Chapter 4
Civil Rights

Table of Contents

The purpose of this chapter is to describe civil rights policy and how the policy must be implemented by local WIC programs, including local agency responsibilities for data collection, staff training, and handling complaints of alleged discrimination.

Section 1. Nondiscrimination Policy……1
- Sex and Age Discrimination
- Meaningful Access for Individuals with Limited English Proficiency (LEP)
- Equal Opportunity and Equally Effective Communication for Persons with Disabilities
- Sub-contracts and Agreements

Section 2. Public Notification.……..……7
- Program Availability
- Program Rights and Responsibilities
- Required Notification for Available Assistance Services
- Nondiscrimination Policy

Section 3. Complaints of Discrimination……11
- Civil Rights Program Complaints of Discrimination
- Content of Complaints
- Guidelines for Processing Civil Rights Complaints
- Civil Rights Compliance Reviews
- Protection of Complainant
- Complaint Resolution

Section 4. Ethnicity and Race Data Collection……...15
- Obtaining the Information
- Documenting the Information

Section 5. Staff Training……17
- Required Content of Civil Rights Training
- Documentation of Participation in Training

Attachments:

Attachment 1. USDA Program Discrimination Complaint Form

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Nondiscrimination Policy

The North Carolina state agency and local WIC agencies must comply with the provision of

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.),
- Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.),
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),
- Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);
- Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended by the ADA Amendment Act of 2008 (42 U.S.C. 12131-12189) as implemented by Department of Justice regulations at (28 CFR Parts 35 and 36);
- Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." (August 11, 2000),
- all provisions required by the implementing regulations of the U.S. Department of Agriculture (7 CFR Part 15 et seq); and FNS directives and guidelines to the effect that no person shall, 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.

■ **Sex and Age Discrimination**

Section 17 of the Child Nutrition Act of 1966 defines the purpose of the WIC Program as providing supplemental foods and nutrition education, including breastfeeding promotion and support at no cost to eligible persons. Any reference to sex and age in the nondiscrimination policy as it relates to applicants and participants or categorically eligible individuals in the WIC Program is subject to these qualifications.

■ **Meaningful Access for Individuals with Limited English Proficiency (LEP)**

Reasonable steps are required to ensure that people with Limited English Proficiency (LEP) have meaningful access to the programs, services and information agencies provide. Local agencies are required to ensure meaningful access to programmatic websites, online services, and customer service lines. Failure to provide services to applicants and participants with Limited English Proficiency (LEP), or to deny them access to WIC, may be discriminating on the basis of national origin in violation of Title VI and its implementing regulations. Refer to the NCDHHS 'Policy on Meaningful Access for Individuals with Limited English Proficiency and Equally Effective Communication for Individuals with Disabilities'.

Examples of practices that may violate Title VI:

- *failing to inform LEP persons of the right to receive free interpreter services;*
- *requiring LEP persons to provide their own interpreter such as family, friends, or children (LEP individuals should be permitted to use family and friends if appropriate only after offering free language assistance.);*
- *subjecting LEP persons to unreasonable delays in the delivery of services;*
- *limiting participation in a program or activity on the basis of English language proficiency; and/or*
- *providing services to LEP persons that are more limited in scope or lower in quality than those provided to other persons.*

Where a significant number or proportion of the population eligible to be served needs service or information in a language other than English to be informed of or to participate in the Program, the local agency shall take reasonable steps to provide translated information in appropriate language to these persons. Oral interpretation services, direct in-language communication or sight translations must be used to communicate with LEP individuals, despite the population size.

Local Agency staff, at the point of first contact with an individual, must determine whether that person is LEP, must determine their primary language read and spoken, and must procure the appropriate language assistance services. Adherence to this process is documented on the Family Demographic screen by selecting the primary language read and spoken and selecting the interpreter box as appropriate. It is necessary to document the reasonable steps taken to ensure LEP applicants/participants receive meaningful access.

