



Procedure for Food and Nutrition Services (FNS) Civil Rights Complaints

Pennsylvania Department of Education
Division of Food and Nutrition

- A) Sponsor receives a Civil Rights complaint from the complainant (i.e. parent).
- 1) Sponsor must inform complainant of Federal Civil Rights rules and regulations that have been established for protected classes. (A protected class is any person or group of people who are protected from discrimination based on):
 - a. Race
 - b. Color
 - c. National Origin
 - d. Age
 - e. Sex
 - f. Disability
 - 2) Sponsor must provide complainant the necessary information to file a complaint, which is:
 - a. Mailing address of the USDA:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
 - b. USDA's Telephone/Fax numbers and Email address:
(866) 632-9992 / (202) 690-7442 F/ email:
program.intake@usda.gov
 - c. Electronic link to file a civil rights complaint:
http://www.ascr.usda.gov/complaint_filing_cust.html

Note: If the sponsor is unsure if the complaint falls under a protected class, Sponsor should provide complainant the federal complaint information.

- 3) **After providing the complainant with the information on how to file a Civil Rights Complaint directly at the federal level**, the sponsor may attempt to resolve the complaint if it is a matter that can be resolved quickly. Resolving complaints in real-time at the lowest possible level is encouraged. (***Note:** This is not an investigation as neither the sponsor nor the State agency has the authority to conduct complaint investigations. This is simply trying to resolve the situation if it was potentially caused by a miscommunication.)

If the complainant refuses to discuss the matter any further with the sponsor or if the matter cannot be resolved quickly, then the sponsor should:

- a. reiterate the complaint filing procedures in A) 2),
 - b. document the complaint and actions taken (i.e. referral to Federal complaint procedures) in a Civil Rights complaint log that is separate from any other complaint log. (***Note:** A separate Civil Rights complaint log is necessary due to confidentiality and and privacy laws. See complaint log requirements in 4) below.), and
 - c. notify the State agency of the discussion. (***Note:** It is important for the sponsor to notify the State agency because regular communication between the sponsor and State agency is key to operating the program successfully.) If the complainant is willing to try to resolve the issue with the sponsor and a satisfactory resolution is achieved, then the sponsor should still remind the complainant (using the information in A) 2)) of his/her right to file at the Federal level is necessary. (***Note:** Complainants retain the right to file at the Federal level even if a resolution seems to have been reached at the sponsor level.) The sponsor needs to document the complaint and actions taken (i.e. how resolution was achieved) in a log that is separate from any other complaint log, and notify the State agency of the resolution.
- 4) Regardless if the complainant wishes to file at the Federal level, the sponsor should document as much information as possible in their Civil Rights Complaint log including, but not limited to, the following:
- a. Date Complaint Received;
 - b. Complainant's Name;
 - c. Complainant's Address;
 - d. Complainant's Telephone Number;
 - e. Complainant's E-mail Address;
 - f. Allegation of Discrimination/Issue (i.e. FNS program involved, Protected class(es) involved, etc.);

g. Date of Alleged Discriminatory Action.

1. The sponsor **must forward** the information, **within 5 days of receipt of complaint** from complainant, to the State agency (process depicted below):

State Agency Civil Rights Coordinator **TO** State Agency Director
TO FNS Regional Office Civil Rights Contact **TO** FNS
Headquarters Civil Rights Office **TO** Complainant

2. *State Agency level **must forward** complaint information, **within 5 days of receipt of complaint** from sponsor, to the FNS regional office.
3. FNS team conducts complaint review and investigation, which includes contact with the complainant, State agency, sponsor, etc.

B) Additional Information:

- 1) Complainants must file within 180 days of the alleged action
- 2) Confidentiality is extremely important
- 3) USDA complaint form:

English version:

http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf

Spanish version:

http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
Office of the Assistant Secretary for Civil Rights

USDA Program Discrimination Complaint Form Instructions
(The complaint form is below the instructions)

PURPOSE: The purpose of this form is to assist you in filing a USDA program discrimination complaint. For help filling out the form, you may call any of the telephone numbers listed at the bottom of the complaint form. You are not required to use the complaint form. You may write a letter instead. If you write a letter it must contain all of the information requested in the form and be signed by you or your authorized representative. Incomplete information will delay the processing of your complaint.

You may also send a complaint by FAX or e-mail. We must have a signed copy of your complaint, so if you send your complaint by e-mail, be sure to attach the signed copy to your email. Incomplete information or an unsigned form will delay the processing of your complaint.

