

## Monitoring & Compliance Section

### 11.1.020 Local Responsibility: Civil Rights Compliance and Public Notification

Authority 7 CFR 246.8; FNS Instruction 113-1

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**POLICY:** The local agency (LA) shall comply with all state and federal Civil Rights requirements by providing equal access to WIC services for which they are eligible without regard to race, color, national origin, sex, religion, age or disability. The LA will provide WIC benefits to all eligible applicants and participants without regard to race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

#### PROCEDURES:

##### A. Assurance

1. The LA shall ensure that all categorically eligible applicants are given equal access to program eligibility determination.
2. The LA shall provide program services equally to all eligible participants regardless of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)
3. The LA shall comply with all departmental procedures regarding equal access by informing the applicant or participant of their equal rights access when discussing the program during the initial certification visit. Refer to [8.1.080](#).
  - a. Applicants and participants shall be informed of their right to file a complaint of discrimination if they believe that they have been denied services or were treated differently in regard to race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)
4. The LA shall ensure that disabled applicants and participants are accorded the

same benefits of participation in the WIC program and access to facilities.

5. The LA shall ensure that all persons providing interpretive, reading services or translators are aware of the participant's right of confidentiality.
6. The LA shall advise and provide applicants and participants with hearing, vision, speech or mental impairments communications systems and appropriate auxiliary aids that are as effective at no cost to them.
  - a. The participant should request prior notice of their specific need for auxiliary aids so that the appropriate aid will be available at each visit.
    - i. Auxiliary aids include such services or devices as (but not limited to):
      - a.) Qualified sign language interpreters
      - b.) Assistive listening headsets
      - c.) Telecommunications devices for deaf persons (TDD)
      - d.) Videotext displays
      - e.) Readers
      - f.) Taped texts
      - g.) Large print materials
      - h.) Braille materials
    - b. The LA shall identify, contract and provide interpreter services for the hearing impaired persons within the community.
      - i. The LA should ascertain from the participant the mode of sign language that the participant is familiar with and provide an interpreter that is skilled in that sign language.
    - c. The LA shall provide reader services for visually impaired persons upon request.

B. Limited English Proficiency (LEP) Materials

1. The LA shall ensure meaningful access to the information and services they provide by considering:
  - a. the number or proportion of LEP persons served in the eligible
  - b. population, the frequency with which LEP persons come in contact with the program,
  - c. the nature and importance of the program, activity, or service provided by the program, and
  - d. the resources available to the recipient and costs.
2. The State Agency shall provide information in appropriate languages when a significant number of the population to be served needs service or information in a language other than English in order to effectively participate in the WIC

Program. This applies to required Program information except certification forms which are used only by local agency staff.

3. The State agency shall also ensure that all rights and responsibilities are read or provided in writing to the applicant in the appropriate language.
4. The LA shall have a written policy that ensures all applicants or participants requesting interpretive reading services or translators are provided with these services at no cost to them.
  - a. The LA is responsible for paying any fees or charges for interpreters, readers or other materials. The fee is WIC reimbursable.
  - b. The LA are encouraged to use a state licensed interpreter or they may use the participant's relative, friend, neighbor or other person who normally assists the participant in the transaction of business as their interpreter or reader if they are 18 years of age and older.
    - i. The LA shall not require the participant to use a relative, friend, neighbor or other person who normally assists the participant in the transaction of business.
    - ii. The LA shall maintain accurate time accounting when such services are used to compare with billings received.
    - iii. If the interpreter or reader is to be reimbursed for time spent traveling, this should be agreed to:
      - a.) In the contract with them; or
      - b.) When services are arranged.

#### C. Public Notification

Public notification must include these 3 elements: Program availability, complaint information, and nondiscrimination statement.

1. In the first quarter of each fiscal year, the State and each LA shall provide the public media in the appropriate service area with an annual news release that informs the public of the availability of WIC program benefits, discusses the eligibility criteria for participation and gives the location of local agencies operating the WIC program with emphasis on reaching and enrolling eligible women in the early months of pregnancy and migrants. The state will post the notice on the Department of Health and Senior Services (DHSS) web site and the LA can post the notice on their agency web site when one exists. The LA shall maintain for audit a file of all news releases sent to the media even if it was not printed by the paper. The LA is not required to submit a paid advertisement if the news release is not printed by the paper.
2. The LA shall inform potentially eligible persons, applicants, participants, and grassroots organizations (particularly those in underserved populations), of program or changes in programs. This shall be done at least annually in local newspapers and to the extent possible in other media such as Internet, radio and television, letters, brochures, and computer-based applications, and grassroots

organizations. Public announcements must include program availability, hours of operation, location of clinics, how to file a complaint, and the WIC nondiscrimination statement.

