	WIC Program Manual	
	Section 1040	
	Date: 02/2024	Page 1 of 7
Civil Rights and Nondiscrimination Statement		

WIC POLICY

1. Local agencies and the vendor management agency must ensure that equal treatment is provided to all applicants, vendors, participants, and employees in compliance with all federal and state regulations and policies concerning civil rights and nondiscrimination.
2. Local agency and vendor management agency staff must complete the *WIC Annual Civil Rights Training* that complies with all civil rights requirements, including procedures for handling complaints.
3. Local agencies and the vendor management agency must advise applicants, vendors and participants of their right to file a complaint, how to file a complaint, and the complaint procedures, and process complaints in a timely manner.
4. All local agency and vendor management agency staff must process complaints in accordance with procedures provided by the New York State Department of Health.
5. The nondiscrimination statement must be included on all material produced by local agencies for public information, public education, or public distribution.
6. Local agencies must ensure that the WIC program is accessible to all applicants and participants to ensure equal access to WIC benefits and services.

REGULATIONS

Nondiscrimination, 7 CFR §246.8

Records and reports, 7 CFR §246.25(a)

*Collection of demographic information, NYS HRL §170-E*2*

Unlawful discriminatory practices [employment, licensing], NYS HRL §296.1.

Unlawful discriminatory practices [reasonable accommodation of disability in employment], NYS HRL §296.3

Unlawful discriminatory practices [age discrimination] NYS HRL §296.3(a).

Unlawful discriminatory practices [accommodation of religious practices], NYS HRL §296.10

Unlawful discriminatory practices [conviction], NYS HRL §296.15

Unlawful discriminatory practices [arrest], NYS HRL §296.16


Food and Nutrition Services Civil Rights Compliance and Enforcement – Nutrition Programs and Activities, FNS Instruction 113-1

DEFINITIONS

Refer to Acronyms and Definitions located in Section 1011.

Racial Justice - Racial justice is the systematic fair treatment of people of all races that results in equitable opportunities and outcomes for everyone.

Equity - Equity means fairness and justice and focuses on outcomes that are most appropriate for a given group, recognizing different challenges, needs, and histories. It is distinct from diversity, which can simply

	WIC Program Manual	
	Section 1040	
	Date: 02/2024	Page 2 of 7
Civil Rights and Nondiscrimination Statement		

mean variety (the presence of individuals with various identities). It is also not equality, or “same treatment,” which doesn’t take differing needs or disparate outcomes into account. Equity recognizes that each person/community has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome.

PROCEDURE


Local Agency/Vendor Management Agency Policy Required Yes No

Civil Rights and Nondiscrimination

1. Local agencies and the vendor management agency must ensure that no individual(s) be excluded from participation in, be denied benefits of, or be subjected to discrimination at the New York State WIC Program on the grounds of any protected classes under federal or New York State Human Rights Law, or retaliation for prior civil rights activity.
2. Local agencies must implement and demonstrate a commitment to racial justice through policies, procedures, and training.
3. Local agency staff must inform participants of their rights and responsibilities and provide guidance of their right to file a complaint.

Staff Training

1. All local agency “frontline staff” with a NYWIC account who interact with program applicants or participants, persons who supervise “frontline staff,” and all vendor management agency staff must complete the *WIC Annual Civil Rights Training* upon hire and annually thereafter. This includes all local agency and vendor management agency staff, plus agency Coordinators and vendor management agency Directors. Excluded from this requirement are: vendor management agency Coordinators/Directors' supervisors, agency fiscal staff, and any other sponsor agency staff.
2. The WIC Annual Civil Rights Training includes nine required elements:
 - complaint procedures
 - collection and use of civil rights data
 - effective public notification methods
 - compliance reviews
 - resolution of non-compliance
 - requirements of reasonable accommodations of persons with disabilities
 - requirements for language assistance/access
 - conflict resolution
 - customer service
3. If an agency identifies a staff deficiency in understanding of any of the nine training elements, the agency must provide additional training with a focus on that topic.

	WIC Program Manual	
	Section 1040	
	Date: 02/2024	Page 3 of 7
Civil Rights and Nondiscrimination Statement		

4. All WIC sites, including local agency administrative offices, permanent, temporary, and pop-up sites, must prominently display the most up-to-date *And Justice for All* poster.

Complaints


1. A civil rights complaint is a discriminatory complaint related to any of the protected classes under federal law. Federally Protected classes are the following:
 - race
 - color
 - national origin
 - sex (including gender identity and sexual orientation)
 - disability
 - age

Federally protected classes are also protected under the New York State Human Rights Law.

