

PROCEDURE FOR ACCEPTING AND FILING COMPLAINTS OF DISCRIMINATION IN SCHOOL NUTRITION PROGRAM

I. Right to File a Complaint

Any person alleging discrimination basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity has a right to file a complaint within 180 days of the alleged discriminatory action.

II. Acceptance

All complaints, written or verbal, shall be accepted by *Crossover Prep Academy* and be submitted to the School Nutrition Programs, Oklahoma Department of Human Services or sent directly to **U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410, or faxed to (202) 690-7442 or emailed to program.intake@usda.gov**. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339: additionally, program information may be made available in languages other than English. It is necessary that the information be sufficient to determine the identity of the agency or individual toward which the complaint is directed, and to indicate the possibility of a violation. Only the USDA Director of Civil Rights can reject a complaint based on lack of merit. Anonymous complaints shall be handled as any other complaint.

III. Verbal Complaints

In the event that a complainant makes the allegation verbally or through a telephone conversation and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made shall write up the elements of the complaint for the complainant. Every effort should be made to have the complainant 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 entity delivering the program service or benefit.
- c. The nature of the incident(s) or action(s) that lead the complainant to feel discrimination was a factor.
- d. The basis on which the complainant feels discrimination exists (race, color, national origin, sex, age or disability).
- e. The names, titles and addresses of persons who may have knowledge of the discriminatory action(s).
- f. The date(s) during which the alleged discriminatory action occurred, or if continuing, the duration of such actions.

Adopted or Approved by:

School Name Crossover Prep Academy

Name Mark Cruz

Title Operations Manager

On (date) October 18, 2022

Civil Rights Update

The USDA Food and Nutrition Service's (FNS) Civil Rights Division updated the Nondiscrimination Statement and *Justice for All* posters in May 2022 to include gender identity and sexual orientation as protected bases. USDA has since provided updated guidance for Title IX religious exemptions.

Updated USDA Guidance for Religious Educational Institutions (August 12, 2022)

Religious Exemptions Under Title IX of the Education Amendments of 1972

1. Are religious educational institutions required to submit a written request to USDA in order to claim a Title IX Religious Exemption?

No. USDA regulations do not require a religious educational institution to submit a written request for a Title IX exemption in order to claim that exemption.

If, however, a religious educational institution wishes to seek USDA recognition of their religious exemption, it may do so through a written request under USDA regulations (7 CFR 15a.205). The written request seeks USDA assurance of exemption from applicable sections of USDA's Title IX regulations. Those that have neither sought nor received prior written assurance from USDA may still invoke their exemption after USDA receives a Title IX discrimination complaint or initiates Title IX compliance efforts. Any action taken by USDA in a specific case will take account of all relevant facts and legal requirements, including, where applicable, Title IX's Religious Exemption, the Religious Freedom Restoration Act, 42 USC 2000bb et seq., and any other applicable exemptions.

2. If an educational institution wishes to seek USDA assurance of religious exemption from Title IX provisions, where should that written request be sent?

All written requests for assurance of a religious exemption should be sent by mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, Center for Civil Rights Operations, 1400 Independence Avenue, SW, Stop 9407, Washington, DC 20250; or by email to: CR-INFO@usda.gov

Updated 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, audiotape, 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/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.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:

MAIL:

U.S. DEPARTMENT OF AGRICULTURE
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS
1400 INDEPENDENCE AVENUE, SW
WASHINGTON, D.C. 20250-9410; OR

FAX:

(833) 256-1665 OR (202) 690-7442; OR

EMAIL: PROGRAM.INTAKE@USDA.GOV

This institution is an equal opportunity provider.

Timeline for Implementation of the Nondiscrimination Statement (NDS)

All documents, pamphlets, websites, etc. should be updated with the 2022 NDS as follows:

- Websites must be updated within 90 days of the date of this memorandum (May 5, 2022).
- Documents, pamphlets, brochures, etc., using 2015 NDS language must be updated when current supply on hand is exhausted or by September 30, 2023.
- All new printing must use the 2022 NDS.

Timeline for Implementation of the *And Justice for All* (AJFA) Posters

- State agencies may distribute AJFA posters currently on hand to local agencies and subrecipients until new posters are received.
- AJFA posters currently posted must not be removed until replaced with the new poster.
- The 2019 AJFA poster(s) language should be updated on websites, training presentations and any pending printing of brochure, pamphlets, and materials and replaced with the appropriate 2022 version.
- State agencies must provide their poster order request to their Regional Civil Rights Officer by June 27, 2022. **Note:** The Oklahoma Human Services has ordered AJFA posters from USDA and is awaiting their arrival.

[USDA Policy Memorandum CRD 02-2022: Application of Bostock v. Clayton County to Program Discrimination Complain Processing - Policy Update](#)

This policy memorandum provides additional background regarding the processing of discrimination complaints. State agencies and program operators should expeditiously review their program discrimination complaint procedures and make any changes necessary to ensure complaints alleging discrimination on the basis of gender identity and sexual orientation are processed and evaluated as complaints of discrimination on the basis of sex.

[USDA Policy Memorandum CRD 02-2022: Questions and Answers Related to CRD 01-2022 Application of Bostock v. Clayton County to Program Discrimination Complaint Processing - Policy Update](#)

The Food and Nutrition Service (FNS), Civil Rights Division (CRD) is issuing this memorandum to provide clarification on questions related to CRD 01-2022

Application of *Bostock v. Clayton County* to Program Discrimination Complaint Processing – Policy Update, published on May 5, 2022.