
Subject: Civil Rights Compliance

Effective Date: October 1, 2019

Revised Date: September 23, 2021

Policy: No person shall; on the grounds of race, color, national origin, age, sex or disability; or as reprisal or retaliation for prior civil rights activity be excluded from participating, be denied benefits, or be otherwise subjected to discrimination in the WIC Program.

Reference: 7CFR § 246.3(f), 7CFR § 246.8(a-c), 7CFR § 15(a-c), 28CFR § 35

Procedure:

1. Regions/Metros and Clinics shall:
2. Inform all applicants or clients of their civil rights associated with applying for and receiving WIC benefits. **Refer to Policy PRI 01.01.00 Civil Rights Public Notification and Compliance.**
3. Ensure that all people have access to the WIC program and are not treated differently because of race, color, national origin, age, sex or disability
4. State and Metro sub-recipient contracts and agreements in connection with the WIC program shall include this or similar statement, including the Assurance of Civil Rights Compliance

Nondiscrimination. The Contractor hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the Contractor on the grounds of handicap or disability, age, race, creed, color, religion, sex, national origin, or any other classification protected by federal or state law. The Contractor shall, upon request, show proof of nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

- a. Assurance of Civil Rights Compliance. The State Agency hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended by the ADA Amendment Act of 2008 (42 U.S.C. 12131-12189) as implemented by Department of Justice regulations at (28 CFR Parts 35 and 36); Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." (August 11, 2000), all provisions required by the implementing regulations of the U.S. Department of Agriculture (7 CFR Part 15 et seq); and FNS directives and guidelines to the

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effect that no person shall, on the ground of race, color, national origin, age, sex, or disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program of activity for which the State Agency receives Federal financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.

By providing this assurance, the State Agency agrees to compile data, maintain records and submit records and reports as required to permit effective enforcement of the nondiscrimination laws, and to permit Department personnel during normal working hours to review and copy such records, books and accounts, access such facilities, and interview such personnel as needed to ascertain compliance with the non-discrimination laws. If there are any violations of this assurance, the Department of Agriculture shall have the right to seek judicial enforcement of this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants, and loans of Federal funds, reimbursable expenditures, grant, or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use Federal property or interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the Program applicant by USDA. This includes any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of cash assistance for the purchase of food, and cash assistance for purchase or rental of food service equipment or any other financial assistance extended in reliance on the representations and agreements made in this assurance.

This assurance is binding on the State Agency, its successors, transferees, and assignees as long as it receives assistance or retains possession of any assistance from the Department. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the State Agency.

5. Civil Rights Compliance Reviews

- a. State compliance reviews within Regions/Metros are made annually in conjunction with monitoring visits
- b. The State has the responsibility to ensure that the Region/Metro reviews all clinics for Civil Rights compliance annually
- c. These reviews include:
 - i. Checking that Regions/Metros have conducted civil rights training for all WIC employees annually

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- ii. Whether potentially eligible persons and households have an equal opportunity to participate in the program
- iii. Whether complaints are being handled appropriately
- iv. Making sure the “And Justice for All” poster is displayed in plain view where participants can see it
- v. Checking to see if state or local printed written materials that are provided to participants contain the appropriate nondiscrimination statement or have an attachment with the statement
- vi. Observing staff responsible for collecting racial/ethnic data to ensure that appropriate assessment procedures are being used like allowing self-declaration, offering up to five (5) combinations of race/ethnicity, notifying the applicant that provision of racial/ethnic data is voluntary, notifying customers that their response will not affect consideration of your application and may be protected by the Privacy Act, or asking ethnicity before race
- vii. Checking to see if materials for non-English speaking people are available in clinics where these groups are served and whether staff provide WIC clients with disabilities reasonable modifications, including auxiliary aids and services, to ensure an equal opportunity to participate in WIC
- viii. Ensuring vital information on local agency and subrecipient websites is available in translated versions for individuals with LEP and whether the translated versions are the current versions of the English documents
- ix. Whether program information is being made available to potentially eligible persons, program applicants, and participants
- x. Whether outreach activities are conducted
- xi. Checking to see that there are adequate notifications addressing the availability of free services to those who are limited English proficient (LEP) or who have disabilities
- xii. Checking to see that Fair Hearing procedures are posted in clinics in plain view where participants can see them and any other items required for Civil Rights are available
- xiii. Ensuring staff are equipped with qualified, competent language assistance services, and that staff utilize these services rather than unqualified bilingual staff, volunteers, family, friends and children as interpreters
- xiv. Ensuring staff have access to qualified interpreters, qualified readers and other necessary auxiliary aids and services to ensure equally effective communication for individuals with disabilities
- xv. Identifying any physical access barriers for individuals with disabilities
- xvi. Determining whether staff record the primary language spoken by the LEP applicant or participant and what type of assistance was rendered in TNWIC
- xvii. Determine whether staff record the individual with a disability’s need for a reasonable modification or requested auxiliary aid and service and the type of assistance provided in TNWIC

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- d. Additional civil rights compliance reviews may be conducted by the federal government. These reviews ensure that the state and local agencies are following the civil rights requirements as it is stated in FNS Instruction 113-1