

XI. CIVIL RIGHTS

(Please indicate) State Agency West Virginia for FY 2024

The Civil Rights section of the State Plan should cover the training of State and local staff on issues, rules and regulations related to civil rights, public notification of nondiscrimination requirements, the monitoring of local agencies and clinics for compliance with civil rights regulations and rules, the collection of relevant racial/ethnic information and procedures for handling civil rights complaints.

During a disaster or public health emergency, or supply chain disruption, the State agency may request to implement existing WIC regulatory and programmatic flexibilities or waivers to support the continuation of Program benefits and services. State agencies should consider the overarching authority, i.e., Stafford Act, Access to Baby Formula Act, or provision(s) authorized by Congress, and duration before developing a policy and procedure. The State agency must provide a detailed description of how it plans to operationalize the flexibility or waiver through their procedure manual where applicable. Please note the State Plan Guidance is not intended to capture a description of waivers authorized by Congress with separate reporting requirements.

Executive Order (EO) 13988, “*Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.*” was issued to all Federal Agencies. The EO set out policies that all persons are entitled to dignity, respect, and equal treatment under the law, no matter their gender identity or sexual orientation. The EO does not usurp section 17 of 42 U.S.C, as amended or applicable regulations, rather it complements the language in the nondiscrimination statement. Following the contents of the EO, State agencies must update their policies and procedures to align with the contents of the EO and the nondiscrimination statement.

- A. [Administration - 246.4\(a\)\(17\)](#): describe the procedures the State will use to comply with the civil rights requirements described in 246.8, including the processing of discrimination complaints.
- B. [Public Notification Requirements and Nondiscrimination Notification - 246.8\(a\)\(1\)](#): describe the policies and procedures used to ensure that public notification regarding nondiscrimination in the WIC Program reaches all participants and potential participants in an appropriate language (246.8(c)) through WIC Program materials.
- C. [Compliance Review and Monitoring Activity - 246.8\(a\)\(2\)](#): describe the policies and procedures used to monitor and review local agencies to verify that they are in compliance with civil rights laws and regulations.
- D. [Data Collection and Reporting - 246.8\(a\)\(3\)](#): describe the methods used to collect and monitor racial/ethnic data in compliance with title VI of the Civil Rights Act of 1964.
- E. [Complaint Handling - 246.4\(a\)\(17\)](#): describe the policies and practices used to ensure civil rights complaints are handled properly at the State and local level.

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A. Administration

1. **The State agency designates an individual to coordinate, implement, conduct training, and enforce civil rights efforts.**

x Yes No

- a. **The following methods are used to inform and update State and local agency staff of their obligations under civil rights rules, regulations, and instructions:**

	State Agency	Local Agency
Briefing for new employees	x	x
Handouts for new employees	x	x
Memos and updates	x	x
Presentations by civil rights coordinator	x	<input type="checkbox"/>
Presentation by staff other than WIC Program	<input type="checkbox"/>	<input type="checkbox"/>
Other	x	<input type="checkbox"/>

If other, specify: Annual online training is required and verification of completion is monitored by the State Agency.

- b. **Civil rights training is provided annually**

State agency staff x Yes No

Local agency staff x Yes No

- c. **Civil rights training includes the following:**

State Agency	Local Agency	
Collection and use of racial/ethnic data	x	x
Effective public notification systems	x	x
Complaint procedures	x	x
Compliance review techniques	x	x
Resolution of noncompliance	x	x
Requirements for reasonable accommodation of persons with disabilities	x	x
Requirements for language assistance	x	x
Conflict resolution	x	x
Customer Service	x	x

If other, specify: [Click or tap here to enter text.](#)

DETAIL: Civil Rights Appendix and/or Procedure Manual (citation): Policy and Procedure 1.08- Civil Rights; 1.08- Civil Rights, Attachment #1

2. **The State agency has copies of the following materials on file:**

x [FNS Instruction, 113-1](#)

x [Title VI \(1964\), 7 CFR 15](#)

x [Title IX, Education Amendments, 7 CFR 15a](#) (sex discrimination)

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- x [Section 504, Rehabilitation Act of 1973, 7 CFR 15b](#)
- x [Racial/Ethnic data collection policy and reporting requirements](#)
- x [Age Discrimination Act of 1975, 45 CFR Part 91](#)
- x [Americans with Disabilities Act, 28 CFR Part 35](#)
- x [Civil Rights Restoration Act of 1987](#)

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation): Policy and Procedure 1.08, Article D- Civil Rights