- **Oral Language Assistance.** Local WIC agencies have options for providing oral language assistance. Which option to use will depend on a variety of factors including the frequency of need and size of the population(s) being served. Oral language assistance must be provided through the use of a qualified interpreter, a highly trained individual who mediates spoken communication between people speaking different languages without adding, omitting, or distorting meaning or editorializing. A qualified interpreter is competent to provide interpretation services at a level of fluency, comprehension, impartiality, and confidentiality appropriate to the specific nature, type, and purpose of the information at issue. Options for oral language assistance may include:
  - hiring qualified bilingual staff who provide direct in-language communication or interpret for patient and participant contact positions;
  - hiring qualified interpreters;
  - contracting for qualified interpreter services;
  - utilizing qualified community volunteers; and
  - contracting with a telephone interpreter service.

- **LEP Access to Customer Service Telephone Lines.** Individuals with LEP must have meaningful access to information provided by staff answering customer service telephone lines available to the public. The local agency must include an English, Spanish, and other frequently encountered language option early within voice mail prompts or menu on customer service lines. It could also provide information about available language assistance services and how to get them. Staff answering the local agency's telephone should have access to a telephonic language line service to communicate with the LEP individual without delay.

- **Written Language Assistance.** The necessity to translate written documents may vary depending on several factors including the size of the population(s) being served and the size of the agency or provider. Written language assistance must be provided through the use of a qualified translator. A qualified translator is a highly trained individual who is able to render text from a source language into a target language while preserving meaning and adhering to generally accepted translator ethics and principles, including confidentiality. Even if written translations are not dictated by need, local agencies and

providers must provide oral interpretation (sight translation) of written documents as necessary, to ensure meaningful access for a LEP person.

- **LEP Access to Websites and Digital Services.** Local agencies must ensure that LEP individuals have meaningful access to its program websites and digital services such as online applications and Electronic Benefit Transfer account management systems, and web-based forms, and brochures. All vital information published online must be accurately translated into commonly encountered languages spoken by LEP individuals. This includes hyperlinks to vital information, dropdown boxes, webpages, PDF documents, and/or online forms. Multilingual tagline notices offering free language assistance must also appear on program websites and online platforms. It is recommended that local agencies link to the 'Notice of Free Interpretation and Available Assistance Services' resource on the NC WIC website.

- **Equal Opportunity and Equally Effective Communication for Persons with Disabilities**
Local public health agencies are required to comply with Section 504 of the Rehabilitation Act of 1973 and the Title II and Title III of the Americans with Disabilities Act of 1990 (ADA, as amended by the ADA Amendments Act of 2008. (7 CFR 15b, 28 CFR 35, and 28 CFR 36.) This act guarantees equal opportunity and equally effective communication for individuals with disabilities to public services, public accommodations, and telecommunications. For reference, please review the NCDHHS 'Policy on Meaningful Access for Individuals with Limited English Proficiency and Equally Effective Communication for Individuals with Disabilities'. Additionally, it is recommended that local agencies link to the 'Notice of Free Interpretation and Available Assistance Services' resource on the NC WIC website.

  - **Reasonable Modifications**
  Reasonable modification is a key concept in Title II and III regulations. Local agencies must modify policies, practices and procedures when necessary to ensure a person with a disability an equal opportunity unless to do so would fundamentally alter the nature of the service, program, or activity.

  Some examples of reasonable modifications include:
  - Service animals,
    - Service animals are dogs that are individually trained to do work or to perform tasks for individuals with disabilities. Service animals are working animals, not pets.
    - Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
  - Miniature horse if it has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
  - Wheel chairs, mobility aids, and other power-driven mobility devices.

  - **Auxiliary Aids and Services**
  Local agencies are required to provide auxiliary aids and services to make sure individuals with speech, hearing, and vision disabilities can understand what is said or

written and can communicate effectively. The local agency must not require individuals with disabilities to furnish their own auxiliary aid or services. This includes ensuring equally effective communication for applicants, participants, members of the public, and companions with disabilities. A companion means a family member, friend, or associate of an individual seeking access to a service, program, or activity of a public entity, who, along with such individual, is an appropriate person with whom the public entity should communicate.

