



**POLICY:** Local WIC programs shall comply with the provisions of Title VI of the Civil Rights Act of 1964 and other applicable laws and regulations.

**PURPOSE:** To ensure continued notification of USDA equal opportunity policy to the public, that the WIC program is available to all, that no individual is excluded from participation, denied benefits, or subjected to discrimination on the grounds of race, color, national origin, age, sex or disability under the Oregon WIC Program.

**RELEVANT  
REGULATIONS:**

7 CFR §246.6 ¶(b)(10)—Agreements with local agencies  
7 CFR 246.7¶ (j) —Notification of participant rights and responsibilities  
7 CFR §246.8—Nondiscrimination  
7 CFR §246.25 ¶(c)—Records and Reports, Civil Rights  
7 CFR §16—Equal Opportunity for Religious Organizations  
FNS Instruction 113-1  
Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-6  
American with Disabilities Act (28 CFR Part 35, Public Law 101-336, Title II, Subtitle A)  
Title IX of the Education Amendments of 1972, and USDA Implementing Regulation 7 CFR §15(a),(b)  
Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, and USDA Implementing Regulation 7 CFR §15(b)  
Age Discrimination Act of 1975 (45 CFR Part 91)  
The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and the Dept. of Justice Memorandum dated January 28, 1999 on the Enforcement of Title VI of the Civil Rights Act of 1964 and Related Statutes in Block Grant Type Programs  
Civil Rights Restoration Act of 1987  
1977 Food and Agriculture Act, Public Law 95-113  
USDA Departmental Regulation 4330-2, Activities Receiving USDA Financial Assistance  
Child Nutrition Act of 1966, as amended  
ASM 98-66—Impact of Participation in the WIC Program on Alien Status  
ASM 00-08—Clarification on Civil Rights Issues  
ASM 00-50—Western Region Toll Free Number for Civil Rights Issues/Questions  
ASM 04-34—Final Policy on WIC Racial/Ethnic Data Collection  
ASM 06-21—Nondiscrimination Statement for WIC Materials

**OREGON WIC PPM  
REFERENCES:**

◆400—Local Program Overview: Responsibilities & Communications  
◆425—Ordering State Produced Materials  
◆426—Record Retention Period  
◆470—Local Program Outreach  
◆588—Program Integrity: Complaints  
◆635—Participant Notification: Eligibility and Rights & Responsibilities

**DEFINITIONS:** *Applicant* An individual who contacts the WIC clinic requesting WIC services.

**CIVIL RIGHTS, cont.**

<b>(DEFINITIONS:)</b>	<i>Complainant</i>	Any individual or group of individuals alleging discrimination in the delivery of WIC program benefits or services.
	<i>Disability</i>	The Americans with Disabilities Act defines disability as an impairment that substantially limits major life activities such as seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, or working.
	<i>Discrimination</i>	The act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on a protected class.
	<i>Limited English Proficiency (LEP) persons</i>	Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
	<i>Minorities</i>	Individuals or groups of individuals belonging to the protected classes and all under-served populations covered by Title VI of the Civil Rights Act of 1964.
	<i>Participant</i>	An individual who meets all eligibility criteria and is enrolled in the WIC program.
	<i>Protected classes</i>	The prohibited bases and nondiscrimination categories under the civil rights law(s). For WIC, the protected classes are race, color, sex, age, national origin, and disability.
	<i>Reasonable accommodation</i>	The removal of barriers in order to allow all individuals to participate in the WIC program.

**PROCEDURE:**

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| <b><i>Contract to the Financial Assistance Award</i></b> | 1.0 | Annually, local WIC programs agree to abide by the applicable civil rights laws and regulations by signing the contract to the Financial Assistance Award with the Department of Human Services (DHS), Public Health Division. Please refer to ♦400—Local Program Overview: Responsibilities & Communications.   |
| <b><i>Public notification</i></b>                        | 2.0 | Local WIC programs are required to inform potential WIC applicants and participants of: <ul style="list-style-type: none"><li>• program rights and responsibilities and the steps necessary for WIC participation</li><li>• the right to file a complaint, how to file a complaint and the complaint procedure</li><li>• USDA’s nondiscrimination policy</li></ul> |

**CIVIL RIGHTS, cont.**

*“And Justice For All” poster*

2.1 The “And Justice For All” poster must be posted in **all** WIC offices and satellite clinics. USDA’s non-discrimination statement is on these posters in English and Spanish. The full text of the non-discrimination statement is listed below.