3. The State agency's policy for reasonable accommodation includes the most up-to-date provisions for individuals with disabilities.

x Yes No

(Refer to FNS Instruction 113-1, Civil Rights Compliance and Enforcement–Nutrition Programs and Activities)

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation): Policy and Procedure 1.08; Article H- Civil Rights

B. Public Notification Requirements and Nondiscrimination

1. Public Notification

a. The State agency requires its local agencies to include the [nondiscrimination policy statement](#) and civil rights complaint procedure on the following (check all that apply):

- | | |
|--|----------------------------|
| x Outreach letters to the general public | x Radio announcements |
| x Program information letters | x Publications |
| x Program information brochures | x Posters |
| x Program information bulletins | x Newsletters |
| x Newspaper announcements | x Referral material |
| x Internet | x Television announcements |
| x Letters of invitation in the public hearing process | |
| x Certification forms to be signed by participants | |
| x Application forms (including computer-based forms) | |
| <input type="checkbox"/> Other (specify): Click or tap here to enter text. | |

b. The State agency requires that the USDA nondiscrimination poster, "And Justice For All," or an FNS- approved substitute be displayed in the following places frequented by applicants and participants:

- x Clinic waiting rooms
- Food instrument issuance offices
- Group/individual nutrition education areas
- Test kitchens
- Distribution centers or locations
- x Other (specify): [Common Areas](#)

c. Check the group categories that the State agency and its local agencies publicly inform of the

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following information (check all that apply; see key below):

1	2	3	
x	x	x	Availability of Program benefits
x	x	x	Eligibility criteria for participation
x	x	x	Location of LA/clinics operating WIC Program and (800) telephone numbers
x	x	x	Hours of service of LA/clinics operating WIC Program
x	x	x	Rights and responsibilities
x	x	x	Nondiscrimination policy
x	x	x	Civil rights complaint procedure

1 = general public

2 = grassroots/community organizations that deal with potentially eligible low-income individuals

3 = potential eligible individuals/participants

- d. **The State agency ensures that advocacy/minority organizations and the general public are informed of the benefits/policies listed above (please provide the appropriate Procedure Manual citation of materials used):**

Annually x More frequently

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation): Policy and Procedure 7.02- Publicizing WIC

2. Nondiscrimination Notification

a. The State agency or local agency:

- x Provides applicants/participant with key information, such as applications and materials describing eligibility criteria and procedures for delivery of benefits, in appropriate languages other than English in areas where a significant proportion of people with limited English proficiency (LEP) reside.
- x Provide applicants/participants with key information, such as applications and materials describing eligibility criteria and procedures for delivery of benefits using inclusive language.
- x Appropriate bilingual staff, volunteers, or other translation resources are available to serve applicants and participants in areas where a significant proportion of people with limited English proficiency (LEP) reside.
- x All rights and responsibilities listed on the certification form are read to or by the applicants and participants in the appropriate language, or if the participant is sight or hearing impaired and requires assistance.

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b. The State agency provides WIC Program materials and translators in the following languages (Check all that apply; M = Materials, VT = Volunteer Translators, PT = Paid Translators, BS = Bilingual Staff):

M	VT	PT	BS
x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> English
x	<input type="checkbox"/>	x	x Spanish
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> French
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Vietnamese
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Chinese
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Other Asian/Pacific (specify): Click or tap here to enter text.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Tribal (specify): Click or tap here to enter text.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Braille
<input type="checkbox"/>	x	x	<input type="checkbox"/> Sign language Interpreter
<input type="checkbox"/>	<input type="checkbox"/>	x	x Other languages (specify): Click or tap here to enter text.

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation): A DHHR contract was awarded to 911 Interpreter Services for use for WIC by WIC and all clinics when an interpreter is needed. The paid services have a variety of languages available to use.

C. Compliance Review and Monitoring Activity

1. Compliance Review

a. Civil rights reviews of local agencies are conducted:

x Separately

In conjunction with another department, organization, or service as part of an overall review

Other (specify): Click or tap here to enter text.

b. The State agency reviews all its local agencies for civil rights compliance with the nondiscrimination laws and regulations when it does its reviews.

x Yes No

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation): Policy and Procedure 1.08, Article E- Civil Rights

2. Monitoring Activity

a. In addition to the local agency reviews, the State agency uses the following means to ensure that local agencies operate in a nondiscriminatory manner:

x Review of the racial/ethnic enrollment and/or participation data applications

Review of waiting lists

Other (specify): Click or tap here to enter text.

