



Policy 588
Program Integrity: Complaints
March 9, 2020

POLICY

Local and state WIC Programs must have procedures in place to document all complaints from applicants, participants, parents or caretakers of infants and children, proxies, vendors, staff and the general public. Complaints of civil rights discrimination must be handled in accordance with 7CFR§246.8(f)(b).

PURPOSE

To allow and document any complaint regarding program operations at the local and state program level, food delivery, or civil rights discrimination.

RELEVANT REGULATIONS

7 CFR§246.12(f)(o)—Participant, parent/caretaker, proxy, vendor, and home delivery contractor complaints

7 CFR §246.8—Nondiscrimination

OREGON WIC PPM REFERENCES

- ◆ [452—Civil Rights](#)
- ◆ [590—Program Integrity: Participant Violations](#)

TWIST TRAINING MANUAL REFERENCE

Chapter 8, Lesson 103 - Complaints

DEFINITIONS

Applicant: An individual who comes to the WIC clinic requesting WIC services.

Complaint source: Any individual or group of individuals who alleges inappropriate behavior or actions in the delivery of WIC program benefits and services. Also referred to as the complainant.

Farm Stand, Farmers Market, Farmer: A Farmer, retailer, or Farmers Market authorized by the Oregon Farm Direct Nutrition Program and WIC.

Protected classes: The prohibited bases and nondiscrimination categories under civil rights laws. For WIC, the protected classes are race, color, national origin, sex, disability, or age.

The WIC Data System: The Oregon WIC management information system (MIS).

Vendor: A retail store that is authorized by WIC.

PROCEDURE

Receiving complaints

- 1.0 Local WIC programs shall accept verbal and written complaints from and about participants, staff, vendors, farmers, farmers' markets, WIC staff, or community partners.
 - 1.1. Complaints may be received through a variety of methods including, but not limited to: phone calls, fax, e-mails, social media, written statements, in person, via the Oregon WIC website at: <https://www.oregon.gov/OHA/PH/HEALTHYPEOPLEFAMILIES/WIC/Pages/complaints.aspx>, or by materials supplied by the state WIC office.
 - 1.1.1. Vendors are given a [WIC Shopper Complaint Card](#) (form 57-1005) to report complaints against WIC participants and their WIC authorized shoppers.
 - 1.1.2. Please refer to [Policy 590—Program Integrity: Participant Violations](#) for reporting complaints for WIC Participant violations.

Documenting complaints

- 2.0 All complaints must be documented.
 - 2.1. Complaints against participants, vendors, farmers, farmers' markets, community partners or the WIC Program in general shall be entered into the WIC data system. Refer to the TWIST Training Manual, Chapter 8, Lesson 103 for specific information on how to enter complaints in TWIST, and [Policy 590—Program Integrity: Participant Violations](#) for reporting participant complaints.
 - 2.2. To ensure employee confidentiality, complaints against WIC program staff **are not** entered in the WIC data system.

Complaints against local WIC staff

- 2.2.1. Complaints against local WIC staff should be referred directly to the WIC Coordinator. The WIC Coordinator will decide whether the complaint should be forwarded to the state WIC office for additional follow-up. If the complainant feels uncomfortable submitting a complaint to the WIC Coordinator or if the complaint is against the WIC Coordinator, it should be referred to the local program's Administrator.

Complaints against state WIC staff

- 2.2.2. Complaints against state WIC staff should be referred directly to the state WIC Program Manager.
 - 2.2.2.1. If staff are not comfortable referring the complaint to the WIC Program Manager or state WIC Compliance Coordinator, complaints can be filed directly with the USDA Office of the Inspector General (OIG). Details for complaint submission to the OIG can be found on the [And Justice For All poster](#).

Civil rights complaints

- 3.0 Civil rights complaints are those complaints that involve alleged discrimination based on race, color, sex, age, national origin or disability. These are the “protected classes” for WIC. Refer to [◆452—Civil Rights](#) for more information. If local program staff identify a potential civil rights complaint, they must follow the process below.