- Local agencies must consult with the person with a disability to give primary consideration to the type of auxiliary aid or service requested unless they can demonstrate that another equally effective means of communication is available or that the aid or service requested would fundamentally alter the nature of the program, service, or activity or would result in undue financial and administrative burdens.
- If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the local agency must provide another aid or service that provides effective communication, if possible.

Additionally, the local agency must:

- Use qualified interpreters when communicating with individuals with disabilities that require interpreters to communicate. A qualified interpreter (for disability) is an interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.
- Only use an adult companion (never a child) as an interpreter in situations not involving an imminent threat when an individual requests this, the accompanying person agrees to interpret, and reliance on the accompanying adult is appropriate under the circumstances.
  - Not rely on an accompanying adult to interpret in situations not involving an imminent threat when there is reason to doubt the person's impartiality or effectiveness.
  - Limit the use of adult or minor child (companions) as interpreters to emergency situations involving an imminent threat to the safety of welfare of an individual or the public when a qualified interpreter is not available.
- Require reasonable advance notice from people requesting aids or services, based on the length of time needed to acquire the aid or service, but may not impose excessive advance notice requirements (add limit to advance notice).

Some examples of common auxiliary aids and services include:

- qualified sign language interpreter
- qualified notetaker
- written materials
- real time captioning
- qualified speech-to-speech transliterator
- more time
- written communication
- telecommunications relay service

- qualified readers large print, braille, or computer screen reading program
- audio recordings

Documentation of reasonable modifications or auxiliary aids and services must be noted in Crossroads in both on the Participant Demographic screen by selecting the appropriate drop-down option from the list under Special Needs and in the participant Care Plan. Refer to Chapter 4, Section 2 for guidance regarding notification requirements.

Fundamental Alteration

The local agency is not required to provide the requested auxiliary aid or service if there is documentation that making the modification would fundamentally alter the nature of the service, program, or activity. If the aid or service requested would cause undue financial burden on the program or activity to the level that it would make continued operation of the program unfeasible, the aid or service need not be provided. However, denying the requested auxiliary aid or service under the fundamental alteration exception should not result in the denial of access to the program or other benefits or services.

The decision that a particular aid or service would result in an undue burden or fundamental alteration must be made by a high level official no lower than a the head of the Department or its responsible entity or their designee and must be accompanied by a written statement of the reasons for reaching that conclusion. If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the Department and responsible entities still have an obligation to provide an alternative aid or service that provides effective commutation if one is available.

Sub-Contracts and Agreements

When a local WIC agency enters into a sub-contract or agreement with an individual or agency to provide WIC Program services, the local agency must ensure the inclusion of assurance of nondiscrimination as follows:

All activities under this contract will be conducted in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C.2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.794), Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended by the ADA Amendment Act of 2008 (42 U.S.C. 12131-12189) as implemented by Department of Justice regulations at (28 CFR Parts 35 and 36); Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." (August 11, 2000), all provisions required by the implementing regulations of the U.S. Department of Agriculture (7 CFR Part 15 et seq); and FNS directives and guidelines to the effect that no person shall, on the ground of race, color, national origin, age, sex (including gender identity and sexual orientation), or disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which Federal financial assistance is received for the administration of the WIC Program; and hereby gives assurances that it will immediately take measures necessary to effectuate this agreement. By providing this assurance, the contractor agrees to compile data, maintain records and submit records and reports as requested by the Community

Nutrition Services Section to permit effective enforcement of the nondiscrimination laws, and to permit the Community Nutrition Services Section personnel during normal working hours to review and copy such records, books and accounts, access such facilities, and interview such personnel as needed to ascertain compliance with the non-discrimination laws. If there are any violations of this assurance, the Community Nutrition Services Section shall have the right to seek judicial enforcement of this assurance. This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants, and loans of Federal funds, reimbursable expenditures, grant, or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use Federal property or interest in such property or the furnishing of services without consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or any improvements made with Federal financial assistance extended to the Program applicant by USDA. This includes any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of cash assistance for the purchase of food, and cash assistance for the purchase or rental of food service equipment or any other financial assistance extended in reliance on the representations and agreement made in this assurance. The contract may be renewed annually upon the mutual agreement of both parties. Any renewal shall be negotiated 30 days prior to the beginning of the contract period.

