Procedure for Food and Nutrition Services (FNS) Civil Rights Complaints
Pennsylvania Department of Education
Division of Food and Nutrition

1) Sponsor receives a Civil Rights complaint from the complainant (i.e. parent).
   a) 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):
      1. Race
      2. Color
      3. National Origin
      4. Age
      5. Sex (including gender identity and sexual orientation)
      6. Disability

   b) Sponsor must provide complainant the necessary information to file a complaint, which is:
      1. 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

      2. USDA's Contact Information:
         Telephone: (866) 632-9992 or (202) 260-1026
         Local or Federal relay: (800) 877-8339
         Spanish Relay: (800) 845-6136
         Fax: (833) 256-1665 or (202) 690-7442
         Email: program.intake@usda.gov

      3. Electronic link to file a civil rights complaint (How to File a Program Discrimination Complaint):
         https://www.usda.gov/oascr/complaint-resolution

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

   c) **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:
      1. Reiterate the complaint filing procedures in 1) b),
      2. 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 privacy laws. See complaint log requirements in d) below.), and

3. 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 1) b)) of his/her right to file at the Federal level if 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.

d) 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:
   - Date Complaint Received
   - Complainant's Name
   - Complainant's Address
   - Complainant's Telephone Number
   - Complainant's Email Address
   - Allegation of Discrimination/Issue (i.e. FNS program involved, protected class(es) involved, etc.)
   - 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 Civil Rights Coordinator (process depicted below):

State Agency Civil Rights Coordinator ➡ State Agency Director* ➡ FNS Regional Office Civil Rights Contact ➡ FNS Headquarters Civil Rights Office ➡ 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.

2) Additional Information:
   a) Complainants must file within 180 days of the alleged action
   b) Confidentiality is extremely important
   c) 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
   d) Email the State Agency Civil Rights Coordinator for all Civil Rights complaints, including disability related complaints:
      - Child and Adult Care Food Program: RA-CACFP@pa.gov
      - National School Lunch Program: RA-NSLP@pa.gov
      - Summer Food Service Program: RA-SFSP@pa.gov