

## A-209 Civil Rights Complaint Policy & Procedure

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### USDA Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter 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; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

USDA is an equal opportunity provider, employer, and lender.

### Policy

ESD 105 ECEAP programs participate in the USDA Child and Adult Care Food Program (CACFP). As a participant in CACFP our programs must ensure that we do not conduct Civil Rights violations. A program complaint of discrimination is a Civil Rights complaint regarding the delivery of any federally assisted or conducted program service based on a prohibited basis. The Program Discrimination Complaint Process is managed and administered by the USDA, Assistant Secretary for Civil Rights (ASCR). A program complaint of discrimination must be filed with the USDA, ASCR, Office of Civil Rights, OCR.

The NRCS, Civil Rights Division (CRD) is responsible for facilitating the Agency's actions pertaining to program complaints of discrimination. All program complaints of discrimination will be forwarded to the Department for processing. The ASCR determines whether the allegations or issues received constitute a discriminatory complaint. If accepted, the ASCR issues an acknowledgement letter to the complainant and simultaneously forwards a letter to NRCS requesting an Agency Position Statement (APS).

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The Agency must conduct a fact finding inquiry of the issues stated within the program discrimination complaint and has 24 calendar days to prepare and submit the APS to the ASCR. The ASCR office is responsible for the investigation and adjudication of program complaints of discrimination.

If the ASCR finds that the basis and issues of the complaint are not within USDA's jurisdiction, the ASCR forwards a letter to NRCS stating that the issues are programmatic and NRCS should handle this matter informally within the Agency.

If you believe that you have been discriminated against by a program or activity that is either conducted directly by NRCS or receives Federal financial assistance from NRCS, you may file a complaint with USDA, ASCR, OCR.

In order to file a Civil Right complaint 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.

See attached Civil Rights Complaint Form.

<https://www.ascr.usda.gov/ad-3027-usda-program-discrimination-complaint-form>