Prior to being signed, all sub-contracts (new or renewal) must be approved in writing by the local agency's Regional Nutrition Program Consultant.

Public Notification

Local agencies must inform potentially eligible persons, program applicants, and participants of program availability, program rights and responsibilities, the nondiscrimination policy, and the process for filing a complaint in a language and alternate format that they can understand. The complaint process is addressed in Section 3.

- **Program Availability**
  Local Agencies are required to complete an annual media release regarding the availability of the WIC Program. Refer to Chapter 10 for more information about the requirements of the annual media release.

- **Program Rights and Responsibilities**
  Refer to Chapter 6 for requirements for informing applicants and participants about their program rights and responsibilities.

- **Required Notification for Available Assistance Services**
  It is required for the local agency to notify individuals with LEP about the availability of free interpreters and translated materials and individuals with disabilities about the availability of auxiliary aids and services and reasonable modifications. The “LEP/ADA” poster (6/2023) must be on display where it may be read by those who receive WIC services in in a language that the WIC applicant can understand. Refer to Chapter 6D: Participant Notifications.

- **Nondiscrimination Policy**

  - **Display USDA's "And Justice For All" Poster.** The USDA “And Justice for All” poster must be on display where it may be read by those who receive WIC services. It may also be displayed in group or individual nutrition education areas. Posters can be ordered from the Community Nutrition Services Section using the CNSS requisition form.

  - **Use the USDA Nondiscrimination Statement.** The exact statement noted below must be in all notifications and administrative forms that deal with program eligibility and certification. It must also be included in all locally printed publications, outreach materials, pamphlets, press releases, handouts, leaflets and brochures, television and radio announcements, and internet sites that describe the WIC Program.

    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 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.

- When space prohibits use of the full statement, the following statement must be included in print size no smaller than the text: "This institution is an equal opportunity provider."

- A nondiscrimination statement is not required to be imprinted on items such as cups, buttons, magnets, and pens that identify the program, when the size or configuration makes it impractical. In addition, recognizing that radio and television public service announcements are generally short in duration, the full nondiscrimination statement must be provided but does not have to be read in its entirety. Rather the short "This institution is an equal opportunity provider" may be used to meet the nondiscrimination requirement.

- 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 nondiscrimination statement.

- At a minimum, the full nondiscrimination statement or a link to the statement in English and most frequently encountered languages (Spanish) must be included on the home webpage displaying WIC program information. The current nondiscrimination statement is not required to be included on every page of a program's website.

- The nondiscrimination statement must be available in a language that WIC applicants can understand. Ensure that the nondiscrimination statement on the WIC program website does not translate with any automated translation software.

Recommendation: From the local agency website, link to the State WIC agency webpage where the translated nondiscrimination statements are available.

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Complaints of Discrimination

Any person alleging discrimination under any of the protected classes identified in the USDA nondiscrimination statement (not all protected bases apply to all programs) has a right to file a complaint of discrimination within 180 days of the alleged discriminatory action. Only the Secretary of Agriculture or their representative can waive this time frame for good cause. Complainants must be provided with guidance about how to file a complaint with the USDA and/or assistance with completing and filing the complaint form.

Reference the NCDHHS Civil Rights Complaint Procedures. Local and state staff may not discourage or deny groups or individuals their right to file a complaint of discrimination. Only the USDA or its Food and Nutrition Administration (FNA), Civil Rights Division (CRD), may determine whether a complaint applies to the WIC Program or may reject a complaint based on lack of merit. Staff must offer free language assistance services (i.e. qualified interpreter and/or a translated complaint form) for complainants who are limited English proficient and auxiliary aids and services and reasonable modifications for individuals with disabilities who need assistance filing a complaint.

