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Overview

Policy

The Arizona WIC Program and its contractors will not discriminate in hiring or providing services. Eligible applicants will be hired or served without regard to race, color, national origin, sex, age or disability.

Discrimination is defined as: “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 their protected bases.”

During orientation, all new WIC staff members will be instructed on Civil Rights and ADA, and annually thereafter.

NOTE: The State’s policy for reasonable accommodation is in accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, dated April 1994.

In This Chapter

This chapter is divided into five (5) sections and one (1) appendix, which detail State and Local Agency responsibilities regarding civil rights and discrimination, training, and procedures of complaints.
Section A
State Agency Responsibilities

Contract Statement

The State Agency will ensure that the Civil Rights and Americans with Disabilities Act (ADA) assurance statements are in Local Agency contracts.

Training

The State Agency is responsible for the compliance training of Local Agency WIC Directors regarding Civil Rights and ADA regulations.

The State Agency will designate staff to enforce Civil Rights and ADA regulations.

Title VI

Applicants and WIC participants will be provided access to Title VI information and WIC regulations upon request.

Non-Discrimination Services

The Arizona WIC Program will provide applicants with key information in languages other than English, as needed. These materials include applications and information describing eligibility criteria, non-discrimination policies, and procedures for delivery of benefits.

Elements of Public Notification

Program Availability: The Arizona WIC Program will inform applicants and potentially eligible persons of the availability of the program and the steps necessary for participations.

Rights and Responsibilities: The Arizona WIC Program will inform applicants, participants and potentially eligible persons of their program right and responsibilities.

Complaint Information: Advise applicants and participants at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.
Notice Requirements

The Arizona WIC Program will require Local Agencies to include the non-discrimination policy statements, Civil Rights and ADA complaint procedures on all outreach materials, such as program information letters, brochures, bulletins, and newspaper, TV, and radio ads.

The Arizona WIC Program will require the “And Justice for All” poster to be prominently displayed within viewing range of participants (e.g., clinic waiting areas), and warehouse distribution centers, which will be monitored during Management Evaluations.

Posters may be ordered from the State warehouse.

The Arizona WIC Program will make program information available to the public upon request.

The Arizona WIC Program will inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs.

The Arizona WIC Program will convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information.

The Arizona WIC Program will provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for Limited English Proficiency (LEP) persons.

Monitoring

The State Agency will monitor Local Agencies’ compliance with Civil Rights and ADA requirements through periodic reports which detail enrollment by ethnicity and race.

During Management Evaluations, files of those determined to be ineligible for WIC services and those placed on the waiting list for services will be reviewed.

The State Agency will maintain complete and thorough records of all activities to monitor Civil Rights and ADA compliance and any known complaints of discrimination made by WIC applicants or participants.
Non-compliance Notification

Areas determined to be in non-compliance during a Management Evaluation will be:
- Discussed with the appropriate Local Agency staff during the exit interview.
- Identified in a written report, sent by certified mail with return receipt requested. The report must be sent within 45 calendar days from the State Agency to the Local Agency.

The report will:
- Request corrective action to be taken within 30 calendar days of initial findings
- Request a written response from the Local Agency within 30 calendar days. The response will assure implementation of specific methods, according to a time line, to bring the program into compliance
- Offer technical assistance from the State Agency and/or State Affirmative Action Officer where appropriate

Non-compliance to Compliance

The State Agency will conduct follow-up reviews within 30 calendar days of the initial Management Evaluation to ensure that the program has been brought into compliance.

If voluntary compliance is not achieved by the Local Agency within 30 calendar days, notification and copies of all correspondence and documentation will be sent to the USDA Western Regional Office. This documentation will include the following:
- Relevant contracts, assurances and agreements between the State Agency and the Local Agency
- List of names, titles, office mailing addresses and office telephone numbers of the parties involved
- List of available witnesses, their official titles, addresses, and a brief statement of the matter(s) about which they can testify
- A statement of all actions to achieve voluntary compliance
Section B
Local Agency Responsibilities

Training

Local Agencies will:
• Ensure that all new staff members receive training regarding Civil Rights and ADA during their orientation
• Ensure that, annually, all staff will attend training on Civil Rights and ADA issues
• New employees must receive Civil Rights training before participating in program activities.
• Volunteers (if any) must also receive training appropriate for their roles and responsibilities.

