

Complaint Acceptance Procedure

Civil Rights

Accepting a Complaint

- Civil rights complaints should be directed to **David Giordano at 200 Kalmus drive Costa Mesa Ca 92628**
- Complaints can be received verbally, in writing, or anonymously. If the complaint is verbal and the complainant is not inclined to put the allegation in writing, the person to whom the complaint was made must write up the complaint on behalf of the complainant. An anonymous complaint must be handled the same as any other complaint.
- A complaint form may be used, but is not a prerequisite for accepting a complaint.

Transcribing a Complaint

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) during which the alleged discriminatory actions occurred

Forwarding a Complaint

Complaints are forwarded to the following agencies:

- Child Nutrition Program, CDE
 - USDA Office of Civil Rights, Western Region
 - USDA Office of Civil Rights, Director
- *Addresses of Agencies are attached to this page

Resources

- California Department of Education Civil Rights and Complaints web page (<https://www.cde.ca.gov/ls/nu/cr/>)
- USDA FNS Civil Rights web page (<http://www.fns.usda.gov/civil-rights>)

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a [Form AD-3027, USDA Program Discrimination Complaint Form](#) (PDF), from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

3. email: program.intake@usda.gov

This institution is an equal opportunity provider.

Civil Rights Complaint Procedures

Food and Nutrition Services

Note: This template is being provided to school food authorities (SFAs) to assist in establishing their civil rights complaint procedures. SFAs may choose to use this template or may create their own procedures provided they meet the minimum requirements.

Orange County Department of Education is a sponsor of the U.S. Department of Agriculture (USDA) Food and Nutrition Services (FNS) Child Nutrition Programs. The Orange department of Education provides benefits to all eligible individuals without discrimination in accordance with Federal civil rights laws and USDA policy, as governed by <https://www.fns.usda.gov/cr/fns-instruction-113-1>. The USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex (including gender identity and sexual orientation), age, disability, and reprisal or retaliation for prior civil rights activity.

Below are the procedures for receiving and processing complaints alleging civil rights discrimination within FNS school meal programs.

Accepting a Complaint

- Civil rights complaints should be directed to:
David Giordano
200 Kalmus Drive
Costa Mesa Ca 92628
dgiordano@ocde.us
714-966-4447
- 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.
- An anonymous complaint must be handled the same as any other complaint.
- If complaints forms are used, notify complainants where they can be obtained. A complaint form is not a prerequisite for accepting a complaint.
- There will be no attempt by Orange county department of Education to resolve the complaint, nor will the complaint process be a prerequisite for accepting a complaint.
- 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.

Transcribing a Complaint

The Civil Rights Complaint Coordinator should maintain a complaint log that must include, at a minimum, the following information:

- The name, address, and phone number or other means of contacting the complainant, such as an e-mail address (if not anonymous)
- The specific location and name of the entity delivering benefits
- The nature of the complaint or action that led to the charges being filed
- Whether the allegation was made verbally or in person

The California Department of Education (CDE) Nutrition Services Division recommends that the Civil Rights Complaint Coordinator collect, in addition to the information above, the following information:

- 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.
- The basis on which the complainant believes discrimination exists. The basis for nondiscrimination is race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.
- The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action.
- The date(s) during which the alleged discriminatory actions occurred or, if continuing, the duration of such actions.

Forwarding a Complaint

To file a program or Civil Rights complaint, please contact the state agency below:

Child Nutrition Programs
 Civil Rights and Program Complaint Coordinator
 California Department of Education
 Nutrition Services Division
 1430 N Street, Room 4503
 Sacramento, CA 95814-5901
 or 800-952-560
CNPComplaints@cde.ca.gov

Forward all complaints alleging discrimination within **5 calendar days** of receipt to the USDA:

USDA
 Office of the Assistant Secretary for Civil Rights
 1400 Independence Avenue, SW
 Washington, D.C. 20250-9410
 Phone: 866-632-9992
 Fax: 833-256-1665
program.intake@usda.gov

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

Resources

- CDE Civil Rights and Complaints web page (<https://www.cde.ca.gov/ls/nu/cr/>)
- USDA FNS Civil Rights web page (<http://www.fns.usda.gov/civil-rights>)

USDA Nondiscrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the

program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
Program.Intake@usda.gov

This institution is an equal opportunity provider.

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? 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

(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.

- ☐ Agricultural Marketing Service, AMS
☐ Foreign Agricultural Service, FAS/Trade and Foreign Agricultural Affairs, TFAA
☐ Food and Nutrition Service, FNS
☐ Forest Service, FS
☐ Farm Service Agency, FSA
☐ National Institute of Food and Agriculture, NIFA
☐ Natural Resources Conservation Service, NRCS
☐ Rural Development, RD
☐ Other ☐ Unknown

3. Date of recent alleged discrimination
(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 including gender identity and expression, sexual orientation, 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"/> Sexual Orientation | <input type="checkbox"/> Gender Identity (Expression) | |
| <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 (including gender identity and expression), sexual orientation, 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.

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 AND ENVIRONMENTAL JUSTICE

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 or the environment, do not use discriminatory criteria, methods, or practices that adversely impact protected groups. USDA is advancing environmental justice by carrying out its responsibilities under the law to identify and address disproportionate and adverse public health and environmental, climate-related, and cumulative impacts on communities with environmental justice concerns. USDA invites the public to bring to its attention possible violations of our nation's environmental laws. Please use this form to let the USDA know of any environmental, health and climate impacts on individuals and communities that may be caused by the activities of USDA, its Mission Areas or agencies. 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.