

CHILD NUTRITION PROGRAM CIVIL RIGHTS COMPLAINT PROCEDURE

The following procedure is designed to resolve civil rights complaints by individuals who believe they have been subject to discrimination in any of the USDA Child Nutrition Programs that are offered through the District in a prompt and equitable manner. The District shall provide an impartial investigation of such complaints free of conflicts of interest and act on findings as appropriate, which may include disciplinary measures such as termination of employment in accordance with board policy, law, and, when applicable, the negotiated agreement. Students and employees are expected to fully cooperate in the investigation process. The District will take steps to prevent recurrence of discrimination or retaliation and remedy discriminatory effects on the complainant and others, when appropriate.

Complaint Filing Format and Deadlines

A program civil rights complaint may be filed verbally or in writing (ABEB-E1). In the event a complainant makes the allegations verbally or through a telephone conversation and refuses or is not inclined to place such allegations in writing, the district employee to whom the allegations are made shall write up the elements of the complaint.

Complaints must be filed within 180 days from when the discrimination allegedly occurred, unless the time for filing the complaint has been extended by the USDA. The complainant may contact the USDA at: USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY), to request a waiver of the 180-day filing deadline. Complaints filed after the 180-day deadline must include a good cause explanation for the delay. A waiver of the complaint filing deadline may be granted for any of the following reasons:

1. The alleged discriminatory act could not reasonably be expected to be known within the 180-day period;
2. Illness or incapacitation;
3. The same complaint was filed with another Federal, state, or local agency; and/or
4. Any other basis determined by the Center for Civil Rights Enforcement.

The District's Child Nutrition Programs Civil Rights Coordinator shall promptly document all written and verbal complaints in the Civil Rights Complaint Log (ABEB-E2).

Anonymous complaints shall be handled as any other complaints. An individual wishing to file an anonymous civil rights complaint must be advised that confidentiality may limit the district's ability to fully respond to the complaint and that retaliation is prohibited.

With Whom Complaints May be Filed

A program civil rights complaint may be filed with any district employee. District employees are required to report any civil rights complaint to the Child Nutrition Program Civil Rights Coordinator when they knew (e.g., received a complaint, directly observed it) or should have known it was occurring (e.g., overheard staff or students talking about an incident). If the complaint concerns the Child Nutrition Program Civil Rights Coordinator, the Superintendent or designee will receive the complaint. Failure by a district employee to report under this regulation may result in disciplinary action.

The District Child Nutrition Program Civil Rights Coordinator must report all alleged complaints within five business days of receipt to: Director, North Dakota Department of Public Instruction, Child Nutrition and Food Distribution at 600 East Boulevard Avenue, Department 201, Bismarck, North Dakota 58505 or via phone at 1-888-338-3663.

The complainant may file a complaint at any time before or during the complaint procedure with the USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410 or call (800) 795-3272(voice) or (202) 720-6382 (TTY).

Complaint Resolution Procedure

The Child Nutrition Civil Rights Coordinator shall conduct and oversee all child nutrition civil rights investigations. If the coordinator is the accused, the Superintendent or Board President (if the Superintendent is the accused) shall designate a different individual (which may be a third party) to carry out the accused’s responsibilities associated with the investigation.

The complainant must be contacted by the coordinator no later than five working days following the date the coordinator received the information. The procedures to be followed are:

1. An investigation of the complaint must be completed within 15 working days. Extension of the time line may be approved only by the Superintendent or Board President (if the Superintendent is the accused).
2. The investigator shall prepare a written report of the findings and conclusions within five working days of completion of the investigation.
3. The investigator shall contact the complainant upon conclusion of the investigation to discuss the findings and conclusions and actions, if any, to be taken as a result of the investigation.
4. Both the complainant and the accused must be provided written notice of the outcome of the complaint.
5. A record of each complaint shall be retained by the coordinator for a period of at least three years from the date of the complaint. The record shall include a copy of the complaint filed, report of findings from the investigation, and the disposition of the matter.

At no time during the resolution process shall the complainant be required to meet with the accused.

Confidentiality

Documents relating to a complaint of discrimination in the district’s Child Nutrition program are subject to the open records law after 60 days or when the investigation is complete (whichever comes first), with limited exceptions such as when the record is protected by FERPA.

End of Jamestown Public School District Board Reg. ABEB-BR1Approved:9-6-2022