

Section 1.10: Civil Rights

02/2024

References: [7CFR 246](#), [FNS Instruction 113-1 Policy](#), MOU between USDA FNS Civil Rights Division and MDH, Other related regulations and legislation in Guidance

Policy: Local Agencies must comply with all applicable federal and state civil rights laws and regulations in the provision of WIC services.

Purpose: To ensure that all applicants and participants receive fair and equitable treatment and benefits without regard to race, color, national origin, age, sex (including gender identity and sexual orientation), or disability.

Procedures: Local Agencies must comply with the following provisions and procedures:

1. Civil Rights Assurances

Sign written assurances that the agency will be operated in compliance with the applicable nondiscrimination laws, regulations, instructions, policies, and guidelines as noted above and in Guidance. A civil rights assurance statement must be incorporated into all agreements between:

- Federal and State agencies
- State agencies and sub-recipient agencies
- Sub-recipient agencies and their local sites (if applicable)

2. Public Notification

Inform applicants, participants, and potentially eligible persons, of program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint.

Outreach:

- Conduct outreach activities to notify potentially eligible persons of program availability. See [Section 1.6: Public Notification and Outreach](#).
- Include the nondiscrimination statement (NDS, see below) on any local agency-developed outreach notices or materials.

- Make program materials available upon request.
- Inform the public and participants of changes to the Program in a timely manner.

Rights & Responsibilities:

- Provide a copy of participant's Rights and Responsibilities at certification. See Exhibit 1-K: [WIC Rights and Responsibilities](#).

"...And Justice for All" Poster:

- Display the most recent nondiscrimination "...And Justice for All" poster in prominent places throughout the WIC service area, including clinic waiting rooms, certification areas and lab rooms, where it is easily visible and readable by anyone who visits the agency.
- When the clinic, or the number of participants served by a clinic is large, posters should be displayed in *numerous places* throughout.

Interpreter/Accommodations Poster

- Display notification that free interpreter services are available and that accommodations will be made for anyone with a disability, upon request. See Guidance section below for more information.
- Display the notification/poster any place the public goes and where it can be easily read by applicants/participants. This includes the waiting area, at a minimum, but also the WIC office. If the clinic is large, display more than one poster. Consider placing the smaller poster in cubicles where staff meet with participants, the lab, etc.
- If not using the State WIC poster, notifications used must be translated into appropriate languages.

Nondiscrimination Statement (NDS):

Include the [FNS Nondiscrimination Statement](#) (NDS) on all public WIC materials, outreach, and Program change notices developed by the State WIC office or a Local WIC Agency. WIC is required to use the NDS listed under "for all other FNS nutrition assistance programs".

- **Full, unedited NDS:** Use the full, unedited NDS below on the local WIC Program's website home page, and on all vital WIC documents. Vital documents include any document critical for purposes of eligibility/ineligibility or participation in WIC or obtaining benefits. Examples of vital documents include, but are not limited to: applications, consent forms, complaint forms, notices of rights and disciplinary action, and letters or notices that require a response from the participant.
- **The shortened version of the NDS** may be used if the document/material is not considered vital and is too small to accommodate the full statement above.
 - **English:** "This institution is an equal opportunity provider."
 - **Spanish:** "Esta institución es un proveedor que ofrece igualdad de oportunidades."

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- **Other translations** of the NDS are available at: [FNS Nondiscrimination Statement](#). WIC uses the NDS version for “All Other Programs.” See Guidance section below for more information.
- **Font size:** the font size for the shortened NDS must be the same size as the rest of the printed material (or average font if several font sizes). The font size for the full NDS need not be the same size as the rest of the printed document. However, it must be legible and can be no smaller than 8 point font.

Full USDA Nondiscrimination Statement in English:

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant’s name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
program.intake@usda.gov

This institution is an equal opportunity provider.

Full USDA Nondiscrimination Statement in Spanish:

De acuerdo con la ley federal de derechos civiles y las normas y políticas de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta entidad está prohibida de discriminar por motivos de raza, color, origen nacional, sexo (incluyendo identidad de género y orientación sexual), discapacidad, edad, o represalia o retorsión por actividades previas de derechos civiles.

