

Complaints of Discrimination

- I. Any persons alleging discrimination based on race, color, national origin, sex (including gender identity and sexual orientation), age or disability has a right to file a complaint within 180 days of the alleged discriminatory action.
- II. All civil rights complaints, written or verbal, shall be accepted. Anonymous complaints shall be handled as any other complaint.

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

- III. Local WIC clinics and the State WIC Office can accept complaints of discrimination.
- IV. In the event a complainant makes the allegations verbally or through a telephone conversation and refuses or is not inclined to place such allegations in writing, the person to who the allegations are made shall write up the elements of the complaint for the complainant. Use the Civil Rights Discrimination Complaint Form found on SharePoint. The form requires the following information:
 - a. Name, address, and telephone number of the complainant, or other means of contacting the complainant.
 - b. The specific location and name of the entity delivering the service or benefit.

- c. The nature of the incident or action that led the complainant to feel discrimination was a factor, or an example of the method of administration which is alleged to have a discriminatory effect on the public or potential and actual participants.
 - d. The basis on which the complainant feels discrimination exists (race, color, national origin, age, sex or disability).
 - e. The names, titles, and business addresses of persons who may have knowledge of the discriminatory action.
 - f. The date(s) during which the alleged discriminatory action(s) occurred, or if continuing, the duration of such actions.
- V. All allegations of discrimination will be sent to USDA for investigation.
- a. The state WIC program manager or designee should always be notified immediately when complaints alleging Civil Rights discrimination are made.
 - b. The Civil Rights complaint must be entered in VISION in the Customer Service Log. The Civil Rights Complaint check box must also be checked.
 - c. The state office will assist clinic staff in forwarding the complaint to USDA.
 - d. All complaints alleging discrimination will be processed within the time frames established by USDA regulations. All Civil Rights complaints will be forwarded to USDA within five (5) days.
- VI. Complaints alleging discrimination on the basis of age, regardless of whether other bases are alleged, will be referred by USDA to the Federal Mediation and Conciliation Service (FMCS) for mediation. The State Agency will designate a neutral representative to participate in mediation to resolve complaints alleging unlawful discrimination on the basis of age.
- VII. Although it is the policy of the USDA and FNS, to provide fair and equitable treatment to every employee and customer, there are specific laws and regulations that provide for the protected bases for each nutritional assistance program. For this reason, sexual orientation, marital or family status, parental status, and protected genetic information are not protected bases in The WIC program.