- **Civil Rights Program Complaints of Discrimination**
  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 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.

■ **Content of Complaints**

Every effort should be made to have the complainant provide the following information about the alleged discriminatory action:

- Complainant name, mailing address, email address, and telephone numbers.
- The name of the organization or office where the alleged discrimination occurred.
- Best way to reach the complainant; mail, phone, e-mail, or other.
- Indicate Yes or No to, "Do you have a representative (lawyer or other advocate) for this complaint?", and if so, provide name, address, phone number and email address.
- The names of person(s) involved in the alleged discrimination (if known).
- The names, titles, and business addresses of persons who may have knowledge of the alleged discriminatory action.
- Name of the program to which complainant applied.
- The USDA Agency that conducts the program – which for our purposes would be Food and Nutrition Administration.
- What happened?
- When the discrimination occurred. If it occurred more than once, list all dates.
- The basis or bases upon which the claim of discrimination is being made, meaning race, color, national origin, disability, age, and sex (including gender identify and sexual orientation). Additionally, reprisal is prohibited based on prior civil rights activity.
- How the complainant would like to see the complaint resolved.
- Information on whether a complaint about the incident(s) has been filed with any other federal, state, or local agency or with a court and if so, what agency or court and when it was filed.
- The signature of the complainant and the date. The complainant has the ability to electronically sign the form.
- The complaint does not need to be written or signed if it is submitted in an alternate format to accommodate the complaint filing needs of a person who has a Limited English Proficiency (LEP), a disability, or other special need. Anonymous complaints are handled as any other complaint to the extent feasible based on available information. Incomplete information or an unsigned form will delay the processing of your complaint.

- **Guidelines for Processing Civil Rights Complaints**
  Complaints filed against any USDA program or activity administered by Divisions, Offices of the NCDHHS, and their subrecipients must be handled in accordance with the FNA *CRD and NCDHHS State Agency Complaints Processing Memorandum of Understanding* dated 9/19/2016.

  - All complaints alleging discrimination must be reported by the local agency WIC Director or designee to their RNC within 24 hours of receipt.
  - The complaint must be submitted in writing by the local agency WIC Director or designee to the State WIC Director within 48 hours of receipt.
  - The State agency is required to forward complaints alleging discrimination to Food and Nutrition Administration Regional Office of Civil Rights within 5 calendar days of receipt.

- **Civil Rights Compliance Reviews**
  Civil Rights compliance will be conducted during a regular program monitoring review visit by State WIC staff.

  - It is an automatic finding if the agency has unreported discrimination complaint(s).
  - The Corrective Action Plan for the finding requires the local agency to state:
    - how the non-compliance occurred for each case listed,
    - how the non-compliance will be resolved, and
    - steps that will be taken to assure future compliance with Civil Rights discrimination monitoring requirement(s).

- **Protection of Complainant**
  An applicant's /participant's rights or privileges under the WIC Program may not be interfered with because they have made a complaint alleging discrimination. Staff must keep the identity of a complainant confidential except for the purposes of investigation, hearing, or judicial proceedings. All records of complaints received must be kept separate from employment and program complaints and only be accessible by authorized staff. This form must be maintained in accordance with the Records Retention and Disposition Schedule for Local Health Departments. Refer to Chapter 13 for additional information.

- **Complaint Resolution**
  Working with the state and local WIC agencies, the USDA Food and Nutrition Administration, Civil Rights Division, will process, manage, and facilitate resolution of civil rights complaints in accordance with federal regulations and directives.

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Ethnicity And Race Data Collection

It is a federal requirement that federal programs collect data on ethnicity and race in a uniform and comparable manner. The collection and reporting of this data will help to assure that this program is administered in a nondiscriminatory manner.

- **Obtaining the Information**
  Local agencies must ensure that data on ethnicity and race is collected and documented for all individuals at the time of initial application for WIC Program services. However, the local agency staff must first explain and ensure the applicant understands that provision of this data is: voluntary, solely for the purpose of determining the State's compliance with Federal civil rights laws, and that responding will not affect consideration of the program application and may be protected by the Privacy Act. By providing this information, the applicant will assist in assuring that this program is administered in a nondiscriminatory manner.

