



## Memorandum

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**#16-008**

**TO:** WIC Regional Directors  
WIC Local Agency Directors

**FROM:** Amanda Hovis, Director  
Nutrition Education/Clinic Services Unit  
Nutrition Services Section

**DATE:** January 1, 2016

**SUBJECT:** Texas WIC Policy CR: 02.0 Nondiscrimination

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This memo announces revisions to the subject policy as follows. The policy was effective December 1, 2015. You may update your *Policy and Procedures Manual* by accessing the *WIC Website* at: [http://www.dshs.state.tx.us/wichd/policy/table\\_of\\_contents.shtm](http://www.dshs.state.tx.us/wichd/policy/table_of_contents.shtm)

### Summary of Revisions

#### *Texas WIC Policy CR: 02.0 Nondiscrimination*

USDA released a new nondiscrimination statement for all programs on October 14, 2015. Texas WIC Policy CR: 02.0 has been updated to reflect the recent changes to the USDA mandated nondiscrimination statement.

#### Summary of Changes:

- Procedure V. - Removed 'age' from list of protected classes for determining an applicant's priority for waiting lists. USDA Instruction allows for the collection of age and use of this applicant status in determining sub-prioritization for waiting list placement.
- Procedure VI. A. - Long Version of the English Nondiscrimination Statement has been updated.
- Procedure VI. B. - Short Version of the English Nondiscrimination Statement has been updated.
- Procedure VI. C. - Long Version of the Spanish Nondiscrimination Statement has been updated.
- Procedure VI. D. - Short Version of the Spanish Nondiscrimination Statement has been updated.
- Procedure VII. – The updated short Nondiscrimination Statement is now reflected in this procedure.

These policy changes were not submitted for TALWD review as the revisions were mandated by USDA.

If you have any questions or require additional information regarding *Texas WIC Policy CR: 02.0 Nondiscrimination*, please contact Rachel Edwards, Clinic Services Branch Manager, at [rachel.edwards@dshs.state.tx.us](mailto:rachel.edwards@dshs.state.tx.us) or (512) 341-4563.

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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 shall 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 shall include a nondiscrimination statement.

### **Procedures**

- I. At the time of each certification, the participant or parent/guardian/caretaker of the participant shall be asked to read, or be read to, the rights and obligations of a participant in the Program from every form requiring their signature.
  
- II. Copies of the "Fair Hearing" poster, in English and Spanish, shall be prominently displayed on the premises in the waiting area(s). For those clinics without a waiting area, 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, shall be prominently displayed on the premises in the waiting area(s). For those clinics without a waiting area, display in the reception/entrance area.
- IV. At the time of denial of participation or termination from the Program, each individual shall 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**, **CS:23.0**, **CS:29.0** for procedure and use of forms WIC-5 and WIC 35-1.
- V. When the LA has reached its authorized caseload and initiated a waiting list of applicants, an applicant's priority shall 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.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at

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[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 (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,

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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.

- VII. Materials, incentive items and public service announcements (PSA) developed, produced and/or purchased by LAs shall 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.

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- 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 shall only be used when space prohibits the use of the long version.
  - E. The nondiscrimination statement shall be in print size no smaller than the text.
- VIII. The state agency's (SA) toll free number, 1-800-WIC-FOR-U (1-800-942-3678) shall be included on all materials.
- IX. If the LA develops materials with photographs or graphics of participants, to the extent possible, the photos/graphics shall depict participants of different races, colors, national origins, sexes, ages, and disabilities to convey the message of equal opportunity. A media release form shall be signed by all participants whose image is used for WIC materials.