

XV COMPLAINTS OF DISCRIMINATION

A All complaints alleging discrimination on the basis of race, color, national origin, age, sex, or disability, either written or verbal, must be processed within the time frames established by Departmental regulations and agreements. The FSP and FDPIR also prohibit discrimination on the basis of religion or political beliefs.

B FNS Headquarters CRD and the FNS Regional OCRs have been delegated the authority to determine whether or not complaints will be reviewed and, if so, the manner in which they are to be reviewed. Depending on where the complaint was initially filed, it must be forwarded to the appropriate OCR (FNS Headquarters, Regional, or State) for a determination on how the complaint will be handled. The appropriate OCR will prepare and issue letters of acknowledgment to the complainants.

C FNS Headquarters and Regional OCRs must establish and maintain a system for processing and resolving complaints of discrimination that complies with Departmental regulations and agreements. FNS Headquarters CRD has a Memorandum of Understanding with USDA OCR regarding complaint processing and resolution that directs FNS actions as follows:

1 Right to File. Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action. Only the Secretary of Agriculture may extend this time under special circumstances. The complainant must be advised of confidentiality and Privacy Act applications. The complainant and the entity that the complaint is filed against will be encouraged to resolve the issue at the lowest possible level and as expeditiously as possible.

2 Acceptance. All complaints, written or verbal, must be forwarded to the appropriate Regional or FNS OCR Director, unless an approved State complaint procedure is in place. Anonymous complaints will be handled as any other complaints, to the extent feasible, based on available information.

3 Forms. FNS Headquarters and Regional OCR, State agency, local agency, or other subrecipient may develop complaint forms, but the use of such forms must not be a prerequisite for acceptance of a complaint. It is encouraged that complaint form format be collaboratively developed and coordinated among FNS, State agency, local agency, and/or other subrecipients.

4 Verbal Complaints. In the event a complainant makes the allegations verbally or in person and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made must write up the elements of the complaint for the complainant. Every effort should be made to have the complainant provide the following information:

- a Name, address, and telephone number or other means of contacting the complainant,
- b The specific location and name of the State agency, local agency, or other subrecipient delivering the service or benefit,
- c The nature of the incident or action that led the complainant to feel discrimination was a factor, and an example of the method of administration that is having a disparate effect on the public, potential eligible persons, applicants, or participants,
- d The basis on which the complainant believes discrimination exists. The bases for nondiscrimination are race, color, national origin, age, disability or sex. The FSP and FDPIR also prohibit discrimination on the basis of religion and political beliefs,
- e The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action, and
- f The date(s) during which the alleged discriminatory actions occurred or, if continuing, the duration of such actions.