  - **Declared.** Self-identification by the applicant is the preferred method of obtaining ethnicity and race information. Only one ethnicity can be selected, but multiple racial categories may be selected.

  - **Observed.** If an applicant declines to self-identify his/her ethnic and/or racial group, the applicant should be informed that another method including visual observation of his/her ethnicity and/or race will be made and recorded in the data system. Visual observation by a program staff member must then be used to determine the applicant's ethnic and/or racial category. If visual observation is used, the identification of the ethnicity and one race is acceptable.

    NOTE: There are a variety of ways to request ethnicity and race information. The following example offers one approach:
    "We need to know your ethnicity and race. Your response will not affect how we consider your application. If you prefer not to provide this information, we will need to choose an ethnicity and race category for you. Are you (is your child) of Hispanic or Latino ethnicity? What race or races are you (is your child)?"

- **Documenting the Information**
  Race/Ethnicity on each applicant must be documented on the Participant Demographics screen in the Crossroads system.

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Staff Training

It is a federal requirement that staff who interact with program applicants/participants and the supervisors of this staff participate in civil rights training on an annual basis and that this training include the required components outlined by the United States Department of Agriculture (USDA), Food and Nutrition Administration (FNA).

Local agencies are responsible for assuring that local agency WIC Program personnel who interact with program applicants or participants, and persons who supervise these staff participate in civil rights training annually. Staff may participate in training provided annually by the Community Nutrition Services Section or through another training which includes the required content (see below). Local agencies must include civil rights training as part of new employee orientation.

- **Required Content of Civil Rights Training**
  The content of the civil rights training should include at a minimum, the topics listed below.

  - Collection and use of data (refer to Section 4)
  - Effective Public notification systems (refer to Section 2)
  - Complaint procedures
  - Compliance review techniques (refer to Chapter 15)
  - Resolution of noncompliance
  - Requirements for reasonable modifications and auxiliary aids and services for individuals with disabilities
  - Requirements for language assistance for persons with limited English proficiency
  - Conflict resolution and customer service

- **Documentation of Participation in Training**
  Documentation of staff participation in annual civil rights training should be maintained on file for three years. The documentation should at a minimum include the date and names of persons trained and an outline or agenda of the topics covered in the training.

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U.S. Department of Agriculture
USDA Program Discrimination Complaint Form

Complainant Information		
First name	Middle Initial	Last Name
Mailing Address (Include Full City, State and Zip Code)		
Primary Phone Number	Alternate Phone Number	Email
Best way to reach you: ☐ Mail ☐ Phone ☐ Email ☐ Other		
If you have difficulty understanding the English language, you may request language assistance services by calling 866-632-9992. Assistance will be available for individuals who are not proficient in English. Persons with disabilities who require alternative means of communication (e.g., braille, large print, American Sign Language) should contact the responsible State or local Agency that administers the program or contact the United States Department of Agriculture (USDA) through the Federal Telecommunications Relay Service at 711 (voice TTY).		

Representative Information	
Do you have a representative? ☐ Yes ☐ No	Do you have written authorization from representative? If so, please attach. ☐ Yes ☐ No
First name	Last Name
Mailing address (Include Full City, State and Zip Code)	
Phone	Email

Complaint Information
(attach additional pages and supporting documentation as needed)

1. Provide the name of the program you applied for (if known/applicable).

2. Select the USDA agency that conducts the program or provides Federal financial assistance for the program.
   - ☐ Agricultural Marketing Service, AMS
   - ☐ Foreign Agricultural Service, FAS/Trade and Foreign Agricultural Affairs, TFAA
   - ☐ Food and Nutrition Service, FNS
   - ☐ Forest Service, FS
   - ☐ Farm Service Agency, FSA
   - ☐ National Institute of Food and Agriculture, NIFA
   - ☐ Natural Resources Conservation Service, NRCS
   - ☐ Rural Development, RD
   - ☐ Other ☐ Unknown

3. Date of recent alleged discrimination (mm/dd/yyyy)	4. Location and/or address of the office where discrimination occurred

5. Who do you believe discriminated against you? Include the name(s) of person(s) involved in the alleged discrimination (if known).

