

Denver Public Schools
DEPARTMENT OF FOOD AND NUTRITION SERVICES

Procedures for FS
Civil Rights Complaints

Purpose: To establish a procedure for effectively handling complaints when individuals feel as if their Civil Rights have been violated.

Guidelines: The U.S Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. Additionally, they require that School Food Authorities (SFA) have a written procedure for dealing with complaints from individuals who feel their civil rights have been violated.

Procedures:

ACCEPT THE COMPLAINT

- Complaints can be filed within 180 days of the alleged discriminatory action.
- Complaints may be accepted verbally or in writing as well as anonymously.
- Make every effort to ensure the following information is documented:
 - Name, address, and telephone number of the complainant
 - The nature of the incident or action that led the complainant to feel discrimination was a factor
 - The basis on which the complainant believes discrimination exists
 - The names, telephone numbers, titles , and business or personal addresses of persons who may have knowledge of the alleged discriminatory action
 - The date(s) and location during which the alleged discriminatory actions occurred

EVALUATION OF THE COMPLAINT

- SFA evaluates each complaint that it receives in order to determine whether it can investigate the complaint. Reasons for non-investigation:
 - The complaint fails to state a violation
 - The complaint was not filed timely
 - The complaint is unclear or incomplete and the complainant does not provide the information
 - The allegations raised by the complaint have been resolved
 - The complaint has been investigated or is being investigated by another Federal, state, or local civil rights agency
 - The same allegations have been filed by the complainant against the same recipient in state or Federal Court

OPENING THE COMPLAINT FOR INVESTIGATION

- If SFA determines that it will investigate the complaint, it will issue letters of notification to the complainant and the site.
- During the investigation, SFA is a neutral fact-finder. SFA will collect and analyze relevant evidence from the complainant, the site, and other sources as appropriate.

INVESTIGATION OF THE COMPLAINT

- SFA will use a variety of fact-finding techniques
 - May include reviewing documentary evidence submitted by both parties
 - Conducting interviews with the complainant, site's personnel, and other witnesses
 - Site visits

RESOLUTION OF THE COMPLAINT

- Determination will be explained in a letter of findings sent to the complainant and recipient
 - Letters of findings contain fact-specific investigative findings and dispositions of individual cases
- If SFA determines that a site failed to comply with one of the civil rights laws they will contact the site and attempt to secure the site's willingness to negotiate a voluntary resolution agreement. If the site agrees to resolve the complaint, the site will negotiate and sign a written resolution agreement that describes the specific remedial actions that the site will undertake to address the area(s) of noncompliance
- All complaints will be forwarded to the USDA Mountain Plains Regional Office or CDE Office of School Nutrition

APPEAL OF THE SFA'S DETERMINATIONS

- If the complainant disagrees with the SFA's decision, he or she may send a written appeal to The USDA Office of Civil Rights, FNS Office of Civil Rights, USDA Mountain Plains Regional Office or CDE Office of School Nutrition