These procedures are used by the North Carolina Department of Public Instruction (NCDPI) to comply with the U.S. Department of Agriculture (USDA) regulations for the National School Lunch Program (7 CFR Part 210); School Breakfast Program (7 CFR Part 220); and Special Milk Program (7 CFR Part 215). If any part of these procedures conflict with the NSLP, SBP, or SMP regulations or memoranda issued by the USDA, the federal regulations or memoranda shall take precedence. The NSLP, SBP, and SMP regulations are available on the USDA’s NSLP, SBP, and/or SMP Regulations Web page.

National School Lunch Program, School Breakfast,

and Special Milk Program

Civil Rights – Complaints

**REGULATION:** 7 CFR 210.23(b) *Civil rights.* In the operation of the Program, no child shall be denied benefits or be otherwise discriminated against because of race, color, national origin, age, sex (including gender identity and sexual orientation) or disability. State agencies and school food authorities shall comply with the requirements of: Title VI of the Civil Rights Act of 1964; title IX of the Education Amendments of 1972; section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Department of Agriculture regulations on nondiscrimination (7 CFR parts 15, 15a, and 15b); and FNS Instruction 113-1.

**I. PURPOSE**

The purpose of this Procedure is to explain how new and participating School Food Authorities (SFAs) in the National School Lunch Program (NSLP), School Breakfast Program (SBP), and the Special Milk Program (SMP) address complaints of discrimination. NCDPI is committed to affording every applicant and participant fair and equitable treatment in the operation of the SFSP without regard to race, color, national origin, sex (including gender identity and sexual orientation), disability, age or reprisal or retaliation for prior civil rights activity.

This procedure applies to all new and experienced sponsors in the NSLP, SBP, and

SMP.

NCDPI provides notice of the right to file a civil rights complaint at all training sessions for sponsors and requires all sponsors to attend at least one of the civil rights training at the Policy Update or a live webinar to ensure that notice reaches as many beneficiaries as possible. NCDPI promptly addresses all complaints of discrimination in the manner set forth below:

**II. PROCEDURE:**

1. Any person or representative alleging discrimination based on a prohibited basis (race, color, national origin, sex (including gender identity and sexual orientation), disability, or age) has the right to file a complaint within 180 days of the alleged discriminatory action.
2. All complaints should be mailed to NCDPI addressed as follows:

Lynn Harvey, Senior Director

Office of District Operations and School Nutrition

NC Department of Public Instruction
6324 Mail Service Center

Raleigh, NC 27699-6324

1. NCDPI refers all complaints of discrimination that it receives filed by applicants or participants to the following address as soon as practicable:

Regional Civil Rights Director

Food and Nutrition Services Southeast Regional Office

61 Forsyth St., SW Room 8T36
Atlanta, GA 30303-3427

1. All complaints alleging discrimination 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, either written or verbal, must be processed within the time frames established by regulations. To ensure a timely resolution and preserve accurate and complete information, NCDPI collects all relevant materials it receives as close to the alleged event of discrimination as possible.
2. As NCDPI refers all discrimination complaints it receives to the Civil Rights Director of the Food and Nutrition Services Southeast Regional Office for handling, NCDPI’s role is to receive information and forward all complaints that it receives within 3 working days.
3. NCDPI will provide a complainant with the NCDPI Complaint Form, modeled after the sample USDA Program Discrimination Complaint Form, to obtain information related to the complaint of discrimination. The Complaint Form contains directions to whom the Form should be sent.
4. Prospective sponsors are trained annually to address all civil rights complaints in the manner prescribed herein as based on regulations and guidance.
5. If a complainant makes the allegations verbally or in person and refuses or is not inclined to place such allegations in writing, then the NCDPI, the NSLP, SBP, or SMP School Food Authority or representative to whom the allegations are made must write the elements of the complaint using the Complaint Form, if possible, and obtain the complainant’s signature and written consent. At a minimum the complainant must provide the following information:
6. 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 sub-recipient delivering the service or benefit;

c. The nature of the incident(s) or action(s) that led the complainant to feel he or she was discriminated against and an example of why the action 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 (including gender identity and sexual orientation);

e. The names, titles, telephone numbers, and business or personal addresses of

 persons who may have knowledge of the alleged discriminatory action(s); and

f. The date(s) during which the alleged discriminatory action(s) occurred or, if continuing, the duration of such action(s).

1. After receipt of a complaint, it is referred to the Civil Rights Director of the Food and Nutrition Services Southeast Regional Office in Atlanta.
2. Once the complaint is referred, the Civil Rights Office will send a letter of acknowledgment to the complainant providing further guidance.