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/School Breakfast Programs. If any part of these procedures conflicts with federal regulations or guidance issued by the USDA, the federal regulations and guidance shall take precedence. Links to Federal regulations are available on the NCDPI web page: [Regulation and Policy | NC DPI](https://www.dpi.nc.gov/districts-schools/district-operations/school-nutrition/regulation-and-policy)

School Nutrition Programs – Civil Rights - Complaints

**REGULATION:** 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, disability or reprisal or retaliation for prior civil rights activity. 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](https://www.ecfr.gov/current/title-7/part-15), [15a](https://www.ecfr.gov/current/title-7/part-15a), and [15b](https://www.ecfr.gov/current/title-7/part-15b)); and FNS Instruction 113-1.FNS Instruction 113-1 (Civil Rights Compliance and Enforcement)

**I. PURPOSE**

The purpose of this Procedure is to explain how new and participating School Food Authorities (SFAs) address complaints of discrimination. The North Carolina Department of Public Instruction (NCDPI) is committed to affording every applicant and participant fair and equitable treatment in the operation of the School Nutrition Programs without regard to race, color, national origin, sex, age or disability or reprisal or retaliation for prior civil rights activity.

This procedure applies to all new and experienced School Food Authorities.

NCDP 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 webinars, live or recorded to ensure that notice reaches as many beneficiaries as possible. NCDPI promptly addresses all complaints of discrimination in the manner set forth below:

**III. PROCEDURE:**

1. Any person or representative alleging discrimination based on a prohibited basis (race, color, national origin, sex, disability, age or reprisal or retaliation for prior civil rights activity) has the right to file a complaint within 180 days of the alleged discriminatory action.
2. NCDPI refers all complaints of discrimination that it receives filed by applicants or participants to the following address as soon as practicable:

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.

1. All complaints alleging discrimination on the basis of race, color, national origin, age, sex, or disability, 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 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 FNS Complaint Form, to obtain information related to the complaint of discrimination. The Form contains directions to whom the complainant should send it. This is not required in order to file a complaint.
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, the NCDPI, the SFA 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:

a. 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 or action 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, sex or reprisal or retaliation for prior civil rights activity.

e. The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action; and

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

1. After receipt of a complaint, it is referred to the Civil Rights Director of the Food and Nutrition Services as indicated on the Complaint Form.
2. Once the complaint is referred, the Civil Rights Office will send a letter of acknowledgment to the complainant, providing further guidance.