x Review of denied

x Review of complaints

x Review of participant surveys

x Participant interviews

b. The State agency checks for the following in local agency applications:

- x The local agency has corrected all past substantiated civil rights problems or noncompliance situations
- x The Civil Rights Assurance is included in the State-Local Agency Agreement
- x A description of the racial/ethnic makeup of the service area is included in the application
- x The local agency uses inclusive language with developing its program materials
- x Appropriate staff, volunteers, or other translation resources are available in areas where a significant proportion of people with limited English proficiency (LEP) reside

c. The State agency checks for the following in its civil rights reviews of its local agencies:

- x Case records include racial/ethnic data
- x Where applicable, an explanation of why the racial/ethnic WIC participant level is not proportionate to the income eligible racial/ethnic population
- x The local agency has conducted civil rights training for its staff
- x The project area displays the USDA nondiscrimination poster, "And Justice For All," or an FNS-approved substitute
- x Program information has been provided to applicants, participants, and grassroots organizations or similar minority groups
- x The nondiscrimination policy statement and civil rights complaint procedure are included on all printed materials such as applications, pamphlets, forms, or any other materials distributed to the public
- x Racial/ethnic data are collected by actual count and maintained on file for 3 years
- x The local agency has corrected all past substantiated civil rights problems or noncompliance situations
- x Civil rights complaints are handled in accordance with the procedures outlined in FNS Instruction 113-1

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation): Policy and Procedure 1.08- Civil Rights

D. Data Collection and Reporting

1. Data Collection

a. The State agency ensures the following when collecting civil rights data:

- x All racial/ethnic categories are collected and reported as part of the program participant characteristics report
- x Racial/ethnic data definitions are in accordance with current OMB guidance and clinic procedures are in place to ensure the data is collected accurately
- x Data reported on participant characteristics include the number of persons on WIC master lists or persons listed in WIC operating files who are certified to receive benefits
- x Collected racial/ethnic data and records are accessible only to authorized personnel

b. The State agency maintains a civil rights file which retains collected racial/ethnic data for three years.

- x Yes No

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ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation): [Click or tap here to enter text.](#)

2. The State agency instructs its local agencies to obtain a participant's racial/ethnic category by (check all that apply):

- Allowing self-identification by participant (must be used at participant's request)
- Visual identification by participant (must be used at participant's request)
- Local agency staff personally know participant's racial/ethnic category
- Other (specify): [Click or tap here to enter text.](#)

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation): Policy and Procedure 1.25- Racial Classification

E. Complaint Handling

1. The State agency ensures the following:

- WIC Program applicants and participants are informed where and how they may file a complaint of discrimination by directing them to the USDA Office of the Assistant Secretary for Civil Rights (OASCR) website (<https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>) for proper Discrimination Complaint Filing processes.
- WIC Program applicants and participants are informed that they can file their complaints directly with the U.S. Department of Agriculture or directly with the FNS HQ Civil Rights Division, their State agency, or their local agency. However, the local/State agency must then forward their complaint either directly to the FNS HQ Civil Rights Division or the U.S. Department of Agriculture.
- All local agency staff are trained in discrimination complaint procedures.
- All written and verbal complaints alleging discrimination based on race, color, national origin, age, sex, or disability are accepted from applicants and participants by State agency and local agency staff and forwarded to the FNS HQ Civil Rights Division.
- Complaints alleging discrimination based on race, color, national origin, or age are forwarded to the FNS HQ Civil Rights Division through an FNS-established complaint procedure. (Regional Office receives copy of all complaints.)
- State and local agencies without an FNS-approved grievance procedure for complaints alleging discrimination based on sex or disability in place forward all complaints to the FNS HQ Civil Rights Division).
- Complaints alleging discrimination based on sex or disability are forwarded to the State agency that has an FNS-approved grievance procedure in place.

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation): WV WIC Policy and Procedure Section 1.08, Article G

2. The State agency uses a discrimination complaint form it has developed for acceptance of a complaint.

- Yes No

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation): Policy and Procedure Section 1.08, Article G- Civil Rights

3. The State agency has an FNS approved complaint procedure that ensures local agencies

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implement specific timeframes concerning discrimination complaints:

An individual has the right to file a complaint within 180 days of the alleged discriminatory action.

All complaints are processed and closed within 90 days of receipt.

4. The State agency transfers complaints immediately upon receipt to the FNS HQ Civil Rights Division if no FNS-approved complaint procedure timeline is in place.

Yes No If no, specify *West Virginia has an approved procedure.*

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation): Policy and Procedure 1.08, Article G- Civil Rights