La información sobre el programa puede estar disponible en otros idiomas que no sean el inglés. Las personas con discapacidades que requieren medios alternos de comunicación para obtener la información del programa (por ejemplo, Braille, letra grande, cinta de audio, lenguaje de señas americano (ASL), etc.) deben comunicarse con la agencia local o estatal responsable de administrar el programa o con el Centro TARGET del USDA al (202) 720-2600 (voz y TTY) o comuníquese con el USDA a través del Servicio Federal de Retransmisión al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe llenar un formulario AD-3027, formulario de queja por discriminación en el programa del USDA, el cual puede obtenerse en línea en: <https://www.usda.gov/sites/default/files/documents/ad-3027s.pdf>, de cualquier oficina de USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida a USDA. La carta debe contener el nombre del demandante, la dirección, el número de teléfono y una descripción escrita de la acción discriminatoria alegada con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR) sobre la naturaleza y fecha de una presunta violación de derechos civiles. El formulario AD-3027 completado o la carta debe presentarse a USDA por:

1. **correo:**

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

2. **fax:**

(833) 256-1665 o (202) 690-7442; o

3. **correo electrónico:**

program.intake@usda.gov

Esta institución es un proveedor que ofrece igualdad de oportunidades.

3. Racial and Ethnic Data Collection

Collect data on racial and ethnic categories at the time of application or certification by allowing applicants to self-select one ethnic category and one or more racial categories. If the applicant refuses to self-select, see Guidance section below for more information for further actions.

The categories are:

- Ethnicity:** Hispanic or Latino
Not Hispanic or Latino
- Race:** American Indian or Alaska Native
Asian
Black or African American
Native Hawaiian or Other Pacific Islander
White

4. Complaints of Discrimination

USDA defines discrimination as “different treatment which makes a distinction of one person, or a group of persons, from others, either intentionally, by neglect, or by the actions or lack of actions...”

Individuals may submit their claims to the State or local office, or directly to USDA using the address on the complaint form.

- Provide the Federal Discrimination Complaint form (see [U.S. Department of Agriculture USDA Program Discrimination Complaint Form](#) or [Nondiscrimination Statement](#) for translations of the AD-3027 Complaint Form), explain how to file the complaint and assist the complainant in filling it out if needed.
- Instruct the complainant to send the form directly to USDA (the address is on the form). If a staff person is given a complaint or is requested to mail the complaint form, they must log it into their Civil Rights Complaint Log. See below for additional information on the Complaint log.
- Individuals need not use the complaint form but can also write a letter containing the information in the form.

If a complaint of discrimination is brought forward, staff must:

- Never interfere with, or discourage, an individual from filing a complaint.
- Keep confidential all information associated with the complaint, including the name of the person filing the complaint.
- Keep a Civil Rights complaint log of complaints received either orally or in writing. The log should include the date and nature of the complaint, the name of staff who handled the complaint, and subsequent staff actions regarding the complaint.
- Restrict access of civil rights related records to authorized persons only, such as the clinic supervisor and state WIC staff. Ensure that electronic records are properly safeguarded, and password protected.

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- Notify the State WIC Consultant and the State WIC Civil Rights Coordinator if a complaint is brought forward, or for guidance regarding handling discrimination complaints.
- The complaint must be filed within 180 days of the incident.
- No staff may retaliate against a complainant.

5. Compliance Reviews

Provide Civil Rights related information to the State Office during the WIC grant application process and the Biennial Management Evaluation.

Compliance topics include following the guidelines as outlined in this policy regarding:

- Providing public notification, including proper use of the nondiscrimination statement and proper display of the “And Justice for All” poster both of which ensure that potentially eligible persons have equal opportunity to participate
- Offering assurances in all contracts
- Providing Civil Rights Training
- Collecting and reporting racial/ethnic data in the WIC Information System
- Offering interpreter and translation services to persons with Limited English Proficiency
- Providing accommodations for persons with disabilities
- Following guidelines for handling potential complaints of discrimination
- Offering all applicants an equal opportunity to participate

6. Resolution of Noncompliance:

Follow any direction or guidance provided by the State WIC office, or FNS, to correct areas of Civil Rights noncompliance, and/or address areas for improvement.

7. Civil Rights Training

- Ensure all frontline WIC staff, breastfeeding peer counselors, and volunteers who interact with program applicants or participants, and those persons who supervise frontline WIC and peer staff, participate in Civil Rights training at least once a year.
- Use the Civil Rights training materials provided by the State WIC Office, available on the WIC website. (See [Civil Rights Training](#))
- Document the training by collecting the names, signature of the trainees, and the date of the training. The training log must be available for review during the agency’s Management Evaluation.

