# PART A, CHAPTER 3.1:BASIC RIGHTS AND NON-DISCRIMINATION

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part A, Chapter 3.1 | 34 CFR [§361.42(c)](https://www.ecfr.gov/current/title-34/part-361#p-361.42(c)), and TWC Rule [§842 Subchapter A](https://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=5&ti=40&pt=20&ch=842&sch=A&rl=Y) | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure TWC-VR applicants, eligible individuals, and customers are afforded their basic rights, including the right to non-discriminatory services.

## DEFINITIONS

Gender Expression: How a person publicly expresses or presents their gender.

Gender Identity: A person's internal and individual experience of gender.

Nondiscrimination: Ensures that no one is denied their rights because of factors such as race, religion, gender, sexuality, etc.

## POLICY

### General Overview

TWC-VR customers are afforded certain basic rights, which include the right to—

* Have informed choice throughout the VR process;
* Be informed in writing of their rights using appropriate modes of communication;
* Receive services that are nondiscriminatory;
* Have their personal information contained in TWC-VR records protected; and
* Appeal decisions regarding their planned services or their eligibility for such services.

### Prohibited Factors

TWC-VR does not exclude, deny benefits to, limit participation of, or otherwise discriminate against any individual who is otherwise eligible for TWC-VR services based on the following:

* Residency: It is not required that a customer reside in Texas to be considered eligible for TWC-VR services; they must simply be present in Texas in order to participate in assessments and services to be eligible for TWC-VR services.
* Race
* Color
* Sex
* National origin
* Age
* Disability
* Religion
* Sexual orientation
* Gender
* Gender identity
* Gender expression
* Source of referral to TWC-VR
* Expected employment outcome, services needed, anticipated cost of services, income level (including families), employment status (including history), and educational status or credentials.

## PROCEDURES

### "Can We Talk?" Brochure

Customer rights applicable to each TWC-VR program are summarized in the "Can We Talk?" brochure. A copy of the brochure must be provided to potentially eligible students with disabilities, applicants, eligible individuals, and customers, at a minimum—

* At application (or when the *Request to Receive Pre-Employment Transition Services [VR1820]* is completed for potentially eligible students with disabilities);
* At the time of initial Individualized Plan for Employment (IPE) or IPE amendment;
* When services are being denied, reduced, suspended, or terminated; and
* Upon customer request.

A case note recording the date and method the brochure was given to the customer must be documented for each occurrence.

### Names and Pronouns

TWC-VR staff must always refer to each customer by the name and the gender-specific pronoun the individual prefers (e.g., he, his, him, she, hers, her, they, them, theirs). If TWC-VR staff members do not know an individual's pronoun preference, they may ask tactfully and respectfully. Continued intentional misuse of a customer's name and pronouns may breach the individual's privacy, put the individual at risk of harm, and, in some circumstances, constitute harassment.

### Civil Rights Complaints

All discrimination complaints received by TWC-VR, either directly from a customer or through an external compliance agency, must be forwarded immediately to the TWC Equal Opportunity (EO) Officer at eo.complaint@twc.texas.gov (Attn: EO Compliance Dept., Fraud Deterrence and Compliance Monitoring Division) by the TWC-VR staff member receiving the complaint. Customers can also be referred immediately to the EO hotline at (512) 463-2400.

Detailed information about policies, services, and procedures may be found at [TWC Equal Opportunity is the Law](https://www.twc.texas.gov/agency/laws-rules-policy/equal-opportunity-law).

## APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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| **Date** | **Type** | **Change Description** |
| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |