

# Civil Rights Complaint Procedures in the SFSP: What Do I need to know?



# FNS Instruction 113-1

- ⦿ Can be used to train staff on Civil Rights compliance.
- ⦿ Outlines Civil Rights complaint filing procedures.
- ⦿ Electronic copy available on FY 2011 SFSP data CD or Bright from the Start's website.



# 6 Protected Classes

SFSP institutions and their sites are prohibited from discriminating on the basis of:

- ⦿ Race
- ⦿ Color
- ⦿ National Origin
- ⦿ Age
- ⦿ Sex
- ⦿ Disability

# Right to File

- Any person or representative alleging discrimination has the right to file a complaint within 180 days of the alleged discriminatory action.
  - *Complaints can be filed with the Sponsor or the complainant can file the complaint directly to USDA.*
  - If the complaint is filed with the Sponsor, the Sponsor is responsible for confidentiality of the complaint and Privacy Act applications.

# SFSP Staff

- Sponsors are responsible for ensuring that staff is knowledgeable of compliant filing procedures.
  - Train site staff to display the “And Justice for All” poster in a highly visible area.
    - Has non-discrimination statement.
    - Gives instruction on how to file a complaint.
  - Train staff to inform parents/guardians of their right to file a complaint.

# Verbal Complaints

- If a complainant does not want to submit their complaint in writing, the person to whom the allegations are made must write/document the complaint for the complainant.
- If verbal complaint is made directly to the Sponsor, staff must document the complaint.
  - Can use sample complaint form in FNS 113-1.
  - Sponsor must submit complaint to USDA within 5 days.

# Verbal Complaints (cont.)

Documentation should include the following:

- ⦿ Name, address, phone number or other means of contacting complainant.
- ⦿ Specific name of the SFSP institution.
- ⦿ Nature of the incident, or action that led to feelings of discrimination.
- ⦿ Basis on which the complainant believes the discrimination occurred (race, sex, age, etc.).

# Verbal Complaints (cont.)

Documentation should include the following:

- ⦿ Names, phone numbers, titles, and address of individuals who may have knowledge of the alleged discriminatory action.
- ⦿ Date(s) when the alleged discriminatory action(s) occurred.



## If complaint is filed directly with the Sponsor...

- If the site receives the complaint, the site:
  - Should immediately notify the sponsor.
  - Must document the complaint.
    - Can use sample complaint form in FNS 113-1.
  - Must immediately submit documentation of the complaint to the Sponsor.
  - Once documentation is received from the site, the Sponsor should immediately submit the complaint to USDA.



## If complaint is filed directly with the Sponsor...

- Appendix E of FNS Instruction 113-1 can be used to file written or verbal complaints.
- All written and verbal complaints have to be submitted to:
  - Southeast Regional FNS Office-  
USDA/FNS/SERO  
61 Forsyth St., Room 8T36, Atlanta, Georgia  
30303-3427  
Tel: 404-562-7050
  - **Or**
  - USDA- U.S. Department of Agriculture, 1400  
Independence Ave., S.W. Washington, DC  
20250

# Processing and Resolving Complaints of Discrimination

- Once complaint is filed with SERO or USDA, the complaint will be sent to Office of Civil Rights (OCR) and will be logged into a computerized tracking system.
- Civil Rights Specialist will receive complaint, and will send acknowledgement letter of receipt of complaint within 5 days.

# Processing and Resolving Complaints of Discrimination (cont.)

- Based on analysis of complaint, one of the 3 will occur:
  - Referral
  - Age Discrimination
  - Investigation

# Processing and Resolving Complaints of Discrimination (cont.)

- ⦿ Referral- case does not require any action to be performed by Civil Rights Specialist.
  - Case will be referred to the appropriate office and/or agency.
- ⦿ Age Discrimination- cases that contain an allegation of age discrimination.
  - Case is forwarded to the Federal Mediation and Conciliation Services (FMCS).
  - FMCS will have 60 days to mediate complaint.

# Processing and Resolving Complaints of Discrimination (cont.)

- Investigation- case contains alleged violations in the SFSP, a prohibited basis discrimination, and an adverse action as determined by the complainant.
  - A desk review of the case file will be completed-
    - The complainant will be contacted for additional information on the complaint
    - *Or*
  - An investigation will be conducted.

# Processing and Resolving Complaints of Discrimination (cont.)

- ⦿ All complaints will be processed and closed within 90 days of receipt.
- ⦿ A decision letter containing the following will be sent to the complainant:
  - Name of the complainant
  - A review number
  - Date the complaint was received
  - Statement of the jurisdictional authority
  - Statement of each allegation and applicable regulation
  - If investigation was needed, the methodology on how the complaint was investigated.
  - The conclusion of the complaint.

# **Processing and Resolving Complaints of Discrimination (cont.)**

Decision letters will include appeal rights  
to the Secretary of Agriculture.

# Questions...

- ⦿ Questions regarding the complaint filing process can be directed to the following at Bright from the Start:
  - Falita Flowers- (404) 656-6452
  - Marissa Hamm- (404) 651-7433