

PROGRAM DELIVERY COMPLAINT PROCESS (TITLE VI)

Who can use this complaint process?

Applicants or participants in any program or activity conducted or assisted by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) who feel or believe they have not been treated fairly based on the following:

- Race
- Color
- Religion
- Sex
- Or because all or part of an individual's income is derived from a public assistance program
- Age
- National Origin
- Marital Status
- Sexual Orientation
- Familial Status
- Disability
- Limited English Proficiency

For applicants who receive Federal financial assistance from USDA, discrimination complaints must be based on:

- Race
- Color
- Religious Creed
- Sex
- Political Beliefs
- Age
- Disability
- National Origin
- Limited English Proficiency

Types of complaints

There are two potential types of Program Delivery Complaints, informal and formal.

- An informal complaint is one received prior to a complainant filing a complaint with the USDA Office of Adjudication and Compliance (OAC). An informal complaint is generally a verbal complaint provided to local USDA-NRCS staff. If the NRCS office receives an informal complaint, staff should attempt to resolve the complaint immediately at the local level with the customer. If it cannot be resolved, the employee should inform the customer of his/her right to file a formal complaint with the USDA OAC.
- A formal complaint is one in which the complainant submits a complaint to the USDA OAC, as shown below.

Filing a complaint

Complainants should direct a written formal complaint to the following (formal complaints cannot be submitted by email):

U.S. Department of Agriculture
Director, Office of Adjudication and Compliance
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

(866) 632-9992 (toll free), (202) 260-1026, or (202) 401-0216 (TDD) or visit:
http://www.ascr.usda.gov/complaint_filing_program.html

General Manual Title 230, Part 405, Paragraph 405.3 (H) states that a verbal or written statement alleging discrimination which indicates that any NRCS program or activity is administered or operated in such a manner that it results in unequal treatment or services being provided to persons or groups of persons on the basis shown above can be filed and must be made within 180 days of the alleged discriminatory incident. According to the USDA Office of the Assistant Secretary for Civil Rights, a request can be made to waive the 180-day filing deadline. A waiver may be granted due to 1) the discriminatory act could not reasonably be expected to be known within a 180-day period; 2) illness or incapacitation; 3) the same complaint was filed with another Federal, state, or local agency; and 4) any other basis determined by the Director of the OAC.

What needs to be included in the complaint letter?

1. The complainant's name, address and telephone number;
2. The name, address, and telephone number of the attorney or authorized representative, if the complainant is represented;
3. The basis (motivating factor) on which the discrimination is alleged;
4. The date(s) that the incident(s) reported as discrimination occurred;
5. The name of the individual(s) or entity believed to have discriminated against the customer and the agency or recipient that employs the individual(s); and
6. The issue(s) of the complaint. The issue is a description of what happened, or the action that was taken by the individual(s) or agency believed to have discriminated against the customer, resulting in some harm.

What happens after the complaint letter is sent?

1. **Intake Stage:** At this stage, the USDA OAC determines whether the complaint meets the legal requirements to be accepted for processing. If the complaint is accepted, the complainant will receive a letter notifying him/her of its acceptance. In addition, the agency will be required to prepare a written statement giving the agency position regarding the complaint.
2. **Investigation Stage:** After the agency position statement is received, an investigator will be assigned to the complaint. The investigator will contact appropriate individuals and obtain statements and documents. Once the investigation is complete, a Report of Investigation is prepared and sent on to the Adjudication Stage.
3. **Adjudication Stage:** At this stage, the Report of Investigation is reviewed and a legal and factual analysis is performed in order to determine whether discrimination occurred. The USDA OAC will issue a Final Agency Decision which states whether discrimination was found. If discrimination is found, the USDA OAC may attempt to settle the complaint or take corrective action. If no discrimination is found, the case is closed. In this situation, the complainant will be informed of their appeal rights.

What should the NRCS office be doing?

Employees should inform their NRCS supervisor within one business day of any formal complaint and document all pertinent information. Refer to General Manual Title 230, Part 405, Paragraph 405.12 for items of inclusion. If a complainant sends a written complaint to the local NRCS office, the complaint should be copied then filed in the NRCS file system under file code folder 230-11, Complaint System, and the original forwarded within one business day to the USDA OAC at:

U.S. Department of Agriculture
Director, Office of Adjudication and Compliance
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

(866) 632-9992 (toll free), (202) 260-1026

For more information, refer to General Manual Title 230, Part 405 and http://www.ascr.usda.gov/complaint_filing_program.html.