Civil rights complaint process

- 3.1. Local programs must accept and document **all** complaints involving alleged discrimination or civil rights violations.
- 3.1.1. Contact the [WIC Compliance Coordinator](#) at the state WIC office *immediately* after identifying a complaint of alleged discrimination or a potential civil rights violation.
- 3.1.2. The state WIC office will notify the USDA Food and Nutrition Services Office of Civil Rights of all civil rights complaints within 10 working days from the date of the complaint.
- 3.2. As soon as a suspected civil rights complaint is verbalized:
- 3.2.1. Inform the person alleging discrimination of his/her right to file a complaint and that the complaint must be made within 180 days of the alleged discriminatory action.
- 3.2.2. Inform the individual that local staff will document the complaint and immediately forward it to the state WIC office. The complainant may also choose to file a complaint directly with USDA, see ¶3.5.
- 3.2.3. If the complainant verbalizes the complaint but does not wish to make allegations in writing, local WIC staff must still ensure the complaint is documented according to ¶3.4.

Required documentation for all civil rights complaints

- 3.3. Include the following documentation in **all** civil rights complaints:
- 3.3.1. Name, address and telephone number of the person making the complaint. Information given will remain confidential until such time as the complainant gives permission for its release. Do not include this information, however, if complainant wants to remain anonymous.
- 3.3.2. Name and location of the participant’s local program.
- 3.3.3. The basis on which the civil rights discrimination has been filed, i.e., race, color, sex, age, national origin, or disability.
- 3.3.4. The nature of the incident or action that led the person to feel discrimination was a factor.
- 3.3.5. The location where the incident occurred.
- 3.3.6. The name(s), title(s) and business address(es) of individual(s) involved in or with knowledge of the discriminatory action, i.e., local health department staff, local WIC staff, vendors.
- 3.3.7. The date(s) the alleged discrimination occurred or, if continuing, the most recent date of such action.

How to document civil rights complaints

- 3.4. All civil rights complaints are documented in the WIC data system, unless they are specific to a WIC staff member. Include a brief summary of the discussion with the individual and document all actions taken. Check the “Civil Rights” box on the WIC data system “Complaint” screen.
 - 3.4.1. To ensure employee confidentiality, civil rights complaints against WIC program staff are documented in writing but are **not** documented in the WIC data system.
 - 3.4.2. Send the documentation to the [WIC Compliance Coordinator](#) at the state WIC office *immediately* after identifying a complaint of alleged discrimination or a potential civil rights violation.

Resolution of civil rights complaints

- 3.5. The state WIC office will notify the local coordinator and administrator if any corrective actions need to be taken to address a civil rights complaint.
 - 3.5.1. Notification will be sent to the complainant confirming the receipt of the complaint. Corrective actions may not be disclosed to the complainant in order to maintain confidentiality.

Civil rights complaints may be sent directly to USDA

- 3.6. In addition to the complaint process described above, the individual or local staff may also choose to send a civil rights complaint directly to USDA. Offer assistance in writing a formal complaint, if necessary. See ¶3.3 for what to include in the complaint. Send the complaint according to instructions here: http://www.ascr.usda.gov/complaint_filing_cust.html.

Complaint Data Entry Document

- 4.0 Local staff may use the [“WIC Complaint Data Entry Document” \(form 57-500\)](#) to record complaints at a satellite clinic or if the WIC data system is unavailable. A copy of [form 57-500](#) can be located online.
 - 4.1. The information recorded on the “WIC Complaint Data Entry Document” must be entered into the WIC data system within three days to ensure timely follow up by the state WIC office.

WIC Shopper Complaint Card

- 5.0 Vendors may file a complaint by completing and mailing the “WIC Shopper Complaint Card” card to the state WIC Compliance Coordinator. A copy of the [WIC Shopper Complaint Card](#) (form 57-1005) is online if no paper copies are available.
 - 5.1. The state WIC Compliance Coordinator will enter the complaint into the WIC data system and take appropriate action.

If you need this in large print or an alternate format, please call 971-673-0040.

This institution is an equal opportunity provider.

POLICY HISTORY

Date	* Major Revision, Minor revision
2/25/2015	Revision
3/9/2020	Major revision

The date located at the top of the policy is the implementation date unless an “effective date” is noted on the policy. Policies will become compliance findings 6 months from the implementation date.

Release notes can be found in the corresponding document on the [Policy and Procedure Manual page](#).

***Major Revisions:** *Significant content changes made to policy.*

Minor Revisions: *Minor edits, grammatical updates, clarifications, and/or formatting changes have occurred.*

Date of Origin: *Date policy was initially released*