

Texas WIC Health and Human Services Commission

Effective January 1, 2024

Policy No. CR:02.0

Nondiscrimination

Purpose

To ensure that WIC program requirements/benefits are consistently applied to all applicants/participants and the civil rights of WIC applicants/participants are protected.

Authority

The WIC program receives funds from the U.S. Department of Agriculture (USDA). USDA policies prohibit discrimination based on race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

FNS Instructions 113-1 and its Appendix D; 7 CFR Parts 15, 15a, 15b, 246.8, and 246.21; Title IX of the Education Amendments of 1972; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; Americans with Disabilities Act of 1990 (ADA); Civil Rights Restoration Act of 1987; and USDA Policy Memo CRD 01-2022.

Policy

Standards used for determining eligibility and participation in the WIC Program and for the delivery of services must be the same for everyone regardless of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. All materials concerned with outreach, nutrition education, program information, or participants' rights that are distributed to the public or posted for public viewing must include a nondiscrimination statement.

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Procedures

- I. At the time of each certification, the participant or parent/guardian/ caretaker of the participant must be asked to read, or be read to, and sign the Rights and Responsibilities of a participant in the Program.
- II. Copies of the "Fair Hearing" poster, in English and Spanish, must be prominently displayed on the premises in the waiting area(s). For those clinics without a waiting area, clinics must display in the reception/entrance area.
- III. The current version of the United States Department of Agriculture (USDA) poster, "And Justice for All," in English and Spanish, must be prominently displayed on the premises in the waiting and/or reception/entrance area(s). At the time of denial of participation or termination from the Program, each individual must be informed in writing of the right to a fair hearing and of the method by which a hearing may be requested. Refer to Policies: [CR:03.0 Fair Hearing Procedure for Applicants/Participants](#) and [CS:23.0 Notification of Ineligibility, Disqualification, Termination, or Expiration of Eligibility](#).
- IV. When the LA has reached its authorized caseload and initiated a waiting list of applicants, an applicant's priority must not be determined based on race, color, national origin, sex (including gender identity or sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.
- V. The following nondiscrimination statements are approved by USDA:
 - A. Long Version in English:

The WIC Program receives funds from the United States Department of Agriculture (USDA). USDA policies prohibit discrimination based on race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

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Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete the USDA Program Discrimination Complaint Form, (AD-3027). This form is available online at <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, ; you may also obtain it from any USDA office by calling (866) 632-9992 or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary of Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
- 2) fax: (833) 256-1665 or (202) 690-7442; or
- 3) email: program.intake@usda.gov

This institution is an equal opportunity provider.

- B. Short Version in English: This institution is an equal opportunity provider.

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C. Long Version in Spanish:

El Programa WIC recibe fondos del Departamento de Agricultura de los Estados Unidos (USDA). Las políticas del USDA prohíben la discriminación por motivos de raza, color, país de origen, sexo (incluidas la identidad de género y la orientación sexual), discapacidad y edad, y las represalias por actividades realizadas en defensa de los derechos civiles.

La información sobre el programa puede estar disponible en otros idiomas que no sean el inglés. Las personas con discapacidades que requieren medios alternos de comunicación para obtener la información del programa (por ejemplo, Braille, letra grande, cinta de audio, lenguaje de señas americano (ASL), etc.) deben comunicarse con la agencia local o estatal responsable de administrar el programa o con el Centro TARGET del USDA al (202) 720-2600 (voz y TTY) o comuníquese con el USDA a través del Servicio Federal de Retransmisión al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe llenar un formulario AD-3027, formulario de queja por discriminación en el programa del USDA, el cual puede obtenerse en línea en:

<https://www.usda.gov/sites/default/files/documents/ad-3027s.pdf>, de cualquier oficina de USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida a USDA. La carta debe contener el nombre del demandante, la dirección, el número de teléfono y una descripción escrita de la acción discriminatoria alegada con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR) sobre la naturaleza y fecha de una presunta violación de derechos civiles. El formulario AD-3027 completado o la carta debe presentarse a USDA por:

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- 1) correo:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; o
 - 2) fax: (833) 256-1665 o (202) 690-7442; o
 - 3) correo electrónico: program.intake@usda.gov
- D. Short version in Spanish: Esta institución es un proveedor que ofrece igualdad de oportunidades.
- VI. Materials, incentive items, and public service announcements (PSA) developed, produced and/or purchased by LAs must include an approved nondiscrimination statement in the appropriate language. Specific guidelines and exceptions are detailed below:
- A. A nondiscrimination 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 makes it impractical.
 - B. Radio and television PSAs are generally short in duration; therefore, the nondiscrimination statement does not have to be read in its entirety. Rather a statement such as "This institution is an equal opportunity provider." is sufficient to meet the nondiscrimination requirement.
 - C. Nutrition education materials 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.
 - D. The short version of the nondiscrimination statement must only be used when space prohibits the use of the long version.

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E. The nondiscrimination statement must be in print size no smaller than the text.

VII. If the LA develops materials with photographs or graphics of participants, to the extent possible, the photos/graphics must depict participants of different races, colors, national origins, sexes, ages, and disabilities to convey the message of equal opportunity. A media release form must be signed by all participants whose image is used for WIC materials.