

## Division of Community Nutrition

<i>Subject:</i> <b>Complaints and Civil Rights Procedures</b>		<i>Policy:</i> <b>PRR 04.1</b>
<i>Reference:</i> <b>C.F.R. § 246.8</b>	<i>Effective:</i> <b>August 15, 2016</b>	<i>Supersedes:</i> <b>August 12, 2013</b>

### **I. Policy:**

A participant, parent, legal guardian, caretaker, proxy or local agency personnel member has the right to file a complaint against an authorized store, local agency or another participant.

Local agency personnel shall ensure that there is public notification of the nondiscrimination policy and complaint rights of participants and applicants. Local agency personnel shall review and monitor activity to ensure compliance with the WIC program nondiscrimination laws and regulations. Local agency personnel shall follow grievance procedures for handling complaints based on sex and handicap. The nondiscrimination policy must be reviewed with participants and applicants in the appropriate language.

### **II. Procedure(s):**

- A. To file a complaint against a store, the Complaint Against Store Form, WIC-345A shall be completed and sent to the State WIC Office for investigation.
- B. To file a complaint against a participant or local agency, the Complaint Against Participant or Local Agency Form, WIC-345B shall be completed and sent to the State WIC Office for investigation.
- C. At the time of certification, local agency personnel shall inform the applicant and participants through review of the Rights and Responsibilities in Crossroads 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. Religion and faith must also be considered in this category.
- D. Public notification can include, but is not limited to posters, pamphlets, bulletin boards, and items on display promoting WIC. Publications produced for public view must have the nondiscrimination statement, obtained through <http://www.fns.usda.gov/cr/and-justice-all-posters>. All publications must be approved by the VDH Office of Communications, accessible through the Operation Liaison.
- E. Non-English materials shall be provided where a significant proportion of the population eligible to be served needs service or information in a language other than English. SWO personnel, and local agency personnel, shall take reasonable steps considering the size and concentration of such population, to provide information in appropriate languages to such persons. This requirement applies with regard to required program information except certification forms which are used only by local agency staff.

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- F. Local agency personnel shall collect and report racial and ethnic participation data through Crossroads for required reporting to SWO and USDA.
- G. Local agency personnel shall report all complaints based on discrimination to the assigned Operation Liaison, and provide guidance to the participant or applicant filing the complaint.
- 1) SWO and local agency personnel shall provide an updated address to the SWO and/or USDA to the participant or applicant. Complaints shall be taken by phone, e mail, or mail. The preferred number to call for complaints is (877)835-5942. Participants can also use this number to communicate suggestions, comments and concerns on how WIC can better meet their nutritional needs.
  - 2) Local agency and SWO personnel shall document in the family alert and/or the comment section of Crossroads the status of complaints.
  - 3) SWO personnel will refer discrimination complaints based on race, color, national origin, or age to the appropriate federal agency after researching and addressing the complaint.
  - 4) SWO personnel shall process and resolve locally those based on sex or handicap.
- H. Local agency personnel shall record training using form WIC-375C on an annual basis of civil rights topics in accordance with guidance from the VDH Training Division. New employees shall complete the training within 90 days from the date of hire. Activity must be monitored in Crossroads to ensure compliance with Virginia WIC policy and USDA regulations.
- I. Tell-WIC posters and pads shall be placed in public view so participants can have easy access to the TELL-WIC telephone number.
- J. Local agencies shall ensure all voice mail messages for client services at each clinic include the toll free “TELL-WIC” (877-835-5942) number with the conditional statement “if you have difficulty receiving a return phone call within 48 hours, please call the TELL-WIC number”. “TELL-WIC” is not to be used as an alternate number until the participant is having difficulty communicating with the site.