

MI-WIC POLICY

Administration

1.0 Administration

Effective Date: 6/1/09

1.09 Civil Rights

PURPOSE: To assure that the civil rights of applicants and clients on the WIC Program are protected.

A. POLICY

1. Local agencies shall include this statement on all local WIC agency developed materials used for WIC applicants and clients that mention WIC:

“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Adjudication and Compliance, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.”

If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, in print size no smaller than the rest of the text, that “This institution is an equal opportunity provider.”

Include the statement on the following:

- a. Application forms
- b. Termination Notice
- c. Notice of Ineligibility
- d. WIC Outreach flyers, brochures, letters, posters, and web sites
- e. WIC Newsletters
- f. Other materials developed by the local agency with WIC funds where WIC is mentioned.
- g. Paid advertisements in newspapers where WIC is mentioned.

For radio and television public service announcements, the statement “WIC is an equal opportunity provider” is sufficient. Nutrition education and breastfeeding promotion and support materials that strictly provide a nutrition message with no mention of the WIC Program, are not required to contain the non-discrimination statement.

2. Local agencies shall display the USDA non-discrimination poster, “...And Justice for All” (Form AD - 475C, Revised 12-99) or an FNS approved substitute in a prominent place, in each clinic site. This poster shall be in English and in languages appropriate to the local population.

3. Local agencies shall collect and report racial and ethnic data on each WIC client.
4. Applicants or clients who choose not to identify a USDA racial/ethnic category shall not be denied WIC benefits. They shall be advised, however, that if they do not self identify an agency employee will assign a category based on perception.
5. If there is a significant population of non-English speaking applicants:
 - a. Local agencies shall assure that appropriate staff, volunteers or other interpretation or translation resources are available to serve clients or applicants.
 - b. Local agencies shall provide written materials and required program information in appropriate language, and read all rights and responsibilities listed on the Michigan WIC Client Agreement (DCH-0172) to applicants in the appropriate language.
6. Discrimination complaints should be forwarded to USDA, Director, Office of Adjudication and Compliance, 1400 Independence Avenue, S.W., Washington, DC 20250-9410.
7. All local agency staff shall be trained annually in areas of civil rights compliance that shall include, but not be limited to, the following:
 - a. Collecting and using racial/ethnic data.
 - b. Effective public notification systems.
 - c. Complaint procedures.
 - d. Compliance review techniques.
 - e. Resolution of non-compliance.
 - f. Requirements for reasonable accommodation of persons with disabilities.
 - g. Requirements for language assistance.
 - h. Conflict resolution.
 - i. Customer Service.
8. WIC forms that request racial/ethnic identification shall also include a statement that the following question is optional. “Your answer will be used for reporting purposes. If you choose not to answer, an agency employee will assign a category to you based on perception.”

9. All new staff shall work through the Civil Rights Self-Instructional Module (DCH-0297) and take the Mastery Test upon completion. The passing grade is 70%. Staff may also use the Blackboard Module #3 on Civil Rights. Staff may take the quiz online and provide a copy to their WIC Coordinator showing a 90% or better score. Names of those passing the test shall be reported annually with the Nutrition Services Plan.
10. Annual Civil Rights policy refresher - those staff who have previously taken and passed the test shall review the Civil Rights policy contents once a year.

B. GUIDANCE

1. Clients should be asked to identify their ethnicity and one or more racial categories that apply to them or their children. If a client declines to identify herself or her children, ethnicity and racial categories may be determined by staff observation.
2. Nutrition Education materials handed out to WIC clients in the program, and not used for outreach purposes, that are not developed or produced by the local agency are not required to contain the non-discrimination statement. If these materials were used for the purpose of outreach to potential applicants and mention the WIC Program, then the non-discrimination statement would be required.
3. Local agency web sites describing the WIC Program should contain the non-discrimination statement.

References:

Federal Regulations 246.8
FNS Instruction 113-1
USDA WIC Program Final Policy Memorandum #2006-3, January 18, 2006.
Civil Rights Training Module, DCH-0297

Exhibit:

1.09A, Discrimination Complaint Form