2. Other complaints may include complaints that are not related to the federally protected classes. The following classes are also protected under the New York State Human Rights Law and are considered “other non-civil rights” complaints:
 - creed
 - military status
 - predisposing genetic characteristics
 - familial status
 - marital status
 - domestic violence victim status

Filing and Logging Complaints

1. If a participant/applicant/vendor feels that WIC has discriminated against them, local agency or vendor management agency staff must offer and provide assistance in completing the appropriate complaint form.
2. A participant/applicant/vendor may choose to submit a letter of complaint instead of filling out a complaint form. The letter should contain all information requested in the complaint form to avoid a processing delay; however anonymous, verbal, and partially completed forms will be accepted.
3. The United States Department of Agriculture Civil Rights Complaint Form (or a letter containing the same information as the form) must be submitted directly to the United States Department of Agriculture to the fax, email, or mailing information provided in the United States Department of Agriculture nondiscrimination statement. The local agency/vendor management agency must also submit a copy of the complaint to the New York State Department of Health at: nyswic@health.ny.gov. Documentation of all civil rights complaints must be maintained by the local agency for at least seven years from the date of receipt.

	WIC Program Manual	
	Section 1040	
	Date: 02/2024	Page 4 of 7
Civil Rights and Nondiscrimination Statement		

4. All discrimination complaints must be filed within 180 days of the alleged discriminatory action.
5. Civil rights complaints must be securely and separately maintained from all other program complaints.

Other non-civil rights complaints and fair hearing requests must be sent to the New York State WIC Program Director. If the complaint is deemed to be a protected basis under the United States Department of Agriculture nondiscrimination statement, it will be forwarded to the United States Department of Agriculture for review within five days. Please refer to WIC Program Manual #1038 Program Complaints and Suspected Fraud or Abuse and WIC Program Manual #1047 Fair Hearing Process for Participants for more information.


Nondiscrimination Statement

1. The full nondiscrimination statement must appear on local agency produced materials for public information, education, and distribution, including but not limited to local agency websites, social media sites, outreach materials and application/certification materials. In addition, any document that includes the full nondiscrimination statement must also include the New York State complaint and Fair Hearing statement and WIC Program Director's contact information.
2. The text of the full nondiscrimination statement can be smaller than the material's text and must be legible. The font and point size must be taken into consideration. However, the format of the statement must not be altered. Refer to the WIC Library for the full English and Spanish nondiscrimination statements.
3. The full nondiscrimination statement reads:

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

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 a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, 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 for Civil

	WIC Program Manual	
	Section 1040	
	Date: 02/2024	Page 5 of 7
Civil Rights and Nondiscrimination Statement		

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.

For other complaints or to request a Fair Hearing contact:

1. mail:

WIC Program Director
NYSDOH, Riverview Center
150 Broadway, 6th Floor
Albany, NY 12204

2. phone:

(518) 402-7093;

3. fax:


(518) 402-7348; or

4. email:

nyswic@health.ny.gov

4. The local agency must request approval from the Department of Health to use the short statement, which must read "This institution is an equal opportunity provider." in text no smaller than the material's text. The local agency may use the short non-discrimination statement if the material is not collecting vital information (i.e.: collecting information for eligibility or providing a notice of change in participation status etc.).
5. Internet, radio, and television public service announcements are generally short in duration, and the nondiscrimination statement does not have to be read in its entirety. Rather, "This institution is an equal opportunity provider." is sufficient to meet this requirement.
6. The nondiscrimination statement is not required for:
 - nutrition education and breastfeeding promotion and support material that provide only nutrition messages, without any mention of the WIC Program
 - WIC items such as buttons, caps, magnets, and pens because of size and/or configuration

Program Accessibility

	WIC Program Manual	
	Section 1040	
	Date: 02/2024	Page 6 of 7
Civil Rights and Nondiscrimination Statement		

1. Local agencies must:
 - comply with Americans with Disabilities Act requirements to ensure that all categorically eligible individuals with disabilities have an equal opportunity to apply and participate in the WIC Program by offering facilities and services accessible to persons with disabilities (including participants' representatives and proxies) Notify the applicant/participant that free services or other aids are available upon request for persons with disabilities who require alternative means of communication to obtain program information. Notify the applicant/participant that if they have difficulty understanding English, free language assistance services are available upon request.

GUIDANCE

Policy Supplement Available Yes No

Local agencies and the vendor management agency are encouraged to keep a record of staff's civil rights training completion.

The United States Department of Agriculture nondiscrimination statement is available in other languages located here: <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>. This link does not include the New York State complaint and Fair Hearing statement and WIC Program Director's contact information. This information can be found at the bottom of all translated WIC vital documents.

RESOURCES


WIC Program Manual Sections:

- #1038: Program Complaints and Suspected Fraud or Abuse
- #1041: Language Access
- #1047: Fair Hearing Process for Participants Policy
- #1100: WIC Certification Overview
- #1401: Record Retention Policy
- #1467: Competency Based and Mandatory Training Policy
- #1451: Electronic Communication Use

WIC Library:

- USDA Nondiscrimination Statement and NYS WIC Complaint Information
- Spanish USDA Nondiscrimination Statement and NYS WIC Complaint Information

Other:

 WIC Program	WIC Program Manual	
	Section 1040	
	Date: 02/2024	Page 7 of 7
Civil Rights and Nondiscrimination Statement		

- [USDA Civil Rights Website](#)
- [NYS Complaint Form](#)