

# Administration

## Section 7: Civil Rights

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### **1. General Information (Effective: February 2021)**

- A. The State of Illinois operates the WIC Program in full compliance with Title VI of the Civil Rights Act of 1964, other applicable Federal civil rights laws, 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. State and Local Agencies, vendors and other subcontractors shall not discriminate against any applicant or participant of a prohibited base (race, color, national origin, age, disability, or sex) as defined in FNS Instruction 113-1.
- B. Local Agencies must publicize the availability of WIC benefits and the nondiscriminatory policy through appropriate mechanisms such as mass media, community newspapers, church newsletters and announcements, Local Agency newsletters, WIC newsletters, letters to all public assistance clients through public assistance offices, notification to other health and welfare agencies, physicians and other available resources.
- C. WIC Program regulations, policies, and guidelines are considered public information and should be made available to the public if requested.
- D. A Civil Rights Compliance Review will be performed by Department WIC staff. This process involves:
  - 1. Review of the individual agency's performance of the following, utilizing reports;
    - a) Whether potentially eligible persons and households have an equal opportunity to participate in the program
    - b) Whether case records are coded by race or ethnic origin
    - c) Whether actual applicant and participant racial and ethnic data are being collected and maintained on file for 3 years;
    - d) Whether the Local agency or other subrecipient has conducted civil rights training for its staff
  - 2. Physical observation of the following;
    - a) appropriate non-discriminating interaction between clinic personnel and participants
    - b) desegregated waiting room area and facilities
    - c) non-discriminating program access through the preferred appointment system or walk-in system
    - d) non-discriminating application of the existing waiting list
    - e) posting of required Civil Rights material ("And Justice For All" poster)
    - f) use of the Nondiscrimination Statement on all Local Agency printed information per policy
    - g) Whether the Local agency or subrecipient is providing program information to organizations within the community that may assist the Local agency in reaching potentially eligible populations
    - h) Whether civil rights complaints are being handled in accordance with Illinois WIC Policy
- E. Civil Rights Training  
The State Agency shall develop and utilize a Civil Rights Training module to give mandatory training to State and Local agency staff to ensure that all staff and project operations are in full

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compliance with Title VI of the Civil Rights Act of 1964 and all applicable Federal Regulations concerning Civil Rights.

1. All staff is required to complete Civil Rights Training annually.
  2. New staff is required to complete Civil Rights Training as part of new employee orientation in the early weeks of employment.
- F. It is the responsibility of the Local agency to ensure that discrimination does not occur. The supervisor must train new staff during orientation and all staff annually and monitor procedures so that a discriminatory situation does not develop. In order to comply with the provisions of the civil rights laws and regulations, certain responsibilities and procedures are necessary. On the Local level, these include:
1. Effective public notification systems;
  2. Complaint procedures;
  3. Compliance review techniques;
  4. Resolution of noncompliance;
  5. Requirements for reasonable accommodations of persons with disabilities;
  6. Requirements for language assistance;
  7. Conflict resolution, and customer service;
  8. Civil Rights Complaint processing;
  9. Collection and use of data;

### ***Addendum - Civil Rights Related Definitions***

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### **2. Civil Rights Complaints (Effective: February 2021)**

Any WIC applicant/participant who feels she/he has been discriminated against because of 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 may file a civil rights complaint within 180 days of the alleged discriminatory action.

#### **A. Civil Rights vs. Program Complaints**

Civil rights complaints may appear to be the same as a Program complaint: slow service, rudeness, and excessive requirements; but as soon as someone alleges it is because they fall under one of the protected bases it becomes a Civil Rights complaint.