FILING DEADLINE: A program discrimination complaint must be filed not later than 180 days of the date you knew or should have known of the alleged discrimination, unless the time for filing is extended by USDA. Complaints sent by mail are considered filed on the date the complaint was signed, unless the date on the complaint letter differs by seven days or more from the postmark date, in which case the postmark date will be used as the filing date. Complaints sent by fax or email will be considered filed on the day the complaint is faxed or emailed. Complaints filed after the 180-day deadline must include a 'good cause' explanation for the delay. For example, you may have "good cause" if:

1. You could not reasonably have been expected to know of the discriminatory act within the 180-day period;
2. You were seriously ill or incapacitated;
3. The same complaint was filed with another Federal, state, or local agency and that agency failed to act on your complaint.

USDA POLICY: Federal law and policy prohibits discrimination against you based on the following: race, color, national origin, religion, sex, disability, age, marital status, sexual orientation, family/parental status, income derived from a public assistance program, and political beliefs. (Not all bases apply to all programs).

USDA will determine if it has jurisdiction under the law to process the complaint on the bases identified and in the programs involved. Reprisal that is based on prior civil rights activity is prohibited.

PROPERTY ADDRESS: If this complaint involves a farm or other real estate property that is not your current address, write in the address for that farm or real estate property. Otherwise, this part of the form can be left blank.

**PLEASE READ IMPORTANT LEGAL INFORMATION BELOW
CONSENT**

This USDA Program Discrimination Complaint Form is provided in accordance with the Privacy Act of 1974, 5 U.S.C. §552a, and concerns the information requested in this form to which this Notice is attached. The United States Department of Agriculture's Office of the Assistant Secretary for Civil Rights (USDA) requests this information pursuant to 7 CFR Part 15.

If the completed form is accepted as a complaint case, the information collected during the investigation will be used to process your program discrimination complaint.

Disclosure is voluntary. However, failure to supply the requested information or to sign the form may result in dismissal of your complaint. If your complaint is dismissed you will be notified. The information you provide in this complaint may be disclosed to outside parties where USDA determines that disclosure is: 1) Relevant and necessary to the Department of Justice, the court or other tribunal, or the other party before such tribunal for purposes of litigation; 2) Necessary for enforcement proceedings against a program that USDA finds to have violated laws or regulations; 3) In response to a Congressional office if you have requested that the Congressional office inquire about your complaint or; 4) To the United States Civil Rights Commission in response to its request for information.

REPRISAL (RETALIATION) PROHIBITED:

No Agency, officer, employee, or agent of the USDA, including persons representing the USDA and its programs, shall intimidate, threaten, harass, coerce, discriminate against, or otherwise retaliate against anyone who has filed a complaint of alleged discrimination or who participates in any manner in an investigation or other proceeding raising claims of discrimination.



**UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
Office of the Assistant Secretary for Civil Rights
Program Discrimination Complaint Form**

First Name: _____ Middle Initial: _____ Last Name: _____

Mailing Address: _____

City: _____ State: _____ Zip code: _____

E-mail address (if you have one): _____

Telephone Number starting with area code: _____

Alternate Telephone Number starting with area code: _____

Best Time of the Day to Reach You _____

Best Way to Reach You, (check one): Mail ___ Phone ___ E-mail ___ Other: _____

Do you have a representative (lawyer or other advocate) for this complaint? Yes ___ No ___

If yes, please provide the following information about your representative:

First Name: _____ Last Name: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail: _____

1. Who do you believe discriminated against you? Use additional pages, if necessary.

Name(s) of person(s) involved in the alleged discrimination (if known):

Please name the program you applied for (if known/if applicable): _____

Please check (✓) the USDA Agency below that conducts the program or provides Federal financial assistance for the program (if known):

Farm Service Agency

Food and Nutrition Service

Rural Development

Natural Resource Conservation Service

Forest Service

Other: _____

2. What happened to you? Use additional pages, if necessary, and please include any supporting documents that would help show what happened.

3. When did the discrimination occur?

Date: _____
 Month Day Year

If the discrimination occurred more than once, please provide the other dates:

4. Where did the discrimination occur?

Address of location where incident occurred:

Number and street, PO Box, or RD Number

City State Zip Code

5. It is a violation of the law to discriminate against you based on the following: race, color, national origin, religion, sex, disability, age, marital status, sexual orientation, family/parental status, income derived from a public assistance program, and political beliefs. (Not all bases apply to all programs) Reprisal is prohibited based on prior civil rights activity.

