

## Civil Rights and Complaint Procedures

### Procedures

El Nido ESD accepts all civil rights complaints alleging discrimination in the school meal program, whether verbal, written, or anonymous. Staff document complaints using the USDA form if needed and immediately forward them to the Civil Rights Coordinator/Superintendent. All complaints are sent within 5 calendar days to USDA and CDE; the SFA does not investigate locally. Complainants are given USDA's nondiscrimination statement and instructions to file directly with USDA if preferred. All food service staff receive annual training on civil rights procedures and complaint handling.

#### **Required Documentation:**

If a complainant does not complete the USDA form, district staff must still document the complaint (verbal, written, or anonymous) with as much detail as possible.

Documentation is then forwarded to USDA and the CDE School Nutrition Programs office within five calendar days.

### Nondiscrimination 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, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, 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 state or local agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). 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 (PDF), 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:

mail:

U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW, Mail Stop 9410

Washington, D.C. 20250-9410;

fax:

202-690-7442; or

email:

Program.Intake@usda.gov.

This institution is an equal opportunity provider

## Where to File a Complaint

To file a program or Civil Rights complaint, please contact one of the following agencies listed below:

Child Nutrition Programs

Civil Rights and Program Complaint Coordinator

California Department of Education

Nutrition Services Division

1430 N Street, Room 4503

Sacramento, CA 95814-2342

916-322-2135

Or

USDA, Director, Office of Adjudication

1400 Independence Avenue, Southwest

Washington, D.C. 20250-9410

866-632-9992

Federal Relay Service 800-877-8339 (English)

or 800-845-6136 (Spanish)

Note: The USDA will investigate and process complaints alleging discrimination.

All program complaints filed with the NSD are resolved at the state level. The NSD Complaint Coordinator logs the complaint, refers it first to the district for handling and if not resolved, then to the appropriate program or Field Services Unit, and tracks it through resolution. The NSD reserves the right to conduct unannounced site visits to determine the validity of all allegations.

## U.S. Department of Agriculture

### USDA Program Discrimination Complaint Form

| Complainant Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                        |                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| First name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Middle Initial                                                         | Last Name                                                                                                                                |
| Mailing Address (Include Full City, State and Zip Code)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                        |                                                                                                                                          |
| Primary Phone Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Alternate Phone Number                                                 | Email                                                                                                                                    |
| Best way to reach you: <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Email <input type="checkbox"/> Other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                        |                                                                                                                                          |
| If you have difficulty understanding the English language, you may request language assistance services by calling 866-632-9992. Assistance will be available for individuals who are not proficient in English. Persons with disabilities who require alternative means of communication (e.g., braille, large print, American Sign Language) should contact the responsible State or local Agency that administers the program or contact the United States Department of Agriculture (USDA) through the Federal Telecommunications Relay Service at 711 (voice TTY).                                                                                                                                                             |                                                                        |                                                                                                                                          |
| Representative Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                        |                                                                                                                                          |
| Do you have a representative? <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                        | Do you have written authorization from representative?<br>If so, please attach. <input type="checkbox"/> Yes <input type="checkbox"/> No |
| First name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Last Name                                                              |                                                                                                                                          |
| Mailing address (Include Full City, State and Zip Code)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                        |                                                                                                                                          |
| Phone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Email                                                                  |                                                                                                                                          |
| Complaint Information<br>(attach additional pages and supporting documentation as needed)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                        |                                                                                                                                          |
| 1. Provide the name of the program you applied for (if known/applicable).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                        |                                                                                                                                          |
| 2. Select the USDA agency that conducts the program or provides Federal financial assistance for the program.<br><input type="checkbox"/> Agricultural Marketing Service, AMS<br><input type="checkbox"/> Foreign Agricultural Service, FAS/Trade and Foreign Agricultural Affairs, TFAA<br><input type="checkbox"/> Food and Nutrition Service, FNS<br><input type="checkbox"/> Forest Service, FS<br><input type="checkbox"/> Farm Service Agency, FSA<br><input type="checkbox"/> National Institute of Food and Agriculture, NIFA<br><input type="checkbox"/> Natural Resources Conservation Service, NRCS<br><input type="checkbox"/> Rural Development, RD<br><input type="checkbox"/> Other <input type="checkbox"/> Unknown |                                                                        |                                                                                                                                          |
| 3. Date of recent alleged discrimination<br>(mm/dd/yyyy)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 4. Location and/or address of the office where discrimination occurred |                                                                                                                                          |
| 5. Who do you believe discriminated against you? Include the name(s) of person(s) involved in the alleged discrimination (if known).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                        |                                                                                                                                          |

