

Procedure for Food and Nutrition Services (FNS) Civil Rights Complaints Western Pennsylvania School for the Deaf

The Western Pennsylvania School for the Deaf recognizes its responsibility to comply with state and federal nondiscrimination laws as they apply to the school's nutrition programs. To meet these requirements for civil rights complaints the following policy has been implemented for the Western Pennsylvania School for the Deaf.

The Civil Rights/Complaint Coordinator is Aaron Noschese.

To file a complaint of discrimination contact:

Aaron Noschese
Western Pennsylvania School for the Deaf
300 East Swissvale Avenue
Pittsburgh, PA 15218
412-371-7000

1) Western Pennsylvania School for the Deaf receives a Civil Rights complaint from the complainant (i.e. parent).

a) Western Pennsylvania School for the Deaf 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
6. Disability

What constitutes discriminatory behavior? The following are general examples of prohibited discriminatory behavior:

- Denying an individual or household the opportunity to apply for Food and Nutrition Services (FNC) program benefits or services on the basis of race, color, national origin, sex, or disability. The Supplemental Nutrition Assistance Program or Indian Reservations (FDPIR) also prohibit discrimination on the basis of religion and political beliefs.
- Providing FSN program services or benefits in a different manner on the basis of race, color, national origin, age, sex, or disability, unless the difference is necessary to comply with nondiscrimination requirements, such as disability accommodations. The SNAP and FDPIR also prohibit discrimination on the basis of religion and political beliefs.
- Selecting members for planning and advisory bodies in such a way as to exclude persons from membership on the basis of race, color, national origin, age, sex, or

disability. The SNAP and FDPIR also prohibit discrimination on the basis of religion and political beliefs.

- Selecting FSN program sites or facilities in a manner that denies an individual access to FNS program benefits, assistance, or services on the basis of race, color, national origin, age, sex, or disability. The SNAP and FDPIR also prohibit discrimination on the basis of religion and political beliefs.

b) Western Pennsylvania School for the Deaf 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 Telephone/Fax numbers and Email address:

(866) 632-9992 / (202) 690-7442 F/ program.intake@usda.gov

3. Electronic link to file a civil rights complaint:

http://www.ascr.usda.gov/complaint_filing_cust.html

Note: If Western Pennsylvania School for the Deaf is unsure if the complaint falls under a protected class, Western Pennsylvania School for the Deaf 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**, Western Pennsylvania School for the Deaf 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 Western Pennsylvania School for the Deaf 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 Western Pennsylvania School for the Deaf or if the matter cannot be resolved quickly, then Western Pennsylvania School for the Deaf 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 Western Pennsylvania School for the Deaf to notify the State agency because regular communication between Western Pennsylvania School for the Deaf and State agency is key to operating the program successfully.)

If the complainant is willing to try to resolve the issue with Western Pennsylvania School for the Deaf and a satisfactory resolution is achieved, then Western Pennsylvania School for the Deaf 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 Western Pennsylvania School for the Deaf level.) Western Pennsylvania School for the Deaf 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, Western Pennsylvania School for the Deaf 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. Western Pennsylvania School for the Deaf **must forward** the information, **within 5 days of receipt of complaint** from complainant, to the State agency (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 Western Pennsylvania School for the Deaf, to the FNS regional office.

3. FNS team conducts complaint review and investigation, which includes contact with the complainant, State agency, Western Pennsylvania School for the Deaf, 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