“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 to USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.”

*Posting locations*

2.1.1 Display this poster in prominent places such as waiting rooms or other locations frequented by WIC applicants and participants.



*Display this poster in an obvious place for all to see.*

*Ordering posters*

2.2 “And Justice for All” posters are available from the DHS Health Services Mail Center (*form AD-475C*). Please refer to ♦425—Ordering State Produced Materials.

*Protected classes for the WIC program*

3.0 As stated on *Form AD-475C*, the protected classes that apply to the WIC program are:

- race
- national origin
- age
- color
- sex
- disability

***Non-discrimination statement***

4.0 The USDA non-discrimination statement must be included on all WIC program materials that are produced for public notification. These materials may include: outreach letters and brochures; program information; newspaper, television or radio announcements; posters; newsletters; referral materials; internet websites, application forms; or certification forms that are signed by participants. See ¶2.1 for the full text of the non-discrimination statement.

***Shorter non-discrimination statement***

4.1 There is a short form of the non-discrimination statement that may be used on materials with limited space. These materials may include:

- brochures;
- flyers of less than a page;
- newspaper articles, radio and television public service announcements that are generally short in duration.

4.1.1 At a minimum, public notification and outreach materials will include the following:

**WIC is an equal opportunity program and employer.**

***Guidelines for using the non-discrimination statement***

4.2 The nondiscrimination statement should be:

- in long form whenever possible (see ¶2.1);
- on **all** WIC outreach materials;
- on program application materials provided to applicants;
- on materials that the WIC program produces for public information, public education or public distribution;
- large enough to be legible (*at least 10 point font size for both the long and short forms*);
- in English and in other languages appropriate to the local population; and
- in an alternative means of communication such as large print, Braille, audio tape, etc, when requested.

***Statement not required***

4.3 Materials specific to **nutrition education** or **breastfeeding** that strictly provide a nutrition message and do not mention the WIC program are not required to contain the USDA nondiscrimination statement.

***Outreach***

5.0 Local programs are required to do outreach activities at least annually in order to inform eligible individuals, particularly minorities, of the availability of the WIC program. Please refer to ♦470—Local Program Outreach.

CIVIL RIGHTS, *cont.*

*(Outreach:)*

- 5.1 Provide printed materials such as pamphlets and outreach brochures containing information on where WIC services are available. Program information in outreach brochures shall include:
- a. Name of program
  - b. Location
  - c. Operating hours
  - d. Telephone number
  - e. Definition of eligibility, such as: “At-risk pregnant and breastfeeding women, infants, and children under age 5 who meet the income guidelines”
  - f. **USDA’s nondiscrimination statement**
  - g. A message of equal opportunity by displaying illustrations, photographs, or graphics showing participants of different races, colors, and national origins
  - h. *Western Region toll-free number for Civil Rights issues and questions, 1-888-271-5983 (optional)*

*Requests from  
the public*

- 5.2 Local programs shall make program regulations and guidelines available to the public upon request.

**Limited English  
Proficiency  
(LEP)**

- 6.0 Where a significant number of potentially eligible individuals have Limited English Proficiency (see Definitions), the WIC program shall take reasonable steps to provide these individuals with meaningful access to WIC program services and information.
- 6.1 The state WIC program will provide outreach and program information in other languages as is reasonable and necessary.
- 6.2 Local WIC programs must take reasonable steps to provide WIC services in other languages as necessary. This may include working with interpreters, using a language line, and providing printed materials in appropriate languages.
- 6.3 State and local WIC programs can take the following steps to help determine when it is necessary to provide language services:
- 6.3.1 Determine the number or proportion of LEP persons who are being served or who are in the eligible population.
  - 6.3.2 Consider the frequency with which WIC staff should have contact with LEP persons.
  - 6.3.3 Consider the importance of the information or service being provided.
  - 6.3.4 Consider the available resources and costs of providing language services.
- 6.4 Contact the state WIC Civil Rights representative if you have questions about providing services to LEP individuals.

