

Summary

Federal Requirements for a Valid Administrative Complaint

A complaint is an **assertion** by one party (Complainant) that **another party** (Respondent) has **violated or misinterpreted** a specific provision of the rules of a program or that an established policy or practice was applied unfairly or inequitably.

□ Discrimination complaints **assert that** a Respondent has **treated a person differently** due to their **protected class** status or that many protected class persons have been denied or been delayed the services or benefits to which they were otherwise entitled due to **policies or procedures that have the effect of discriminating, intentional or not.**

□ Valid complaint requirements are based on principles of Constitutional due process.

□ Entities receiving the federal assistance must have a functioning complaint procedure in place. This is true whether the entity is a sub grantee, subcontractor or employer of participants.

□ Complaint procedures are intended to resolve disputes at the lowest level possible and as soon as possible.

□ Complaints must cite a violation of the program or the agreements developed under the program (The Courts refer to this as stating a claim upon which relief can be granted) Typical examples include benefits and eligibility.

□ Complaint procedures must be prominently posted and in languages frequently encountered in the entity's Customer Service Analysis portion of their Civil Right Compliance Plan. The Entity's Complaint Officer must be made known far and wide.

□ Complainants must be advised of their rights including their right to file a complaint. Some complaint requirements provide that the Complainant be assisted in filing their Complaint.

□ Complaints must be filed within a specified period of time, usually one year or less from the date of an alleged program rule violation for program complaints and one hundred and eighty (180) days for discrimination complaints. Wisconsin Fair Employment Act Complaints must be filed with three hundred (300) days.

□ Complaints not resolved with local entities may be appealed to the State and in some cases with the Federal Government.

□ Complaints not accepted for review are returned to the Complainant with an explanation by the entity making that decision and what appeal is possible, if there is one available.

□ Many program jurisdictions require complaints to be filed on specific forms.