



## **HHS Circular C-001 Civil Rights Policy for HHS Service Delivery**

### **Purpose**

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

### **Policy**

HHS agencies will not, directly or through contractual or other arrangements, exclude, deny benefits, limit participation, or otherwise discriminate against any person in the delivery of services on the basis of race, color, national origin, sex, age, religion, or disability, or in certain programs political beliefs, or sexual orientation. (Not all bases apply to all programs.)

HHS agencies will take reasonable steps to provide meaningful access to programs, services, and activities to persons with limited English proficiency (LEP) and persons with disabilities.

HHS agencies will not, directly or through contractual or other arrangements, intimidate, threaten, coerce, discriminate, or take retaliatory action 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 an investigation, proceeding, or hearing.

### **Legal Bases**

This policy is governed by state and federal laws, regulations, and agreements, including, but not limited to the following:

- 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)

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- 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, Chapter 106
- 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 agencies set forth in the Texas Administrative Code

### **Review of Policies and Procedures Regarding Service Delivery**

HHS agencies and the Texas Health and Human Services Commission (HHSC) Civil Rights Office (CRO) will regularly review HHS policies and procedures to ensure compliance with civil rights requirements.

### **Discriminatory Practices Prohibited in Service Delivery**

HHS agencies will not discriminate on the grounds of race, color, national origin, sex, age, religion, disability, and in certain programs political beliefs or sexual orientation in relation to 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 HHS programs. (Not all bases apply to all programs.)

HHS agencies 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 Civil Rights Office at the number below.)

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## **Discrimination on the Basis of Disability in Service Delivery**

It is HHS policy that no qualified individual with a disability, solely by reason of his or her disability, will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by HHS agencies, contractors, or other entities providing HHS benefits or services.

HHS will seek to ensure physical accessibility of facilities, to make reasonable modification to policies and procedures, and to provide auxiliary aids and services, to ensure meaningful access to its programs and activities.

## **Dissemination of Information**

HHS agencies will make information about its programs, services, and protections against discrimination available to applicants, clients, beneficiaries, and other interested persons. This information will be distributed to persons in a non-discriminatory manner, including persons with LEP and persons with disabilities.

## **Civil Rights Training**

HHS agencies will provide periodic training to ensure staff understand their responsibilities to 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 Agencies**

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 agencies recognize their obligation for compliance extends to service vendors, contractors, and other agencies, institutions, or organizations who administer their programs. HHS agencies 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

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- provide technical assistance to contractors and other participants to ensure they fully understand their responsibilities.

### **Designation of HHS Section 504/ADA Coordinator**

The HHSC Civil Rights Office Director will serve as the Section 504/ADA Coordinator for HHS agencies in accordance with the Rehabilitation Act of 1973.

### **Discrimination Complaints**

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

The CRO shall serve as the official repository of all discrimination complaints and complaint related data.

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

A complaint may be filed with either HHSC and/or its federal funding agencies. Complaints may be initiated by: HHSC Client Complaint of Discrimination form, personal contact, letter, e-mail, fax, internet, or phone. The procedures for filing discrimination complaints with HHSC and external agencies 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 must 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 funding agency.

**Filing Discrimination Complaints with the HHSC Civil Rights Office.** A complaint may be filed with the CRO by submitting an HHSC Client Complaint of Discrimination form or through personal contact, letter, e-mail, fax, internet, or phone. The CRO maintains staff in offices throughout the state. Complaints may be sent to the locations provided in Attachment 1.

**Filing Discrimination Complaints with Federal Funding Agencies.** Complaints may also be sent to federal funding agencies for the specific program where the complaint originated. (See

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Attachment 1.) Any person who articulates a complaint must be advised of the right to file a complaint in either or both systems.

### **Confidentiality**

Confidentiality of discrimination complaint records will be maintained to the extent required or allowed under state and federal law.

### **Related Policies and Procedures**

For additional guidance on civil rights matters regarding HHS service delivery, refer to the following policies and procedures:

- HHS Circular C-013, Health and Human Services Enterprise Language Services Policy
- HHS Circular C-024, Health and Human Services System Electronic and Information Resources (EIR) Accessibility
- HHS Procurement Policy EP 4.07, Civil Rights Language for Contract Terms and Conditions

### **Inquiries**

Inquiries regarding this circular can be directed to Jennifer L. Hall, Civil Rights Director, HHSC Civil Rights Office, at (512) 424-6615 or by e-mail at [Jenny.Hall@hhsc.state.tx.us](mailto:Jenny.Hall@hhsc.state.tx.us). Inquiries can also be e-mailed to [HHSCivilRightsOffice@hhsc.state.tx.us](mailto:HHSCivilRightsOffice@hhsc.state.tx.us).