6. What happened to you (please include dates of each allegation)?

7. It is a violation of the law to discriminate against you based on the following: race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, and political beliefs. (Not all bases apply to all programs). Reprisal is prohibited based on prior civil rights activity.

I believe I was discriminated against based on:

☐ Race	☐ Sex	☐ Marital Status
☐ Color	☐ Disability	☐ Family/Parental Status
☐ National Origin	☐ Age	☐ Income from Public Assistance
☐ Political Beliefs	☐ Religion	☐ Retaliation (prior civil rights activity)

Remedies

8. How would you like to see this complaint resolved?

9. Have you filed a complaint about the incident(s) with another federal, state, or local agency or with a court?

10. If yes, with what agency or court did you file?	11. If yes, when did you file? (mm/dd/yyyy)

Complainant Signature _____ Date _____ Representative Signature _____ Date _____

INSTRUCTIONS

PURPOSE: The Agriculture Department 3027(AD 3027) Program Discrimination Complaint Form may be used to file a complaint if you believe you have experienced discrimination in any USDA program or activity, and you wish to file a complaint of discrimination. The form can be used to file a complaint of discrimination based on race, color, national origin (including limited English proficiency), religion, sex, disability, age, marital status, family/parental status, income derived from public assistance program and political beliefs. You may also use this form to file a program complaint alleging an adverse environmental impact to your health or the environment of a protected group caused by the program or activities of USDA, its Mission Areas or agencies.

You are not required to use this form to file a discrimination complaint, you may send a letter or email instead of this form. The letter or email must include the information requested in items 1-11 on this form. If you decide to use this form, please type or print all information in items 1-11 of this form and use additional pages if more space is needed. If you need assistance completing this form, call 866-632-9992.

Pursuant to 7 CFR 16.4(d), beneficiaries and prospective beneficiaries in programs supported by indirect financial assistance from USDA may file written complaints with USDA alleging violations of the rule's religious freedom protections by contacting or filing a written complaint with USDA's Office of the Assistant Secretary for Civil Rights (OASCR).

If you need assistance filling out this form (including translation services), you may call (866) 632-9992; assistance will be available in English and for individuals who are not proficient in English or in other languages. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, and American Sign Language) should contact the responsible State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY)

We must have a signed copy of your complaint. An incomplete or unsigned form or letter will delay processing of your complaint.

FILING DEADLINE: A program discrimination complaint must be filed within 180 days from the date you knew or should have known of the alleged discrimination unless the time for filing is extended by USDA. Complaints sent by mail are considered filed on the date the complaint is received by USDA. Complaint documentation or Complaint Forms sent by email will be considered filed on the date the complaint is received. Complaints filed after the 180-day deadline must include a 'good cause' explanation for the delay. For example, if:

1. You could not reasonably have been expected to know of the discriminatory act within the 180-day period;
2. You were seriously ill or incapacitated; or
3. The same complaint was filed with another Federal, state, or local agency and that agency failed to act on your complaint.

USDA POLICY: Federal law and policy prohibit discrimination against you based on race, color, and national origin includes discrimination based on shared ancestry or ethnic characteristics or based on citizenship in a country with a dominant religion. Discrimination based on race, color, and national origin also includes discrimination, including harassment, because you and/or another individual are, for example, Jewish, Muslim, Arab, Hindu, or Sikh; or based on other ethnic and religious characteristics. For example, individuals who have been subjected to ethnic slurs (such as antisemitic or anti-Muslim harassment); harassed for how they look, dress, or speak in ways related to their ethnic background (such as skin color, religious attire, or language spoken); or stereotyped based on their perceived ethnic characteristics. USDA will determine if it has jurisdiction under the law to process the complaint on the basis identified in the complaint and in the programs indicated in the complaint. Reprisal that is based on prior civil rights activity is prohibited.

