
Subject: Civil Rights Public Notification & Compliance

Effective Date: October 1, 2019

Revised Date: August 5, 2021

Policy: Regions/Metros shall inform all applicants or clients of their civil rights associated with applying for and receiving WIC benefit in a language or alternative format that they can understand.

Reference: 7CFR §246.4(a)(17), 7CFR §246.7(j), 7CFR §246.8, 7CFR §15(a)(b)(c), 28CFR §35, GENERAL ADMINISTRATION 2.0 Title VI Limited English Proficiency (LEP) Patient Services – 2.16, TDH Policy regarding Equal Access for Persons with Disabilities, USDA FNS Instruction 113-1

Procedure:

To comply with civil rights requirements, each Region/Metro shall provide WIC services in the following manner:

1. Public Notification

- a. At each certification visit, inform the applicant or client that the individual shall not be discriminated against for reasons listed in the non-discrimination statement below
- b. Provide clients and applicants access to civil rights information, including information for filing complaints with the USDA. Refer to PRI 01.02.00 Civil Rights Complaints
- c. Post Fair Hearing procedures are in clinics in plain view where participants can see them
- d. Inform the applicant or client with LEP that language assistance services are available to them free of charge
- e. Inform individuals with disabilities that auxiliary aids and services and reasonable modifications are available to them upon request free of charge
- f. Display in a public area, such as a waiting room where clients and applicants are frequently, the current version of the “And Justice for All” poster, poster(s) notifying individuals with LEP in a language that they can understand about free language assistance services and how to request them, poster notifying individuals with disabilities about the availability of free auxiliary aids and services and reasonable modifications and how to request them

2. Compliance

- a. Ensure that all people have equal access to the WIC program and are not treated differently
- b. Ensure that all clients or applicants can read, or are read to, the Rights and Responsibilities from the TNWIC system. Materials written for or read to clients shall be in a language or alternative format that they can understand

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- c. Record and track the language assistance services, auxiliary aids or services, or reasonable modifications provided to individuals with LEP and individuals with disabilities
 - d. Maintain a civil rights file that contains all correspondence from the State WIC Agency regarding civil rights and any other current reference materials related to civil rights. Maintain copies of discrimination complaints filed with the Region/Metro separate from program complaints and other Civil Rights reference materials. Refer to PRI 01.02.00 Civil Rights Complaints
3. Meaningful Access for Individuals with Limited English Proficiency (LEP)
- a. Ensure that qualified volunteers or other qualified interpretation and translation services are available to provide meaningful access to the WIC program and activities
 - b. The Region/Metro must NOT tell clients that they MUST bring an interpreter
 - c. Provide information in a language in which persons with LEP can understand (see LEP Plan under “Program Integrity” in appendices for translation and interpretation services information and the GENERAL ADMINISTRATION 2.0 Title VI Limited English Proficiency (LEP) Patient Services – 2.16)
 - i. Have a plan for LEP, which includes making every attempt to have a qualified interpreter, either on-site or available by telephone
 - ii. Companions and minor children are not to be used as interpreters
4. Ensure that all language access policies and procedures for FNS programs at the State, regional, local, and subrecipient levels provide individuals with limited English proficiency (LEP) meaningful access to its websites and online automation systems utilized for WIC
5. Equal Opportunity and Equally Effective Communication for Individuals with Disabilities
- a. Comply with all policies in this Policy and Procedure Manual and comply with applicable federal statutes and regulations and the TDH Policy regarding Equal Access for Persons with Disabilities to ensure equal access to service delivery and consistent treatment of applicants/clients statewide
 - b. Provide WIC applicants, clients, and their companions with disabilities with equally effective communication at no cost for applicants, participants, members of the public and companions with disabilities through the provision of appropriate auxiliary aids and services, giving primary consideration to the customer’s requested aid or service
 - c. Staff must not require individuals with disabilities to supply their own sign language interpreter or other aid or service. If a customer chooses to rely on their companion for communication assistance, programs cannot rely on the accompanying adult to interpret or provide other communication assistance if there is a reason to doubt the person’s impartiality, effectiveness, or

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- confidentiality. Staff cannot rely on the accompanying adult if the adult is hesitant or not willing to provide communication assistance.
- d. Staff must not rely on minor children to interpret or assist with communication unless there is an emergency involving an imminent threat to the safety or welfare of an individual or the public and no qualified interpreter is available
 - e. Staff must make reasonable modifications in policies, practices and procedures when modifications are necessary to ensure the Department does not discriminate against individuals with disabilities, unless the Department can demonstrate that making the modification would fundamentally alter the nature of the service, program or activity
 - f. Websites, online systems and multimedia used for WIC must be contain accessibility features and accessible formats for individuals with disabilities
 - g. Regional/Metro WIC clinics must administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities
6. **Nondiscrimination Statement:** Include the nondiscrimination statement on the next page in full on all materials developed that are produced for public information about the WIC Program and when publicizing the WIC program: <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>
- a. When the full non-discrimination statement is used, the font size should be the same as the main text.
 - b. The statement must be made available in English, in other languages appropriate to the local population served or directly affected by any USDA program or activity, and in alternative means of communication (e.g., Braille, large print, audiotape). USDA DR 4300-003 Equal Opportunity Public Notification
 - c. The authorized statements below or current applicable revisions cannot be modified. If a State authorizes additional language, it must be included in a separate statement
 - d. If the material is too small to permit the full statement to be included, the material will at a minimum include the following statement, in print size no smaller than the text. However, WIC should have a legitimate business reason for using the short statement on documents. Not having enough room on a pamphlet or brochure is not a valid reason especially if the material informs the public, applicants, or participants about the program, how to apply for benefits or if an adverse action will be taken.

“This institution is an equal opportunity provider.”
 - e. The non-discrimination statement is not required on materials that contain no information or mention of the WIC Program

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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: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-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.

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7. Guard against treating applicants or clients in an unequal or discriminatory manner by:
 - a. using common sense and common courtesy;
 - b. treating others the same way staff would like to be treated;
 - c. realizing that others may misunderstand what staff says and does;
 - d. working to gain awareness of other cultures and situations;
 - e. being sensitive;
 - f. being polite and helpful;
 - g. apologizing; and
 - h. thinking before speaking and acting.