#### **Addendum – Civil Rights Complaints vs. Program Complaints Examples**

#### **B. Completing & Submitting the WIC Civil Rights Complaint Form**

1. If the complaint is unresolved, inform the WIC applicant/participant that Civil Rights complaints are sent to USDA and the WIC Program can provide them with the information necessary to file the complaint; or if they wish, WIC can file the complaint for them.
  - a) If the WIC applicant/participant wishes to file a complaint, give the WIC applicant/participant a copy of the USDA Program Discrimination Complaint Form.
  - b) Either the WIC applicant/participant or a Local agency staff person must send the complaint immediately as directed on the form.
2. The Local agency shall continue courteous treatment to all individuals who have voiced and/or written a civil rights complaint.
3. In the event that a person makes a complaint about discrimination verbally or through a telephone conversation and refuses or is not inclined to place the complaint in writing, the person to whom the complaint is made must write up the facts of the complaint for the person and process as above. A copy of any Civil Rights complaint made verbally or in writing shall be kept in the Local agency and another copy shall be sent to the State Agency who will forward it to the Regional Office.

#### **C. Documenting Civil Rights Complaints**

1. A log of WIC Civil Rights complaints must be kept. If no complaints are made during the fiscal year agency staff must document as such on the log at least once annually.

#### **Addendum – USDA Program Discrimination Complaint Form (English and Spanish)**

#### **Addendum - WIC Civil Rights Complaint Sample Log**

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### 3. Access to Services (Effective: February 2021)

#### A. Translation/Interpretation Services

1. Programs which serve a substantial number of non-English speaking participants shall ensure that translation resources are available (i.e., know where to find interpreters, have literature available in appropriate language, etc.). Technological advances and the sharing of language assistance materials can often reduce resource and cost issues, and services among and between recipients, advocacy groups, Federal grant agencies; and reasonable business practices.
2. Agencies that fail to provide services to Limited English Proficiency (LEP) potentially eligible persons, applicants, and participants, may be discriminating on the basis of national origin.
  - a) Agencies may not rely upon an applicant's/participant's family members, friends, or other informal interpreters to provide meaningful access to important programs and activities. In many circumstances, family members (especially children), friends, or others identified by limited English proficiency (LEP) persons, are not competent to provide accurate interpretation. In addition, issues of confidentiality, privacy, or conflict of interest may also arise.
  - b) Covered entities are required to take reasonable steps to provide meaningful access to each individual with limited English proficiency who is eligible to be served or likely to be encountered within the entities' health programs and activities. If in-person interpreters are not feasible, especially when offices are located in remote areas, or for infrequently encountered languages then, Local offices may wish to consider using telephone interpretation services.
3. Covered entities must take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.
4. Upon certification visits, applicants shall read or have read and explained to them in a language they understand the "WIC Rights and Responsibilities." Other Program information, such as how to use benefits, must also be communicated in a manner which can be understood.

#### B. Clinic Accessibility for Disabled Persons

1. Every effort must be made to locate WIC clinics and food distribution centers in sites that are accessible to disabled individuals. However, if a clinic site or food distribution site is inaccessible to persons with disabilities, then alternative arrangements must be made to provide services to those individuals in another location that is accessible.

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### 4. Public Notification (Effective: February 2021)

All USDA- FNS assistance programs must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint.

#### A. Use of the Non-Discrimination Statement

1. The following statement must be included on all publications (print, internet and social media), outreach materials, handouts, leaflets and brochures that identify or describe the WIC Program:

##### a) English Version:

*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, audiotope, 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:*

*mail: U.S. Department of Agriculture,  
Office of the Assistant Secretary for Civil Rights 1400  
Independence Avenue, SW  
Washington, D.C. 20250-9410;  
fax: (202) 690-7442; or  
email: [program.intake@usda.gov](mailto:program.intake@usda.gov).*

*This institution is an equal opportunity provider.*

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### b) Spanish Version

*De conformidad con la Ley Federal de Derechos Civiles y los reglamentos y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (USDA, por sus siglas en inglés), se prohíbe que el USDA, sus agencias, oficinas, empleados e instituciones que participan o administran programas del USDA discriminen sobre la base de raza, color, nacionalidad, sexo, discapacidad, edad, o en represalia o venganza por actividades previas de derechos civiles en algún programa o actividad realizados o financiados por el USDA.*