WHERE TO FILE YOUR COMPLAINT: You may submit your completed form or letter to USDA by:

Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence, Ave, SW, Mail Stop 9410, Washington, DC 20250-9410.

e-Mail: program.intake@usda.gov.

For more information visit: https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint.

LEGAL INFORMATION

CONSENT: This USDA Program Discrimination Complaint Form is provided in accordance with the Privacy Act of 1974 (5 U.S.C. §552a) and is used to solicit information for processing complaints of discrimination. USDA requests this information pursuant to 7 CFR Part 15.

If the completed form is accepted as a complaint, the information collected during the investigation will be used to process your program discrimination complaint.

RETALIATION PROHIBITED: No Agency, officer, employee, or agent of the USDA, including persons representing the USDA and its programs, shall intimidate, threaten, harass, coerce, discriminate against, or otherwise retaliate against anyone who has filed a complaint of alleged discrimination or who participates in any manner in an investigation or other proceeding raising claims of discrimination.

PRIVACY ACT STATEMENT*(5 U.S.C. § 552a)*

AUTHORITIES: Collection of this information is authorized by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); and Sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. §§ 794; 794d) and any other anti-discrimination statutes, rules and regulations.

PURPOSE: The information solicited on this form is used for processing complaints of discrimination under the statutes listed in the "Authorities" section of this notice. Any information obtained from this form will be maintained in our system of record.

ROUTINE USES: More information on the routine uses for the system can be found in the System of Records Notice USDA-2021-0007 records maintained by OASCR can be seen via the internet at https://www.usda.gov/home/privacy-policy/system-records-notices.

DISCLOSURE: Providing this information is voluntary. Failure to complete this form may lead to a delay in processing of the complaint or rejection of the complaint due to an inadequate information to continue processing.

PAPERWORK REDUCTION ACT STATEMENT

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) requires us to inform you that this information is being collected to ensure that your complaint contains all the information required to process it fully. OASCR will use the information to process your discrimination complaint.

Response to this request is voluntary. The information you provide on this form will only be shared with persons who have an official need to know and will be protected from public disclosure pursuant to the provisions of the Privacy Act, (5 U.S.C. § 552a(b)). The estimated time required to complete this form is 60 minutes. You may send comments regarding the accuracy of this estimate and any suggestions for reducing the time for completion of the form to the U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Mail Stop 9410, DC 20250-9410. An agency may not conduct or sponsor, nor is a person required to respond to, a collection of information unless it displays a currently valid OMB Control Number. **The OMB Control Number for this form is 0508-0002.**

TITLE VI
Title VI of the Civil Rights Act of 1964 requires federal agencies to ensure that programs or activities receiving federal funding, including those that affect human health, do not use discriminatory criteria, methods, or practices that adversely impact protected groups. USDA is advancing justice by carrying out its responsibilities under the law to identify and address disproportionate and adverse public and cumulative impacts on communities with concerns. USDA invites the public to bring to its attention possible violations of our nation's laws. Please understand that submitting this complaint form has no effect on any statute of limitations or other filing requirements that might apply to any complaint you may have. Further, by submitting this complaint you have not commenced a lawsuit or other legal proceeding, and this office has not initiated a lawsuit or proceeding on your behalf.
NATIONAL ORIGIN DISCRIMINATION
Discrimination based on national origin includes discrimination based on the country, world region, or place where a person or their ancestors come from; a person's limited English proficiency or English learner status; and a person's actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (e.g., Hindu, Jewish, Muslim, and Sikh students).
USDA ACCESSIBILITY STATEMENT
Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d) authorizes individuals to file administrative complaints and civil actions against the Department, limited to the Department’s alleged failure to procure accessible technology. The statute requires federal agencies to process Section 508 complaints according to the same complaint procedures used to process Section 504 complaints. USDA is committed to making its digital content accessible. USDA customers, employees, job applicants, and members of the public with disabilities must have access to information and communication technology (ICT) comparable to the access available to those without disabilities.

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