- A tracking system that requires individual log-ons and passwords, tracks training completion by staff, and generates a report of users who completed the training is acceptable for documentation. A signature would not be required when using this system.

8. Disability Compliance

- Ensure equal access to all services for persons with disabilities. Provide interpreter services and accommodations for persons with visual or hearing impairments, limited reading skills, and/or other physical disabilities. See Guidance section below for more information.
- Staff must know the name and contact information of their local Americans with Disabilities Act (ADA) Coordinator. The ADA Coordinator information should be posted where all staff can locate it. That could be on a bulletin board, shared electronic files, intranet, etc.

9. Limited English Proficiency (LEP)

LEP applies to individuals who do not speak English as their primary language and/or who have a limited ability to read, speak, write, or understand English because of their national origin.

- Provide competent, accurate, timely, effective, and free interpreter and translation services to potentially eligible persons, applicants, and participants, who are limited English language proficient.
- Take reasonable steps to ensure “meaningful access” to the program and its activities.
- Display a notification that language interpretation is available free of charge to any person who has Limited English Proficiency. See Guidance section below for more information.

10. Citizenship and Immigration Status

- Serve all applicants regardless of citizenship and immigration status.
- Do not ask about or require proof of citizenship.

11. Civil Rights Impact Analysis for New Clinics, Closing Clinics, or Relocation of a Clinic

- Agencies planning to make any changes to their clinic locations must contact their State Consultant as soon as you learn that clinic could be closing, opening (including satellite sites), or relocating.
- Agencies must first complete and submit a [Civil Rights Impact Analysis \(CRIA\)](#) Survey to their State Consultant when planning on opening a new clinic, closing a clinic, or relocating a clinic.
 - The CRIA survey is used to as a tool to help assess appropriateness and guide any change that may be required to meet the needs of participants in any protected class that your agency serves.

- Contact your State WIC Consultant for more information.

Prohibited Discriminatory Practices

Prohibited types of discrimination include, but are not limited to, the following situations:

- The exclusion of persons from participation in the program on the basis of race, color, national origin, age, sex (including gender identity and sexual orientation), or disability.
- The inequitable allocation of food to eligible persons on the basis of race, color, national origin, age, sex (including gender identity and sexual orientation), or disability.
- The issuance of WIC food benefits in a place, time, or manner that results in, or has the effect of denying or limiting the benefits on the basis of race, color, national origin, age, sex (including gender identity and sexual orientation), or disability.
- The segregation of persons in clinic waiting rooms or through an appointment system on the basis of race, color, national origin, age, sex (including gender identity and sexual orientation), or disability.
- The application of different eligibility standards to potentially eligible applicants on the basis of race, color, national origin, age, sex (including gender identity and sexual orientation), or disability.
- The certification of persons as eligible to receive benefits solely on the basis of race, color, national origin, age, sex (including gender identity and sexual orientation), or disability.
- The maintenance of a waiting list which makes distinctions on the basis of race, color, national origin, age, sex (including gender identity and sexual orientation), or disability.
- Retaliatory actions against a client or staff person who may have filed a discrimination complaint.

Note: Program regulations define WIC participants as pregnant, breastfeeding, and postpartum individuals, and infants and children to age five (5); as such, program eligibility does not violate Civil Rights requirements regarding sex and age. Men and other caregivers are welcome and encouraged to apply for WIC benefits for eligible children.

Guidance

For more comprehensive guidance on civil rights compliance and the process for handling complaints, refer to [FNS Instruction 113-1: Civil Rights Compliance and Enforcement](#) and other materials as appropriate.

Complaints of Discrimination:

While staff must never interfere with or discourage anyone from filing a complaint, they may explore the situation with the complainant to correct potential misinformation or misunderstandings. For example, if a father said he wanted to file a complaint because he was not “allowed to participate in WIC” – staff could explain that program benefits are available only for eligible women, infants, and children, but that he could apply for benefits for his child.

Once clarified, he might then decide not to file the complaint. If he does so freely, simply document what occurred.