3. The LA shall provide the public media with a news release regarding local changes when a change is significant enough to warrant public notification. Such changes may include:
  - a. A local initiative to increase:
    - i. Caseload
    - ii. The number of targeted higher risk participants, e.g. teen prenatal, new mothers, etc.
  - b. Opening, closing or moving a site.
  - c. Major changes in clinic scheduling.
  - d. Example of annual news release:

The XXXX (agency name) has announced that a contract to continue to provide WIC services for federal fiscal year 20XX has been signed with the Missouri Department of Health and Senior Services. Under the terms of the contract, the XXXX (agency name) will be able to serve (caseload #) persons eligible for WIC every month.

Women, Infants and Children (WIC) is a special supplemental nutrition program providing services to pregnant women, new mothers, infants and children up to their 5th birthday based on nutritional risk and income eligibility. The primary services provided are health screening, risk assessment, nutrition education and counseling, breastfeeding promotion and referrals to health care. Nutritious supplemental food is provided at no cost to participants. To be eligible for WIC applicants must have an income of less than or equal to 185% of the poverty level (attach income guidelines) and be determined by a health professional to be at nutritional risk. Migrant families are also eligible.

WIC supplemental food packages are specially chosen to provide foods high in protein, iron, calcium, and vitamins A and C. Eligible women and children receive fortified milk and cheese, eggs, whole grain bread products and hot or cold cereals, 100% fruit juices and fresh or frozen fruits and vegetables. The WIC program recommends breastfeeding, provides breast-feeding support, baby foods and infant cereal. For women who cannot or choose not to breastfeed, infants may receive supplemental iron fortified formula. WIC participants obtain their foods by redeeming food checks for specific items at local grocery stores and pharmacies.

Studies confirm that pregnant women who enroll in WIC during the early months of pregnancy have fewer low birth weight babies, experience fewer infant deaths, see the doctor earlier in pregnancy and eat healthier.

WIC is administered in XXX (county) by the XXX (agency name).

Persons interested in applying or who are in need of more information should contact the XXX (agency name) at (phone #). WIC clinics are offered at (give addresses of all clinic locations).

This institution is an equal opportunity provider.

e. Example of Local news release announcing Program cutbacks:

The XXX (agency name) has announced cutbacks in the WIC Program. New participants who meet the criteria of (fill in the category, nutrition risk, etc.) will no longer be eligible to participate in the WIC Program effective (date). The Program wishes to emphasize that participants currently enrolled in WIC under this (category) risk will remain on the Program until the end of their current certification period.

This institution is an equal opportunity provider.

4. The LA shall provide appropriate information, including Web-based information, in alternative formats for persons with disabilities.
5. The LA must include the required non-discrimination statement on all appropriate FNS and agency publications, Web sites, posters, radio, television, computer-based applications and informational materials provided to the public.
6. The LA shall convey the message of equal opportunity in all photographic and other graphics that are used to provide program or program-related information.
7. The LA shall prominently display the following civil rights posters in each WIC clinic, including satellite sites:
  - a. [USDA "...And Justice for All" poster](#)
  - b. [Missouri Fair Hearings poster](#). Refer to [11.1.030](#).

D. USDA Non-Discrimination Statement

1. The LA shall ensure the USDA non-discrimination statement is included on all publications created by the local agency, printed or electronic, that identify or describe the WIC program. The current version of the statement may be found on the State WIC web site:

<https://health.mo.gov/living/families/wic/frauddatalinks/nondiscrimination/>

The statement must be at least 11 point type in an easily readable standard font (black or dark color). If the material is too small to include the full statement, the material will at a minimum include the following statement:

“This institution is an equal opportunity provider.”

2. The statements should be in English and in languages appropriate to the local population, and in alternative means of communication.
3. The LA non-discrimination responsibilities regarding nutrition education materials are found in the [2.4.100](#).