*Las personas con discapacidades que necesiten medios alternativos para la comunicación de la información del programa (por ejemplo, sistema Braille, letras grandes, cintas de audio, lenguaje de señas americano, etc.), deben ponerse en contacto con la agencia (estatal o Local) en la que solicitaron los beneficios. Las personas sordas, con dificultades de audición o discapacidades del habla pueden comunicarse con el USDA por medio del Federal Relay Service [Servicio Federal de Retransmisión] al (800) 877-8339. Además, la información del programa se puede proporcionar en otros idiomas.*

*Para presentar una denuncia de discriminación, complete el Formulario de Denuncia de Discriminación del Programa del USDA, (AD-3027) que está disponible en línea en: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>. y en cualquier oficina del USDA, o bien escriba una carta dirigida al USDA e incluya en la carta toda la información solicitada en el formulario. Para solicitar una copia del formulario de denuncia, llame al (866) 632-9992. Haga llegar su formulario lleno o carta al USDA por:*

*correo: U.S. Department of Agriculture*

*Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW*

*Washington, D.C. 20250-9410;*

*fax: (202) 690-7442; o*

*correo electrónico: [program.intake@usda.gov](mailto:program.intake@usda.gov).*

*Esta institución es un proveedor que ofrece igualdad de oportunidades.*

### c) Short Statement

If the material is too small to permit the full statement to be included, the material will at a minimum include the statement below in print size no smaller than the text.

(i) *“This institution is an equal opportunity provider.” or*

(ii) *“Esta institución es un proveedor que ofrece igualdad de oportunidades.”*

### d) In order to avoid waste of current materials, WIC State and Local agencies must deplete current supplies up to one year of the effective date of the new statement. However, all new materials must include one of the above nondiscrimination statements.

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2. A civil rights statement is not required to be imprinted on items identifying the WIC program, such as cups, buttons, magnets, and pens, when size or configuration make it impractical.
  3. Recognizing that radio and television public service announcements are generally short in duration, the nondiscrimination statement does not have to be read in its entirety. Rather, a statement such as “The (program name) is an equal opportunity provider”.
  4. 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 nondiscrimination statement.
- B. The "And Justice for All" Poster/Publicity and Outreach  
The most current, USDA issued, poster, "And Justice For All," must be prominently displayed, at each clinic site, food distribution center, or any other site utilized by WIC participants and applicants.

***Addendum PPM: WIC Civil Rights Public Notification (Non-Discrimination Statement) & Social Media***

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### **5. Data Collection and Reporting (Effective: February 2021)**

State and Local agencies must provide for and maintain a system to collect the racial and ethnic data in accordance with USDA-FNS policy.

#### A. Use of Racial/Ethnic Data

1. This data will be used to:
  - a) determine how effectively FNS programs are reaching potential eligible persons and beneficiaries;
  - b) identify areas where additional outreach is needed;
  - c) assist in the selection of locations for compliance reviews;
  - d) and complete reports as required.
2. State and Local agencies can print a report in the WIC MIS to identify race and ethnicity needs by category. Local agencies must review this report at least annually.
3. The Local agency's annual publicity and outreach plan must include activities, which encourage participation from minorities.

#### B. Collection of Racial/Ethnic Data

1. When collecting racial and ethnic participant data, the Local Agency shall ensure the participant's dignity is maintained.
2. The preferred method of collections should be self-identification by the applicant/participant.
  - a) When asking a participant to self-identify their racial group, it must be explained and the participant must understand that the collection of this information is strictly for statistical reporting requirements and has no effect on the determination of their eligibility to participate in the Program.
  - b) An example that may be used when asking for characteristic data:

“This information is requested solely for the purpose of determining the State's compliance with Federal civil rights laws, and your response will not affect consideration of your application and may be protected by the Privacy Act. By providing this information, you will assist us in assuring that this program is administered in a nondiscriminatory manner.”
  - c) Applicants/participants are free to indicate how they wish the type of ethnic/racial data to be recorded. More than one race may be selected. This data must be collected and documented in the WIC MIS.
  - d) Children shall be classified using the race code(s) specified by the parent or guardian.



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3. Observation by the interviewer is made only if the applicant does not provide racial and ethnic information.
  - a) When an applicant declines to self-identify, the applicant should be informed that a visual identification of his or her race and ethnicity will be made and recorded in the WIC MIS.