**U.S. Department of Agriculture**  
**USDA Program Discrimination Complaint Form**

6. What happened to you (please include dates of each allegation)?

7. It is a violation of the law to discriminate against you based on the following: race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, and political beliefs. (Not all bases apply to all programs). Reprisal is prohibited based on prior civil rights activity.

I believe I was discriminated against based on:

- |                                            |                                     |                                                                    |
|--------------------------------------------|-------------------------------------|--------------------------------------------------------------------|
| <input type="checkbox"/> Race              | <input type="checkbox"/> Sex        | <input type="checkbox"/> Marital Status                            |
| <input type="checkbox"/> Color             | <input type="checkbox"/> Disability | <input type="checkbox"/> Family/Parental Status                    |
| <input type="checkbox"/> National Origin   | <input type="checkbox"/> Age        | <input type="checkbox"/> Income from Public Assistance             |
| <input type="checkbox"/> Political Beliefs | <input type="checkbox"/> Religion   | <input type="checkbox"/> Retaliation (prior civil rights activity) |

**Remedies**

8. How would you like to see this complaint resolved?

9. Have you filed a complaint about the incident(s) with another federal, state, or local agency or with a court?

10. If yes, with what agency or court did you file?

11. If yes, when did you file?  
(mm/dd/yyyy)

Complainant Signature

Date

Representative Signature

Date

## INSTRUCTIONS

**PURPOSE:** The Agriculture Department 3027(AD 3027) Program Discrimination Complaint Form may be used to file a complaint if you believe you have experienced discrimination in any USDA program or activity, and you wish to file a complaint of discrimination. The form can be used to file a complaint of discrimination based on race, color, national origin (including limited English proficiency), religion, sex, disability, age, marital status, family/parental status, income derived from public assistance program and political beliefs. You may also use this form to file a program complaint alleging an adverse environmental impact to your health or the environment of a protected group caused by the program or activities of USDA, its Mission Areas or agencies.

You are not required to use this form to file a discrimination complaint, you may send a letter or email instead of this form. The letter or email must include the information requested in items 1-11 on this form. If you decide to use this form, please type or print all information in items 1-11 of this form and use additional pages if more space is needed. If you need assistance completing this form, call 866-632-9992.

Pursuant to 7 CFR 16.4(d), beneficiaries and prospective beneficiaries in programs supported by indirect financial assistance from USDA may file written complaints with USDA alleging violations of the rule's religious freedom protections by contacting or filing a written complaint with USDA's Office of the Assistant Secretary for Civil Rights (OASCR).

If you need assistance filling out this form (including translation services), you may call (866) 632-9992; assistance will be available in English and for individuals who are not proficient in English or in other languages. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, and American Sign Language) should contact the responsible State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY)

**We must have a signed copy of your complaint. An incomplete or unsigned form or letter will delay processing of your complaint.**

**FILING DEADLINE:** A program discrimination complaint must be filed within 180 days from 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 is received by USDA. Complaint documentation or Complaint Forms sent by email will be considered filed on the date the complaint is received. Complaints filed after the 180-day deadline must include a 'good cause' explanation for the delay. For example, 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; or
3. The same complaint was filed with another Federal, state, or local agency and that agency failed to act on your complaint.

**USDA POLICY:** Federal law and policy prohibit discrimination against you based on race, color, and national origin includes discrimination based on shared ancestry or ethnic characteristics or based on citizenship in a country with a dominant religion. Discrimination based on race, color, and national origin also includes discrimination, including harassment, because you and/or another individual are, for example, Jewish, Muslim, Arab, Hindu, or Sikh; or based on other ethnic and religious characteristics. For example, individuals who have been subjected to ethnic slurs (such as antisemitic or anti-Muslim harassment); harassed for how they look, dress, or speak in ways related to their ethnic background (such as skin color, religious attire, or language spoken); or stereotyped based on their perceived ethnic characteristics. USDA will determine if it has jurisdiction under the law to process the complaint on the basis identified in the complaint and in the programs indicated in the complaint. Reprisal that is based on prior civil rights activity is prohibited.