E. Data Collection

1. The LA shall collect and report racial and ethnic data with regards to applicants, participants, and potentially eligible populations through the electronic data system provided by the State and maintain on file for a period of 3 years.
2. The LA shall inform applicants and participants that racial and ethnic data collections is for statistical reporting requirements only and has no effect on the determination of their eligibility to participate in the Missouri WIC Program.
3. The LA shall ask the applicant/participant to self-identify their race and ethnic category during the certification and recertification period.
  - a. Applicants/participants may self-identify more than one race.
  - b. Applicants/participants may self-identify their ethnicity (Hispanic or Latino).
4. If the applicant/participant declines to self-identify, the applicant/participant will be informed that the LA shall make a visual identification of his/her race and ethnicity and the results will be recorded in the electronic data system.
  - a. For children: identify the child as the same race as the mother. If the father is the only parent present and the LA does not know the race of the mother, then identify the child as the race of the father.
5. For information on collecting racial and ethnic data, refer to the Civil Rights Training module.

F. **Discrimination Complaint Process**

1. If the applicant or participant reports discrimination, the LA shall provide the Missouri Department of Health and Senior Services (MDHSS) Complaint of Discrimination Form.
2. LA will provide instructions to the applicant or participant as needed for completing the MDHSS Complaint of Discrimination Form. If the applicant or participant indicates that he/she is unable or unwilling to complete the form, the LA shall complete the form on behalf of the person. Verbal complaints must be accepted and written up by LA staff.
  - a. Complete all fields as indicated on the MDHSS Complaint of Discrimination form.
  - b. If applicant or participant states they have been discriminated against based on race, color, national origin, sex, age or disability mail original completed form to USDA within five days. The address is provided on the MDHSS Complaint of Discrimination form.
  - c. For detailed information on the Discrimination Complaint Process, refer to the required Civil Rights web-based training module.
3. The LA shall maintain on file a copy of the completed MDHSS Complaint of Discrimination form, which had been completed by the applicant, participant or LA staff.

G. [Civil Rights Training](#)

1. The LA shall require all new staff to complete the mandatory Civil Rights web-based training module developed by the state agency within 60 days (be consistent with state requirements) and all existing staff are required to complete the training annually.
2. Training subject matter must include at a minimum: collection and using racial/ethnic data; effective public notification systems, complaint procedures, review techniques, resolution of non-compliance, including development of an action plan; requirements of reasonable accommodations of persons with disabilities; requirements for language assistance; conflict resolution; and customer service. Refer to [2.4.010](#).

#### H. Compliance Reviews

1. The LA must review sub recipients for civil rights according to regulatory requirements.
2. Selection Criteria
  - a. Indicators may be based on unusual fluctuation in participation of racial or ethnic groups in a service area,
  - b. The number of discrimination complaints filed against the agency,
  - c. Information from grassroots organizations, advocacy groups, individuals, State officials, or other interest parties.
  - d. Unresolved findings from previous civil rights reviews.
3. Review Content
  - 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 offices are displaying the USDA nondiscrimination poster in a conspicuous location,
  - d. Whether the nondiscrimination statement is included on all printed materials such as applications, pamphlets, forms, or any other program materials distributed to the public and on Web sites; and whether graphic materials reflect inclusiveness based on race, color, national origin, age, sex, and disability,
  - e. Whether program information is being made available to potentially eligible persons, program applicants, and participants. Whether the local agency or sub-recipient is providing program information to organizations within the community that may assist the local agency in reaching potentially eligible populations,
  - f. Whether actual applicant and participant racial and ethnic data are being collected and maintained on file for 3 years,
  - g. Whether CR complains are being handled in accordance with procedures outlined in FNS Instruction 113-1 or other regulations, policies, and

guidance, and

- h. Whether the local agency or other sub-recipient has conducted CR training for its staff.

I. Equal Opportunity for Religious Organizations

1. The State agency shall ensure that no Faith-Based or Community-based Organizations participating in USDA programs will be discriminated for or against on the basis of religion, religious belief, or religious character in the administration or distribution of Federal funds.
2. Religious organizations are allowed to retain their independence and carry out their mission as long as direct USDA funds do not support it.
3. Faith-based organizations can use space in their facilities to provide USDA-funded services without moving religious items.
4. No organization can discriminate against a program beneficiary, or prospective beneficiary, on the basis of religion or religious belief.