributed to persons in a non-discriminatory manner, including persons with LEP and persons with disabilities.

Civil Rights Training

HHS will provide periodic training to ensure staff understand their responsibilities deliver programs and services in a non-discriminatory manner. The CRO will conduct periodic reviews of training to ensure civil rights compliance.



Compliance Reviews of HHS Programs

The CRO will conduct periodic reviews of HHS programs for compliance with federal and state civil rights laws, regulations, and guidelines.

Compliance by Vendors, Contractors and Other Participants

HHS' obligation for compliance extends to vendors, contractors, and other agencies, or organizations who administer their programs. HHS will:

- provide vendors and other participants a clear written explanation of their responsibilities;
- include the standard civil rights clause in contracts involving contact with clients and the public; and
- provide technical assistance to contractors and other participants to ensure they fully understand their responsibilities.

Designation of HHS Section 504/ADA Coordinator

The Civil Rights Director will serve as the Section 504/ADA Coordinator for HHS in accordance with the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended.

Discrimination Complaints

The CRO will maintain policies and procedures for filing discrimination complaints against HHS or its contractors.

The CRO shall serve as the official repository of all discrimination complaints and related data. Confidentiality of discrimination complaint records will be maintained to the extent required or allowed under state and federal law.

Any HHS employee, contractor, or vendor who receives a discrimination complaint against or involving any HHS program or service shall forward the complaint to the CRO within 10 calendar days of receipt.

A complaint may be filed with HHS and/or its federal funding agencies. The procedures for filing discrimination complaints with HHS and the applicable federal agency must be explained to each person who wants to file a discrimination complaint, and assistance in filing the complaint must be given if requested.

The complainant should file a complaint no more than 180 calendar days from the date of the alleged discriminatory action. The time period for filing a complaint may be extended by the CRO or the appropriate federal agency.



Filing Discrimination Complaints

A complaint may be filed with the CRO by submitting an HHS Client Complaint of Discrimination form through personal contact, letter, email, fax, or phone. Complaints may be sent to CRO offices located throughout the state.

Complaints about an HHS program funded by a federal agency may be filed with that federal agency. For contact information and instructions on how to file a complaint, contact the CRO or refer to the CRO webpage.

Inquiries

Inquiries regarding the content of this circular can be directed to the Civil Rights Office of the Health and Human Services Commission by e-mail at HHSCivilRightsOffice@hpsc.state.tx.us or by phone at 1-888-388-6332.