I believe I was discriminated against based on my

6. Remedies: How would you like to see this complaint resolved?

7. Have you filed a complaint about the incident(s) with another federal, state, or local agency or with a court?

Yes: _____ No: _____

If yes, with what agency or court did you file? _____

When did you file? _____
Month Day Year

Signature: _____

Date: _____

Mail Completed Form To:

USDA
Office of the Assistant Secretary for Civil
Rights
1400 Independence Ave, SW, Stop 9410
Washington, D.C. 20250-9410

E-mail address:
program.intake@usda.gov

Telephone Numbers:

Local area: (202) 260-1026
Toll-free: (866) 632-9992
Local or Federal relay: (800) 877-8339
Spanish relay: (800) 845-6136
Fax: (202)690-7442

**UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
Office of the Assistant Secretary for Civil Rights**

USDA Program Discrimination Complaint Form Instructions

(The complaint form is below the instructions)

PROPÓSITO: Este formulario está diseñado para ayudarle a radicar una querrela por discriminación en los programas de USDA. Si desea ayuda para completar el formulario, usted puede llamar a los números de teléfono indicados al final del formulario.

No es necesario que usted utilice este formulario. Usted puede enviar una carta. La carta tiene que incluir la misma información requerida en este formulario. Es necesario que usted o su representante firme y feche su carta. Usted también puede enviar el formulario o la carta por fax o correo electrónico. Si usted envía sus documentos por correo electrónico, por favor adjunte al e-mail una copia del formulario con su firma. La presentación de un formulario incompleto o no firmado atrasará el proceso del trámite de su querrela.

FECHA LÍMITE DE RADICACIÓN: La querrela por discriminación debe presentarse dentro de 180 días desde la fecha que usted supo o debió haber sabido del acto de discriminación, a menos que el USDA prorrogue la fecha límite de radicación. Querellas enviadas por correo se consideran radicadas en la fecha que esta en el formulario, al lado de la firma, a menos que la fecha en el formulario sea diferente que la fecha de matasellos por mas que 7 días; en este caso la querrela se considera radicada el la fecha de matasellos. Querellas enviadas por fax o por correo electrónico se consideran radicadas en la fecha cuando el fax o el email este enviado. Querellas radicadas después de la fecha límite de 180 días deben incluir una explicación de "una buena razón" por la demora.

Por ejemplo, usted podría tener un "buen motivo" si:

- usted estaba gravemente herido o enfermo;
- usted radicó una querrela alegando la misma conducta discriminatoria dentro del periodo de 180 días con otra agencia Federal, estatal, o una agencia local de derechos civiles y esa agencia no cumplió o actuó sobre su querrela; o
- no se podía razonablemente esperar que usted supiera, en el periodo exigido de 180 días, que la acción fuera discriminatoria.

POLÍTICA DEL USDA: La ley y la reglamentación federal prohíben la discriminación a causa de los siguientes criterios: raza, color, nacionalidad, religión, género, discapacidad, edad, estado civil, orientación sexual, estado de familia/estado de paternidad, ingreso derivado de programas de asistencia pública, y afiliación política.

(No todos los criterios prohibidos se aplican a todos los programas.) USDA determinará si tiene jurisdicción bajo la ley para procesar su querrela por las razones identificadas y en los programas involucrados. Está prohibida toda represalia contra una persona que presente una querrela de discriminación.

DIRECCIÓN DE PROPIEDAD: Si esta querrela tiene que ver con una granja, una finca o una alojamiento que no es su dirección física, por favor escriba la dirección de esta propiedad.

*****POR FAVOR, LEA LA IMPORTANTE INFORMACIÓN LEGAL ABAJO*****

CONSENTIMIENTO

Este formulario del USDA para Querellas por Discriminación en Programas se provee de acuerdo con la Ley de la Privacidad de 1974, 5 U.S.C. §552a. La Oficina del Secretario Adjunto de Derechos Civiles del USDA solicita la información en el formulario adjunto conforme a 7 CFR Part 15. Si el formulario debidamente completo se acepta como una queja, la información recogida durante la investigación será empleada para tramitar su querrela de discriminación. La divulgación es voluntaria. Sin embargo, es posible que si no provee la información requerida o no firma su querrela, su querrela sea desestimada. USDA avisará a Usted si su querrela sea desestimada. La información que usted provee puede ser divulgada a un tercero si USDA determina que la divulgación es 1) relevante y necesaria para el Departamento de Justicia (Department of Justice), la corte u otro tribunal, o a otra parte en litigio ante el tribunal; 2) necesario para una acción ejecutiva contra un programa que ha violado las leyes o regulaciones del USDA; 3) a una oficina del Congreso si Usted ha pedido a la oficina del Congreso que se informen de su querrela ó 4) a la Comisión de Derechos Civiles de los Estados Unidos en respuesta a su petición.

