

SECTION: PARTICIPANT RIGHTS

SUBJECT: Treatment of Individuals

ITEM: Nondiscrimination/Examples of Discriminatory Actions

Policy

The local agency (LA) shall ensure that no person(s) shall be excluded from participation in, be denied benefits of, or be subjected to discrimination under the State WIC Program on the grounds of race, color, national origin, age, sex or disability.

Required Procedures

I. The LA shall:

- A. Implement procedures to ensure that no person is subjected to discrimination, as defined in this policy,
- B. Comply with and maintain records necessary for the enforcement of and compliance with the civil laws referenced in the Authority section of this policy, and
- C. Display the nondiscrimination poster entitled “And Justice for All” in prominent places, such as waiting rooms, food instrument distribution sites, or other locations frequented by applicants and/or participants. The poster is available from the Office of State Publishing and may be ordered using the OSP 504 form. This form is also available on the USDA website at www.fns.usda.gov/CR/justice.htm .

Guidelines

- I. Race, color, national origin, age, sex, and disability are the six protected classes for participants. The nondiscrimination policy does not extend to marital status, religious or political beliefs of participants since these are not protected classes under the applicable civil rights laws.
- II. Examples of prohibited discriminatory actions include:
 - A. Exclusion of persons from participation in the WIC Program on the basis of race, color, national origin, age, sex, or disability.
 - B. The inequitable allocation of food packages to eligible persons on the basis of race, color, national origin, age, sex or disability.
 - C. Issuance of food instruments in a place, time or manner that results in or has the effect of denying or limiting the benefits on the basis of race, color, national origin, age, sex, or disability.
 - D. Segregation of persons in site waiting rooms.

- E. Failure to apply the same eligibility and application criteria to all potentially eligible persons seeking participation in the WIC Program.
- F. Certification of potentially eligible persons as eligible to receive program benefits solely on the basis of race, color, national origin, age, sex or disability, and
- G. Maintenance of a waiting list which makes distinctions on the basis of race, color, national origin, age, sex, or disability.

Exception

The eligibility determination according to age and sex is not a violation of civil rights, since the purpose of the program, as set forth by law, is to provide benefits to the following participant/applicant categories:

- Pregnant women
- Breastfeeding women
- Non-breastfeeding women
- Infants, and
- Children under the age of five.

Authority

7 CFR 246.8
WRO Policy Memorandum 818C
Title VI of the Civil Rights Act of 1964
Title IX of the Education Amendments of 1972
Section 504 of the Rehabilitation Act of 1973
Age Discrimination Act of 1975
Americans with Disabilities Act of 1990
California Fair Employment and Housing Act