Language and Cultural Needs

Bilingual staff and/or translation resources will be available in areas where a significant proportion of non-English speaking clients reside. Examples of language services include: qualified, competent bilingual staff, telephonic interpreter lines, oral interpretation services, written language services, qualified, competent community organizations and trained volunteers. These examples should be considered when an applicant/participant requests a family member (including an authorized representative) or a friend to be used as an interpreter. All WIC services shall be provided in the applicant’s/participant’s preferred language. Nutrition education will meet the different cultural needs of program participants. Failure to provide reasonable, timely, appropriate, competent/qualified, accurate, and effective language services to individuals with Limited English Proficiency (LEP) could be discrimination on basis of national origin.

Applicants and participants cannot be asked to bring their own interpreters, or asked to pay for interpretation services. Children should not be used as interpreters, as it is difficult to ensure they interpret accurately. If an applicant or participant declines the use of an interpreter, or requests the other authorized representative in the family be used as an interpreter, or that a family member/friend be used as an interpreter, staff shall complete the following:

(1) Staff shall contact their local agency’s LEP services (i.e., bilingual staff, language line, etc.) to ensure the applicant and/or participant understands they are waiving their right to an interpreter.
(2) Ask LEP services to interpret the waiver signature form in HANDS.
(3) Have the applicant and/or participant sign the waiver form in HANDS.
(4) This shall be completed at each certification appointment (i.e., signing the waiver).
(5) Staff shall check in with participants at each appointment to see if they want to use LEP services or not.

If English is not listed as a language spoken, the family’s file shall indicate which interpretation services were used in the notes or the waiver shall have a signature.
Disability Needs

Handicapped applicants and participants will have access to WIC clinics and services.

Local Agencies will ensure:

- Reasonable modifications must be made in policies and practices for persons with disabilities in order to access benefits. All accommodations must be funded through the State Agency/Local Agency, not by applicants and participants.
- Accessibility of State and Local Agency websites and online application systems to persons with visual impairments and other disabilities.
- Physical program access to persons in wheelchairs and with mobility disabilities.
- Accessibility through Braille, large print, audio tape and other alternative formats.
- Effective communication through qualified sign language interpreters.
  - Staff shall have the applicant/participant read and sign the waiver in HANDS.
  - This shall be completed at each certification appointment (i.e., signing the waiver).
  - Staff shall check in with participants prior to each appointment to determine if they want to use a sign language interpreter or not.
- Women, infants, and children must be accommodated if medically or nutritionally warranted.
  - The Americans with Disabilities Act (ADA), Amendments Act of 2008 clarified the definition of “disability” to include functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions (this is not an exhaustive list). The expansion of this definition allows federal and state agencies to work with individuals with any disability to ensure that they have equal access to program services and benefits.

Written Procedures

Local Agencies will annually review all written procedures on providing WIC services to eligible participants to ensure compliance with Federal Regulations and the general provisions of the contract.

Outreach

Local Agencies will conduct outreach to migrants and homeless persons, as well as advocacy groups, associations and organizations that work with minority groups.
Racial/Ethnic Data Collection

Local Agencies will collect accurate racial/ethnic data on participants by:

- Explaining 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.
- Asking participants to self-identify their ethnicity as Hispanic or non-Hispanic, and their racial group(s) as American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or other Pacific Islander, White. Applicants can choose as many races as are appropriate.
- Country of origin or nationality should not be asked of applicants.
- Self-declaration at the time of initial Certification is the preferred method of obtaining this data. If, after being asked to self-declare, the applicant does not provide the information, the WIC staff member is to select the race “White” and “Client Refused, Observed by Staff.” The choice “White” as the race has been made the default (automatic choice) for situations such as described above.
- This data only needs to be collected at initial Certification.

Compliance / Complaints Records

Local Agencies will maintain complete and thorough records of all activities to monitor Civil Rights and ADA compliance and any known complaints of discrimination made by WIC applicants or participants.
Section C  
Handling of Complaints

Complaints

Complaints of discrimination based on race, color, national origin, sex, age, or disability will be handled by State or Local Agency WIC staff, as appropriate.