CIVIL RIGHTS, *cont.*

***Participant rights and responsibilities***

7.0 Inform applicants and participants of their rights and responsibilities at every certification and recertification visit. Rights and responsibilities must include program-specific information and WIC’s nondiscrimination policy and complaint process. Please refer to ♦635—Participant Notification: Eligibility and Rights & Responsibilities.

*“My Rights and Responsibilities” form*

7.1 At each certification and recertification visit, local programs must provide the individual with a copy of *“My Rights and Responsibilities”* (form 57-630).

7.1.2 Ensure that the individual is informed of rights and responsibilities in the appropriate language and understands the content of the form.

*“Participant Signature Form”*

7.2 Have the individual sign the *“Participant Signature Form”* (form 57-629) to show that they were informed of and understood their rights and responsibilities as a WIC participant.

*Retention*

7.2.1 File and retain the signed *“Participant Signature Form.”* Local programs may use an aggregate filing system. See ♦426—Record Retention Period.

***Reasonable accommodation and program accessibility***

8.0 Local WIC programs shall provide reasonable accommodation to ensure that the WIC program is equally accessible to all eligible individuals. Examples of reasonable accommodation include but are not limited to the following:

8.1 Provide wheelchair access to WIC service locations. This accommodation provides equal access individuals using wheelchairs.

8.2 Where a significant portion of WIC participants need service in a language other than English, have bilingual staff or translators available who speak the same language as the participant.

8.3 Have bilingual staff or a translator read the *“Rights and Responsibilities”* form or other program materials to individuals who are not able to read the information.

8.4 Make efforts to find resources for translation of program materials into the appropriate language(s).

8.5 Make reasonable modifications to policies, practices or facilities as needed to address accessibility and avoid discrimination.

**NOTE:** Reasonable accommodation is the removal of barriers to allow individuals to participate equally in WIC. In some cases, what is considered “reasonable accommodation” may be different from what an individual requests.

CIVIL RIGHTS, *cont.*

*Alternate formats*

8.6 When requested, provide program information in alternate formats (i.e. large print, Braille, electronic format or audio tape). It is the WIC program's responsibility to ensure effective communication of program information to individuals who require materials in an alternate format and to meet the requirements for reasonable accommodation under the American with Disabilities Act.

*Alien status*

9.0 Inform individuals of alien status that receiving WIC benefits:

- **will not** affect their application for immigration or citizenship benefits, and
- **does not** render them a public charge.

*INS*

9.1 The Immigration and Naturalization Services (INS) **should not** request a WIC participant of alien status to repay any WIC benefits they have received when they apply for immigration or citizenship benefits.

9.2 Local programs **are not** required to give participant enrollment information to INS staff.

9.3 Explain that participation in the WIC program **does not** shield an individual from compliance with other requirements under the immigration law.

*Civil rights complaint process*

10.0 Refer to ♦588—Program Integrity: Complaints for information on how to handle civil rights complaints.

*Racial/ethnic data collection and reporting*

11.0 Local programs shall collect and document racial/ethnic data during certification in TWIST.

11.1 Explain to the individual that the data collection is for statistical purposes only and that it is a USDA requirement as part of the certification process.

11.2 Inform the individual that it does not affect their eligibility for the program.

11.3 Request that the participant self-identify their racial/ethnic background. Participants may choose to select more than one racial category (see ¶12.1).

11.3.1 If a participant chooses not to self-identify a race and/or ethnicity, visual identification **must** be used to determine the participant's racial and ethnic categories. Selection of one race is acceptable when local staff must make this decision.