Nondiscrimination Statement

- Font size:
 - The font size of the NDS is determined by whether the document includes the full or abbreviated NDS. The abbreviated NDS must be in a font size that is the same as the rest of the document.
 - If the “document” contains only one size font (e.g., a letter to the participant), the NDS should be in the same size font as the text. In all cases the NDS must be legible and no smaller than 8 point font.
 - If the “document” has multiple font sizes (e.g., a poster which has a large title and smaller text), the NDS should be the size of the majority of the text, not the size of the title.
- Vital documents and letters:
 - A letter considered “vital” should have the same font size used for the letter.
 - It may work best in some cases to provide the long NDS on the back of the document in order to use the appropriate font size.
- Website home page: you may provide the NDS via a link to the full statement, using the title “USDA Nondiscrimination Statement”.
- As a general rule, if a material contains the WIC logo, it should have the NDS because it shows that the document represents the program. Anything that might be given or seen by WIC eligible participants should have the NDS if it is reasonable to put it on the item.
 - If you have questions about when to use or not to use an NDS, reach out to the State Civil Rights Coordinator or your State Consultant.

Training:

State agencies are responsible for training local agencies. Local agencies are responsible for training any subrecipients, as well for training their staff. All staff, including frontline staff who **interact** with program applicants or participants, and those persons who supervise frontline staff, must complete civil rights training on an annual basis. Refer to:

XI Civil Rights Training in [FNS 113-1: Civil Rights Compliance and Enforcement](#).

Documentation of Training: Documentation of annual training is required. Electronic signatures on the training log are acceptable.

Additional Guidance for Civil Rights Training:

Required:

- Receptionists and interpreters must receive training.

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Staff must be aware of and provide meaningful access to people with Limited English Proficiency and assist people with disabilities. This ensures a program participant's rights are met.

Not Required:

- Students who only observe and do not interact with participants.
- Volunteers – if they are not gathering information from participants, for example if they are only handing out materials.
- Interpreters who are not agency employees, but are employed by an external interpretation agency do not need to complete training.

Race/Ethnicity:

- Allow applicants, parents, or proxies to self-select one ethnic category and one or more racial categories using available materials, such as a laminated copy of the choices. If an applicant or participant declines to self-select, staff must notify the participant that the staff will need to select the category(ies) based on perception.
- When prescreening applicants over the phone (including adding a new infant to a household), it is not necessary to collect racial/ethnic data at that time. Instead, collect this information when the applicant is in clinic for their certification appointment and can self-select.

Accessibility: Ensure that all clinics are accessible to all applicants.

- Ensure an entrance to the clinic is accessible.
- Provide services on the main level or select a site accessible by elevator.
- See [Section 5.9: Clinic Environment](#) for a description of an ideal WIC clinic environment.
- Consider location of the clinic site to applicants/participants – accessible by public transportation; adequate and accessible parking; and client and staff safety.

Accommodations: Modify procedures as needed to accommodate persons with special needs, such as:

- Adapting technique for weighing and measuring
- Certifying applicants at a site other than clinic (e.g., their home)

Services: Provide culturally competent and appropriate services.

- Diversity
 - Recruit and hire persons of diverse races, cultures, and abilities that reflect the populations served by the Local Agency.
 - Hire individuals who are culturally competent and, when possible, bilingual, if they meet the WIC staffing requirements.

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- Convey the message of equal opportunity in photos and other graphics used to provide program information.
- Interpreters
 - Use interpreters who are fluent in the language needed. Using staff who have only a limited or basic understanding of the language does not meet the requirement to take reasonable steps to provide meaningful access. Using family members as interpreters is discouraged; children should never be used as interpreters.
 - Use the Language Line provided by MDH, TDD Relay service, and/or sign language interpreter, as needed.
 - See the [Limited English Proficiency](#) website for further guidance.
 - Use American Sign Language (ASL) interpreters when needed. The Minnesota Department of Human Services (DHS) provides listings of sign interpreters as a public service, but neither endorses, certifies, or guarantees the accuracy of information provided. See:
 - [Interpreter Agencies](#)
 - [Freelance Interpreters](#) - for a list of credentialed independent interpreters who asked to be included on the website listing
- Materials
 - Assure that written materials are written at an appropriate reading level.
 - Use translated written materials in the language(s) of participants.
 - For translations of the “... And Justice for All” poster, refer to the USDA [And Justice for All Posters \(Guidance and Translations\)](#) website. Select the “AD-475A” version for posters applicable for WIC use.
 - The State WIC program provides the “Let us know if you need an interpreter or accommodations for a disability – both are free” poster which includes translations on it. If additional copies are needed, contact the State WIC Civil Rights Coordinator.
 - The State WIC program provides laminated copies of the Race/Ethnicity questions for use in clinic.

