

<p style="text-align: center;"><b>Texas WIC</b> <b>Health and Human Services Commission</b></p>
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Effective March 1, 2021

Policy No. CR:02.0

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## **Nondiscrimination**

### **Purpose**

To ensure that WIC program requirements/benefits are consistently applied to all applicants/participants regardless of race, color, national origin, age, sex, or disability and the civil rights of WIC applicants/participants are protected.

### **Authority**

7 CFR Part 246.8; USDA FNS Instruction 113-2, Rev. 1; 25 TAC §31.29, USDA WIC Policy Memo 2012-2

### **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, age, sex, or disability. 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.

### **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.

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- III. 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 area(s). For those clinics without a waiting area, clinics must display in the reception/entrance area.
- IV. 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](#).
- V. 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, or disability.
- VI. The following nondiscrimination statements are approved by USDA:
- A. Long Version in English:  
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.

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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](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](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

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

C. Long Version in 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

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(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](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](mailto:program.intake@usda.gov).

Esta institución es un proveedor que ofrece igualdad de oportunidades.

- D. Short Version in Spanish: Esta institución es un proveedor que ofrece igualdad de oportunidades.

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- VII. 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 "USDA is an equal opportunity provider and employer" 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.
  - E. The nondiscrimination statement must be in print size no smaller than the text.
- VIII. 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.