ESTÁ PROHIBIDA LA REPRESALIA (VENGANZA):

Ninguna agencia, oficial, empleado, o agente del USDA, incluyendo personas que representan al USDA y sus programas, puede intimidar, amenazar, hostigar, coaccionar, discriminar en contra, o de otra manera vengarse de alguien que haya radicado una querrela como consecuencia de un alegado acto de discriminación o que participe de alguna manera en una investigación u otros procesos que reclaman discriminación.



**UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
Office of the Assistant Secretary for Civil Rights
Program Discrimination Complaint Form**

Primer Nombre: _____ Inicial del Segundo Nombre: _____

Apellido: _____ Dirección Postal: _____

Ciudad: _____ Estado: _____ Código Postal: _____

Dirección Electrónica (E-mail): _____

Número de Teléfono empezando con el código de area: _____

Número de Teléfono Alternativo empezando con el código de area: _____

Mejor Hora del Día para Llamar: _____

Mejor Manera de Comunicarse con Usted: Carta Escrita Telefono

Correo electrónico Otro: _____

¿Tiene usted un representante (abogado u otro defensor) para esta querrela? Sí No

Sí su respuesta es sí, por favor provea la siguiente Información sobre su representante:

Primer Nombre: _____ Apellido: _____

Dirección: _____ Ciudad: _____ Estado: _____

Código postal: _____ Teléfono: _____ E-mail: _____

1. ¿Quién considera usted que lo discriminó? Utilice páginas adicionales, si es necesario.
Nombre(s) de la persona(s) involucrada(s) en la alegada discriminación (si lo conoce):

Por favor provea el nombre del programa que solicitó: _____

Por favor marque () la Agencia del USDA que dirige el programa o provea la asistencia financiera Federal para el programa (si lo conoce):

Farm Service Agency

Food and Nutrition Service

Rural Development

Natural Resource Conservation Service

Forest Service

Other: _____

2. ¿Qué le pasó a usted? Utilice páginas adicionales, si es necesario, y por favor incluya cualquier documento relacionado que pueda ayudar a demostrar qué ocurrió.

3. ¿Cuándo ocurrió la discriminación?

Fecha: _____
 Mes Día Año

Si el alegado acto de discriminación ocurrió en más de una ocasión, incluya las fechas:

4. ¿Dónde ocurrió la discriminación?

Dirección donde ocurrió el incidente: _____

City

State

Zip/Código postal

Dirección de propiedad (ver Instrucciones): _____

Ciudad

Estado

Zip/Código postal

5. Es una violación de ley el discriminar en su contra a causa de los siguientes criterios: raza, color, nacionalidad, religión, género, discapacidad, edad, estado civil orientación sexual, estado de familia/estado de paternidad, ingreso derivado de programas de asistencia pública, y afiliación política. (No todos los criterios aplican a todos los programas.) Está prohibida toda represalia contra una persona que presente una querrela de discriminación.

Creo que yo fui discriminado por ser:

LEY DE REDUCCIÓN DE PAPELEO Y CARGA DE DECLARACIONES PÚBLICAS:

La Ley de Reducción de Papeleo y Carga de Declaraciones Públicas de 1995 (44 U.S.C. 3501 et seq.) requiere que le informemos a usted que esta información se recopila para asegurar que su querrela contiene la información necesaria para su radicación. La Oficina del Secretario Adjunto de Derechos Civiles utilizará la información para procesar su querrela por discriminación en uno de los programas. Su respuesta a esta solicitud es voluntaria. La información que usted provee en este formulario será compartida solamente con las personas que tienen la necesidad oficial de saber, y será protegida de divulgación de acuerdo a las disposiciones de la Ley de la Privacidad, 5 U.S.C. § 552a(b). La cantidad de tiempo necesaria para completar este formulario es de 60 minutos. Usted puede enviar sus comentarios con respecto a la exactitud del estimado y sugerencias para reducir el tiempo en completar este formulario a USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Ave, SW, Washington, DC 20250-9410.

Una agencia no podrá conducir o patrocinar, ni se le requiere a un individuo a responder a una solicitud para recopilar Información a menos que el documento muestre un Número de Control válido de OMB. El Número de Control de OMB para este formulario es 0508-0002.