Other Resources

Applicable Civil Rights Legislation:

[Title VI Of The Civil Rights Act Of 1964 42 U.S.C. § 2000d Et Seq.](#)

[S.557 - Civil Rights Restoration Act of 1987](#)

[Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq.](#)

[Section 504 of the Rehabilitation Act of 1973](#)

[Age Discrimination Act of 1975](#)

[American with Disabilities Act of 1990, as Amended](#)

[Executive Order 13166_2000~Improving Services for Persons with Limited English Proficiency](#)

CFR: 7 CFR [Part 15 - Nondiscrimination](#)

Reference – Complete Listing of Hyperlinks

[7CFR 246](https://www.ecfr.gov/current/title-7/part-246) (https://www.ecfr.gov/current/title-7/part-246)

[FNS Instruction 113-1 Policy](https://www.fns.usda.gov/fns-instruction-113-1) (https://www.fns.usda.gov/fns-instruction-113-1)

[Section 1.6: Public Notification and Outreach](#)

(https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch1/sctn1_6.pdf)

[Rights and Responsibilities](https://www.health.state.mn.us/people/wic/rights.html) (https://www.health.state.mn.us/people/wic/rights.html)

[Nondiscrimination Statement](https://www.fns.usda.gov/cr/fns-nondiscrimination-statement) (https://www.fns.usda.gov/cr/fns-nondiscrimination-statement)

[U.S. Department of Agriculture USDA Program Discrimination Complaint Form](#)

(https://www.usda.gov/sites/default/files/documents/ad-3027.pdf)

[Departamento de Agricultura de los EE. UU. \(USDA\) Formulario de Denuncia por Discriminación del Programa del USDA](#) (https://www.usda.gov/sites/default/files/documents/ad-3027s.pdf)

[Civil Rights Training](#)

(https://www.health.state.mn.us/people/wic/localagency/training/civilrights.html)

[Exhibit 1-R: Civil Rights Impact Analysis Survey](#)

(https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/exhbts/ex1/1r.docx)

[Section 5.9: Clinic Environment](#)

(https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch5/sctn5_9.pdf)

[Limited English Proficiency](https://www.lep.gov/) (https://www.lep.gov/)

[Interpreter Agencies](https://mn.gov/deaf-hard-of-hearing/communication-access/interpreter/find/agencies.jsp) (https://mn.gov/deaf-hard-of-hearing/communication-access/interpreter/find/agencies.jsp)

[Freelance Interpreters](https://mn.gov/deaf-hard-of-hearing/communication-access/interpreter/find/freelancers.jsp) (https://mn.gov/deaf-hard-of-hearing/communication-access/interpreter/find/freelancers.jsp)

[And Justice for All Posters \(Guidance and Translations\)](https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations) (https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations)

[Title VI of the Civil Rights Act of 1964 42 U.S.C § 2000d et Seq](#)

(https://www.justice.gov/crt/fcs/TitleVI-Overview)

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S.557 - Civil Rights Restoration Act of 1987 (<https://www.congress.gov/bill/100th-congress/senate-bill/557>)

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq.
(<https://www.justice.gov/crt/fcs/TitleIX-SexDiscrimination>)

Section 504 of the Rehabilitation Act of 1973 (<https://dredf.org/legal-advocacy/laws/section-504-of-the-rehabilitation-act-of-1973/>)

Age Discrimination Act of 1975 (<https://www.dol.gov/agencies/oasam/regulatory/statutes/age-discrimination-act>)

American with Disabilities Act of 1990, as Amended
(<https://www.ada.gov/pubs/adastatute08.htm>)

Executive Order 13166 (<https://www.ada.gov/pubs/adastatute08.htm>)

7 CFR Part 15 - Nondiscrimination (<https://www.ecfr.gov/current/title-7/subtitle-A/part-15>)

Minnesota Department of Health - WIC Program 625 Robert St N, PO BOX 64975, ST PAUL MN 55164-0975; 1-800-657-3942, health.wic@state.mn.us, www.health.state.mn.us. To obtain this information in a different format, call: 1-800-657-3942

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