



United States Department of Agriculture

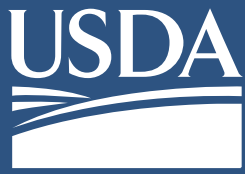
Civil Rights Complaints

Child Nutrition Programs

Civil Rights Division

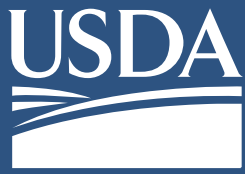
USDA, Food and Nutrition Service

**FNS CRD Webinar
February 2023**



References

- 7 CFR Part 15 *Nondiscrimination* [§ 15.6 Complaints.](#)
- 28 CFR Part 42 *Subpart C - Nondiscrimination in Federally Assisted Programs - Implementation of Title VI of the Civil Rights Act of 1964*
[§ 42.107 Conduct of investigations.](#)
- DR 4330-002 *Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance From USDA*
- FNS Instruction 113-1 *Civil Rights Compliance and Enforcement – Nutrition Programs and Activities - Appendix B*
- MOU between FNS and NH Dept of Education (2016)
 - Requires referral of Civil Rights complaints (involving CN) which cite one or more Federally-protected bases within 5 calendar days

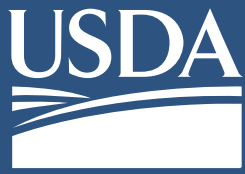


What is discrimination in CN?

Different treatment which makes a distinction of one person or a group of persons from others, either intentionally, by neglect, or by the actions or lack of actions based on a protected class

Protected classes for Child Nutrition Programs

- ✓ Race
- ✓ Color
- ✓ National origin
- ✓ Age
- ✓ Sex (including gender identity and sexual orientation)
- ✓ Disability



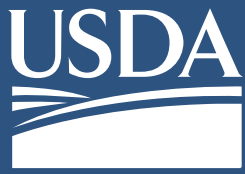
2016 FNS / NH DOE MOU

Elements:

State agency CN program will refer ALL CN program Civil Rights complaints citing one or more Federally-protected bases.

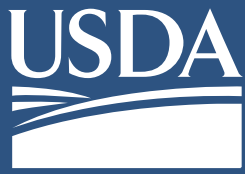
CR Complaints citing State-level protected bases will be processed via the SA policy and procedures

Those that involve a combination of these will be forwarded to FNS/CRD who will review and notify complainant of how FNS will address those issues falling within FNS' jurisdiction



Documentation

- FNS / NH DOE MOU has required complaint log elements
- Civil Rights complaint information is not included in Child Nutrition case records



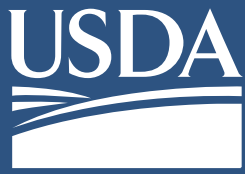
Complaint Forms

- Complaints may be written, verbal, or anonymous;
- For those complaints involving Federally-protected bases, we recommend use of the USDA Program Discrimination Complaint Form (AD-3027)
 - Contains all required elements necessary to efficiently assess the complaint.
- State or local agencies may develop their own complaint forms; but the use of such forms cannot be a prerequisite for acceptance of a complaint.

What do I need to know?

- Be familiar with State policy and procedures
 - Are there additional Civil Rights protected bases?
 - If so, what are the procedures for reporting?

- Other areas to consider
 - Reprisal / Retaliation
 - Confidentiality
 - Separate Civil Rights Complaint Log



What's my Responsibility?

- Listen to individuals' concerns
- Identify Civil Rights terminology when it is used
- Recognize that sometimes individuals never use the term "discrimination"

- Be prepared to explain the Nondiscrimination Policy and the procedure for filing a civil rights complaint
 - ✓ program rights and responsibilities
 - ✓ the policy of nondiscrimination
 - ✓ the procedure for filing a complaint

What if....

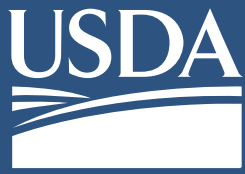
- An individual makes a statement such as "I think you are taking too long to process my NSLP application."
- An individual makes a statement such as "I think you are taking too long to process my NSLP application because of my race."

May I...?

- Require an individual who makes a statement indicating a desire to file a Civil Rights complaint speak with a manager to address their issue first before providing the Civil Rights policy or a complaint form?

May I...?

- No. You should first advise of the Civil Rights policy and procedure. Then you may offer the opportunity to speak with a manager. This may resolve the issue; and the person may choose not to file a Civil Rights complaint. (But they still may.)
- Avoid becoming a barrier to an individual's right to file the complaint



Do I have to...?

- Complete the Civil Rights Complaint Form for an individual?

Do I have to... ?

- Maybe. The primary obligation is to provide the information / guidance regarding the policy of nondiscrimination and the process by which the individual may file a complaint.
- **HOWEVER**, if an individual indicates they require assistance – perhaps due to a disability or LEP status – you will be required to assist.



Contact Information

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