

MI-WIC POLICY

Administration

1.0 Administration

Effective Date: 09/12/2016

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 the following statement on all local WIC agency developed materials used for WIC applicants and clients that mention WIC:

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Program Complaint](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) Fax: (202) 690-7442; or
- (3) Email: program.intake@usda.gov.

This institution is an equal opportunity provider.

2. 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, "This institution is an equal opportunity provider." Use of the short Nondiscrimination Statement is the exception and should only be used on a limited basis. Local agencies must have a legitimate business reason for using the short statement on documents. Material which informs the public, applicants or participants about the program, how to apply for benefits or that an adverse action will be taken, shall contain the long statement.

Include the statement on the following:

- a. Application forms
- b. Termination Notice
- c. Notice of Ineligibility
- d. WIC Outreach flyers, brochures, letters, posters, and websites. (It is not required that the nondiscrimination statement be on every page of the program information website. At a minimum the **full** nondiscrimination statement, or a link to it, must be included on the home page of the program information.)
- 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 “This institution 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.

3. Local agencies shall display the USDA non-discrimination poster, “And Justice for All” (Form AD--475-A-Assisted Poster/Revised December 2015) 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.
4. Local agencies shall collect and report racial and ethnic data on each WIC client.
5. 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.”
6. 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.
7. 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.
8. Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the discriminatory action. Please see 1.09A Discrimination Complaint Form. Discrimination complaints should be forwarded to:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

9. 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.
10. Any WIC staff person who interacts with WIC clients is required to receive civil rights training upon hire, and annually thereafter. Supervisors of WIC staff persons who interact with WIC clients are also required to receive annual civil rights training.

All new WIC staff shall complete the Civil Rights Web-Based Training Module found at <https://courses.mihealth.org/PUBLIC/home.html> and pass (70% score or better) the post-test. A copy of the post-test showing a 70% or better score shall be provided to the WIC Coordinator, and completion of Civil Rights training shall be documented in MI-WIC.

Annual Civil Rights Web-Based Training: All staff, including those who have previously taken the civil rights module and passed the post-test, must retake the course and successfully pass the post-test on an annual basis.

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, which are not developed or produced by the local agency, are not required to contain the non-discrimination statement. If these materials are used for the purpose of outreach to potential applicants and mention the WIC Program, then the non-discrimination statement is required.

References:

Federal Regulations 246.8
FNS Instruction 113-1
WIC Program Policy Memorandum #2016-2 and Revised Equal Opportunity Public Notification Policy,
October 14, 2015

Exhibit:

1.09A USDA Program Discrimination Complaint Form