NOTE: State and Local Agencies also process program and Vendor complaints unrelated to Civil Rights issues.

Right to File

Any person or representative alleging discrimination based on a protected basis has the right to file a complaint within 180 days of the alleged discriminatory action. Only the Secretary of Agriculture may extend this timeframe under special circumstances. The complainant must be advised of confidentiality and Privacy Act applications. The complainant and the entity that the complaint is filed against will be encouraged to resolve the issue at the lowest possible level and as expeditiously as possible.

Filing Complaint

To file a Civil Rights complaint, refer the individual to the USDA Program Discrimination Complaint Form, AD-3027, found online at: [http://www.ascr.usda.gov/complaint_filing_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or 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

NOTE: Assistance in filing a complaint of discrimination may be provided by:

   ADHS Director, 150 North 18th Avenue, Phoenix, AZ 85007

Offer Assistance

The State or Local Agency staff will volunteer assistance to the applicant or participant in making a written or verbal complaint. This assistance, if accepted, will be provided the same day as the complaint is made.
Complaint Documentation

WIC Staff will ensure all complaints received are documented on the Complaint of Discrimination form. Every effort will be made to have the following information:

- Name, address, and telephone number or other means of contacting the person alleging discrimination
- The location and name of the organization or office and individual that is accused of the discriminatory practices
- The nature of the incident or action or the aspect of the program administration that led the person to allege discrimination
- The basis for the alleged discrimination (race, color, national origin, sex, age, or disability). Refer any age complaints to Federal Mediation and Conciliation Services
- Date complaint filed and with whom

NOTE: A complainant does not have to identify him or herself; however, a name is required when completing the “Complaint of Discrimination” form. Please see the Consent/Release Form for more details.

Tracking of Complaints

Document all activities regarding the complaint, such as information or assistance given to the complainant and all information relating to the complaint:

- Maintain a case file of each complaint
- Keep complainant informed of all actions taken
- Provide complainant a copy of the complaint and encourage retention of their copy

Notification

The Arizona WIC Director will be notified within 48 hours upon receipt of a complaint. Within 15 calendar days, the Program Integrity Manager will submit a written record of the complaint(s) to the ADHS Director.

The Program Integrity Manager, or designated staff, will immediately notify the Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (866) 632-9992 of any alleged discrimination based on race, color, national origin, sex, age, or disability.

Consultation

The State Affirmative Action Office will provide consultation and technical assistance to Local Agencies in order to avoid and/or eliminate discriminatory practices.
Section D
Civil Rights / ADA Training

Subjects Covered

Subjects to be covered in Local Agency WIC Directors training:
• Collecting and using ethnic / racial data
• Effective public notification systems
• Complaint procedures
• Compliance review techniques
• Resolution of noncompliance
• Requirements for reasonable accommodation of persons with disabilities
• Requirements for language assistance
• Conflict resolution
• Customer service

NOTE: All training will be based on FNS Instruction 113-1

References

The State Agency will keep on file all of the following:
• FNS Instruction 113-1
• Title VI (1964), 7 CFR 15
• Title IX, USDA Administrative Regulations
• Title IX, Education Amendments, 7 CFR 15a (gender discrimination)
• Title 28, Department of Justice Regulations
• Section 504, Handicap Regulation 7 CFR 15b
• Memorandum on Legality of Racial / Ethnic data collection
• Grassroots Organization Directory
• Age discrimination Act of 1975, 7 CFR 15c
Section E
Civil Rights Statements

Civil Rights Statement English

Per the USDA, as of October 2015, the authorized statement reads as follows:

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: http://www.ascr.usda.gov/complaint_filing_cust.html, 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

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

   This institution is an equal opportunity provider.

A civil rights statement is not required to be imprinted on items such as cups, buttons, magnets, and pens that identify the WIC Program, when the size or configuration make it impractical.

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 non-discrimination statement.
Civil Rights Statement Spanish

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: http://www.ascr.usda.gov/complaint_filing_cust.html 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:

1. correo:
   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; o

3. correo electrónico: program.intake@usda.gov

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

Esta institución es un proveedor que ofrece igualdad de oportunidades.
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