**WHERE TO FILE YOUR COMPLAINT: You may submit your completed form or letter to USDA by:**

**Mail:** U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence, Ave, SW, Mail Stop 9410, Washington, DC 20250-9410.

**e-Mail:** [program.intake@usda.gov](mailto:program.intake@usda.gov).

For more information visit: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>.

**LEGAL INFORMATION**

**CONSENT:** This USDA Program Discrimination Complaint Form is provided in accordance with the Privacy Act of 1974 (5 U.S.C. §552a) and is used to solicit information for processing complaints of discrimination. USDA requests this information pursuant to 7 CFR Part 15.

If the completed form is accepted as a complaint, the information collected during the investigation will be used to process your program discrimination complaint.

**RETALIATION PROHIBITED:** No Agency, officer, employee, or agent of the USDA, including persons representing the USDA and its programs, shall intimidate, threaten, harass, coerce, discriminate against, or otherwise retaliate against anyone who has filed a complaint of alleged discrimination or who participates in any manner in an investigation or other proceeding raising claims of discrimination.

**PRIVACY ACT STATEMENT( 5 U.S.C. § 552a)**

**AUTHORITIES:** Collection of this information is authorized by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); and Sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. §§ 794; 794d) and any other anti-discrimination statutes, rules and regulations.

**PURPOSE:** The information solicited on this form is used for processing complaints of discrimination under the statutes listed in the "Authorities" section of this notice. Any information obtained from this form will be maintained in our system of record.

**ROUTINE USES:** More information on the routine uses for the system can be found in the System of Records Notice USDA-2021-0007 records maintained by OASCR can be seen via the internet at <https://www.usda.gov/home/privacy-policy/system-records-notices>.

**DISCLOSURE:** Providing this information is voluntary. Failure to complete this form may lead to a delay in processing of the complaint or rejection of the complaint due to an inadequate information to continue processing.

**PAPERWORK REDUCTION ACT STATEMENT**

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) requires us to inform you that this information is being collected to ensure that your complaint contains all the information required to process it fully. OASCR will use the information to process your discrimination complaint.

Response to this request is voluntary. The information you provide on this form will only be shared with persons who have an official need to know and will be protected from public disclosure pursuant to the provisions of the Privacy Act, (5 U.S.C. § 552a(b)). The estimated time required to complete this form is 60 minutes. You may send comments regarding the accuracy of this estimate and any suggestions for reducing the time for completion of the form to the U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Mail Stop 9410, DC 20250-9410. An agency may not conduct or sponsor, nor is a person required to respond to, a collection of information unless it displays a currently valid OMB Control Number. **The OMB Control Number for this form is 0508-0002.**

## **TITLE VI**

Title VI of the Civil Rights Act of 1964 requires federal agencies to ensure that programs or activities receiving federal funding, including those that affect human health, do not use discriminatory criteria, methods, or practices that adversely impact protected groups. USDA is advancing justice by carrying out its responsibilities under the law to identify and address disproportionate and adverse public and cumulative impacts on communities with concerns. USDA invites the public to bring to its attention possible violations of our nation's laws. Please understand that submitting this complaint form has no effect on any statute of limitations or other filing requirements that might apply to any complaint you may have. Further, by submitting this complaint you have not commenced a lawsuit or other legal proceeding, and this office has not initiated a lawsuit or proceeding on your behalf.

## **NATIONAL ORIGIN DISCRIMINATION**

Discrimination based on national origin includes discrimination based on the country, world region, or place where a person or their ancestors come from; a person's limited English proficiency or English learner status; and a person's actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (e.g., Hindu, Jewish, Muslim, and Sikh students).

## **USDA ACCESSIBILITY STATEMENT**

Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d) authorizes individuals to file administrative complaints and civil actions against the Department, limited to the Department's alleged failure to procure accessible technology. The statute requires federal agencies to process Section 508 complaints according to the same complaint procedures used to process Section 504 complaints. USDA is committed to making its digital content accessible. USDA customers, employees, job applicants, and members of the public with disabilities must have access to information and communication technology (ICT) comparable to the access available to those without disabilities.