# Complaints

## Policy

**USDA Federal Regulations:**
7 CFR Part 246.12 (o) *Participant parent/caretaker, proxy, vendor, farmer, farmers' market, and home food delivery contractor complaints.* The State agency must have procedures to document the handling of complaints by participants, parents or caretakers of infant or child participants, proxies, vendors, farmers, farmers' markets, home food delivery contractors, and direct distribution contractors. Complaints of civil rights discrimination must be handled in accordance with 246.8(b).

**USDA Federal Regulations:**
7 CFR Part 246.8 (a) *Civil rights requirements.* The State agency shall comply with the requirements of 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, the Age Discrimination Act of 1975, Department of Agriculture Regulations on nondiscrimination (7 CFR parts 15, 15a and 15b) and FNS instructions to ensure that no person shall, on the grounds of race, color, national origin, age, sex or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under the Program. Compliance with 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, the Age Discrimination Act of 1975, and regulations and instructions issued thereunder shall include, but not be limited to:

(1) Notification to the public of the nondiscrimination policy and complaint rights of participants and potentially other person:
(2) Review and monitoring activity to ensure Program compliance with the nondiscrimination laws and regulations;
(3) Collection and reporting of racial and ethnic participation data as required by Title VI of the Civil Rights Act of 1964, which prohibits discrimination in federally assisted programs on the basis of race, color, or national origin; and
(4) Establishment of grievance procedures for handling complaints based on sex and handicap.

## Authority

**USDA Federal Regulations:** 7 CFR Part 246.12 (o)
**USDA Federal Regulations:** 7 CFR Part 246.8 (a)
**USDA Federal Regulations:** 7 CFR 15
**USDA Federal Regulations:** 7 CFR 16
**USDA Departmental Regulations**
**FNA Program Regulations**
**Judicial Administration Federal Regulations:** 28 CFR 35
**Judicial Administration Federal Regulations:** 28 CFR 36

**Judicial Administration Federal Regulations:** 28 CFR 42
**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**
**Americans with Disabilities Act (ADA) of 1990**
**ADA Amendments Act of 2008**
**Age Discrimination Act of 1975**
**Civil Rights Restoration Act of 1987**

# Procedures

All verbal and written complaints by applicants or participants alleging discrimination must be accepted. See pages 3 and 4 for addresses to file complaints.

***And Justice for All* Poster**
The *And Justice For All* poster must be displayed prominently in all WIC clinics to remind participants of the procedure for filing a complaint. Posters must be displayed at a minimum at entrances WIC participants may enter and in waiting areas.

Note: Contact the WIC State Agency to order *And Justice for All* posters. The English/Spanish posters cannot be printed or copied unless permission has been received in writing by the WIC State Agency.

**Agency or vendor complaints**
WIC contract agencies or vendors who feel they have been discriminated against by the WIC State Agency should follow the same complaint procedures as participants.

**Complaint Forms**
Use the following United States of Department of Agriculture (USDA) Program Complaint form when filing a complaint:

- English: https://www.usda.gov/sites/default/files/documents/ad-3027.pdf
- Spanish: https://www.usda.gov/sites/default/files/documents/ad-3027s.pdf

The complaint should include:

- Complainant's name, address, telephone number, email or other means of contacting the complainant;
- Name, address, ~~and~~ telephone number, and email of any legal representatives;
- Name of program applied for;
- Date of recent alleged discrimination;
- Location and/or address of the office where alleged discrimination occurred;
- Name of the local and state WIC agency staff involved;
- Names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action;
- Description of the incident, including the dates, class of complaint, policy or practice followed, and decisions involved;

- Basis(es) on which discrimination is alleged; and
- Information about remedies

**Note:** If the complainant makes the complaint verbally or in person and refuses or is not inclined to place the complaint in writing, the person to whom the complaints are made must write up the components of the complaint for the complainant.

**Address for Complaints**
All complaints must be forwarded to the USDA within five (5) calendar days of receipt. If the complaint is based on race, color, national origin, sex, age, or disability, or multiple factors including one of these then file a complaint with:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Mail Stop 9410
Washington, DC 20250-9410
(866) 632-9992 (voice)
Fax: (202) 690-7442
Email: program.intake@usda.gov

Other complaints may also be forwarded to:

Iowa Department of ~~Public~~ Health and Human Services
Affirmative Action Officer
Lucas Building
321 East 12th Street
Des Moines, IA 50319
(515) 281-7689

Iowa Office of Civil Rights
6200 Park Ave Ste 100
Des Moines, IA 50321-1270
515-281-4121
(800) 457-4416
Fax: 515-242-5840
Also see the following website for more information:
https://icrc.iowa.gov/file-complaint

**Food and Nutrition Administration Notification**
Notification is immediately sent to the Food and Nutrition Administration Service if a discrimination complaint based on race, color, national origin, sex, age or disability, or multiple factors is received by the Affirmative Action Office of the Iowa Department of Health and Human Services.

**Documenting Complaints**
WIC clinics should create and maintain a Civil Rights Complaint folder that contains instructions about how to file complaints, complaint forms, and a copy of this policy. This folder must be available at all times, at all clinics, and all staff must know how to access this folder.

**Note:** Information about complaints or copies of complaints should not be filed in this folder or in the WIC data system.

**Notification**
When a Civil Rights complaint has been made, the local agency WIC Coordinator and your agency's Nutrition Consultant should be notified immediately.

**Tracking and Documentation**
The local agency WIC Coordinator must track and record the closure of Civil Rights complaints on the local agency's complaint log and must notify the local agency's State nutrition consultant who will track and record the closure of the complaint on the State's Civil Rights Complaint Log.

**Note:** All complaints must be processed and closed within 90 days of receipt.