**NOTE:** WIC staff **must not** use the “unknown” option for race in TWIST.

11.3.2 If an applicant is being pre-screened over the phone and chooses not to self-identify a race and/or ethnicity, chose “White” and “Not Hispanic or Latino.” When the applicant comes in for an appointment, review all the prescreen information and updated if needed.

***Racial/ethnic categories***

12.0 Racial/ethnic data collection consists of a category for race and a category for ethnicity. The definitions of categories for documentation and reporting of racial/ethnic data are as follows:

12.1 Racial Categories:

- **American Indian/Alaskan Native** (American Indian includes North, Central and South American Indians; Alaskan Native includes Eskimo and Aleut)
- **Asian** (includes the Far East, Southeast Asia, and the Indian subcontinent including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam)
- **Black or African American** (associated with the black racial groups of African decent and migration patterns)
- **Native Hawaiian or Other Pacific Islander** (includes natives of the Hawaiian Islands, Guam, Samoa and other Pacific Islands including the Caroline Islands, Fiji Islands, French Polynesia, Northern Mariana Islands, Palau Islands, Papua New Guinea, Solomon Islands, and Tokelau Islands)
- **White** (associated with European, Middle Eastern and North African descent and migration patterns, including the Arabian peninsula)

12.2 Ethnic categories:

- Not Hispanic or Latino
- Hispanic or Latino (a person of Cuban, Mexican, Puerto Rican, Central or South American, or other Spanish origin or culture, regardless of race)

***Civil rights training for WIC staff***

13.0 All WIC employees must receive civil rights training **annually**. WIC staff include those who have direct interaction with WIC participants as well as those who do not, such as a County Administrator who supervises a WIC Coordinator and/or other WIC staff. It is recommended that new WIC staff complete civil rights training within **30 days** of employment as part of their orientation.

13.1 WIC staff should have a basic knowledge of the following areas of civil rights compliance:

**CIVIL RIGHTS, cont.**

*(Civil rights training for WIC staff:)*

- a. collection and use of data;
- b. effective public notification systems;
- c. complaint procedures;
- d. compliance review techniques;
- e. resolution of noncompliance
- f. requirements for reasonable accommodation of persons with disabilities;
- g. requirements for language assistance;
- h. conflict resolution; and
- i. customer service.

**NOTE:** Although administrative supervisors do not have direct contact with participants, they supervise staff who do and therefore should have knowledge of all the required areas of the civil rights complaint process. The administrative supervisors should be able to help answer questions relating to civil rights issues and the complaint process from staff they supervise.

13.2 WIC staff may use a variety of methods to increase knowledge on civil rights. Training may be formal or informal and may include but is not limited to the following:

- attending any county health department sponsored civil rights training;
- discussing civil rights issues at a staff meeting;
- reading up on civil rights articles or policies;
- checking the internet for civil rights regulations and updates;
- assigning civil rights questions for staff to research and report back; or
- developing questionnaires to measure the staff's level of knowledge on discrimination and civil rights issues.

***Staff training record***

14.0 Each local WIC program is required to maintain a record of staff training, including civil rights training. This record must be available for state WIC staff to review during the required biennial WIC program review.

***Faith-based organizations***

15.0 If a faith-based organization uses space in their facility to provide WIC services, the facility is not required to remove religious art, symbols, etc.

15.1 No USDA funds may be used to support any inherently religious activities.

15.2 No organization that receives USDA funds to offer WIC services can discriminate against an applicant or participant on the basis of religion. ★

**CIVIL RIGHTS, *cont.***

**RESOURCES:** For additional information on USDA civil rights regulations visit the following websites:

1. <http://www.usda.gov/cr>
2. <http://www.fns.usda.gov/cr/default.htm>
3. <http://www.usda.gov/da/directives.htm>
4. <http://www.lep.gov>
5. <http://hhs.gov/ocr/lep>

**If you need this in large print or an alternate format,  
please call (971) 673-0040.  
WIC is an equal opportunity program and employer.**