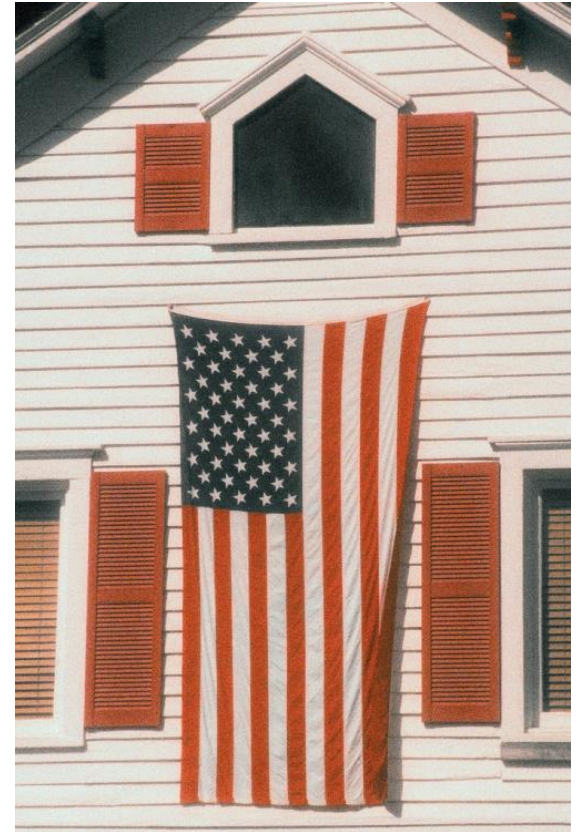


Lowell School District 71



Civil Rights Training

USDA Civil Rights and Child Nutrition Programs



USDA Civil Rights

Benefits of Child Nutrition Programs are made available to all eligible participants in a non-discriminatory manner

All sponsors must implement Civil Rights requirements



Discrimination is...

- Different treatment
- Makes distinction from others
- Either intentionally, by neglect or by the actions or lack of actions
- Based on the protected classes



Six Protected Classes

- Race
- Color
- National Origin
- Age
- Sex
- Disability



Discrimination Occurs

A red starburst graphic with a jagged, sun-like edge. Inside the starburst, the text 'The 4' is written in a bold, black, sans-serif font.

The 4

“D”s

...when an individual or
group of individuals are:
Delayed benefits or services
Denied benefits or services
Treated Differently than
others to their disadvantage
Given Disparate Treatment



Submitting Civil Rights Complaint

- Verbally
- In Writing
- Observed



Where are Complaints Sent?

- USDA directly or
- ODE CNP directly, or
- Notify the sponsor of their complaint

If a Sponsor receives a discrimination complaint regarding Child Nutrition Program must forward to ODE CNP within 3 working days



How Long to File a Complaint?

File a complaint within
180 days of the alleged
discriminatory action



Complaint Procedure Plan

Sponsors are required to **Develop** and **Implement** a written procedure to handle any discrimination complaint that may be received



Civil Rights Complaint Procedure

1. Civil Rights Complaint Received by Sponsor
2. Civil Rights Complaint Documented in Civil Rights Complaint Log
3. Civil Rights Complaint form completed

If the Civil Rights complaint form is returned to Sponsor, Sponsor forwards complaint form to ODE CNP within 3 working days



Civil Rights Complaint Form

- Civil Rights Complaint Form readily available at all sites
- Sponsor must make every attempt to help complainant. Reasonable accommodation for complainant with disability.



Civil Rights Complaint Log

Log must be dated and kept for 3 years + current year, even if no complaints have been received



Nondiscrimination Statement - Short Version

NEW

*“USDA and this institution are equal
Nondiscrimination
opportunity providers and employers.”*

Statement-
Short Version



Nondiscrimination Statement – Long Version

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at 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; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.



Examples of informational material

- Enrollment Forms
- Employee Handbooks
- Brochures
- Parent/Student Handbooks
- Print or Broadcast Advertisements
- Menus
- Newsletters
- Flyers
- Websites



Racial and Ethnic Data *REPORTING*

- Sponsor must collect and maintain data annually
- ODE will check Racial and Ethnic data during Administrative Reviews
- *Please do not send information to ODE, unless requested*
- *Use specific reporting forms for CACFP and SFSP*



Racial and Ethnic Data *COLLECTION*

- It is optional for participants to provide Sponsors with Racial and Ethnic information
- However, it is a requirement for Sponsors to collect Racial and Ethnic Data annually



Race and Ethnic Categories

Data *COLLECTION*

Two-Step Process

Separate categories will be used when collecting and reporting Race and Ethnicity.

Step 1 - **Ethnicity** determined

Step 2 - **Racial** designations



Civil Rights

“Must Do List”

- ☐ Offer any Child Nutrition Program in a Non-Discriminatory Manner
- ☐ Train staff annually on Civil Rights and complete the training form.
- ☐ Develop & fully implement sponsor's Civil Rights Complaint Procedure
- ☐ Make available to all staff complaint forms, log and complaint procedure



Civil Rights

“Must Do List”

- ☐ Prominently display the
And Justice for All poster
- ☐ Non-discrimination statement must be on all printed and electronic materials available to the public which mention USDA and/or Child Nutrition Program meals and snacks
- ☐ Must offer meals to all participants
- ☐ Collect Annual Racial/Ethnic Data Info



Resources

ODE-CNP Website

[Nutrition Civil Rights](#)

CACFP Center Manual ONLINE:

www.ode.state.or.us/go/centermanual

Chapter 11 – Civil Rights



The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at 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; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.



Contacts for filing a Civil Rights Complaint

Staff should inform District Civil Rights Coordinator, Kay Graham, of a civil rights complaint. Kay will provide a civil rights complaint form and an explanation of how to fill out the form.

Staff members with Mountain View Academy (MVA) can contact MVA Principal, Laurie Cardwell of a Civil Rights complaint. She will relay any complaints to the District Civil Rights Coordinator, Kay Graham. Laurie or Kay will provide a civil rights complaint form and an explanation of how to fill out the form to anyone seeking to file a civil rights complaint. Kay will document all complaints in the District Civil Rights Complaint Log.

Staff with a civil rights complaint can also contact the district Food Service Coordinator (Nathan Bowers), who will inform the Food Service Director (Billy Reid), Lowell School District Superintendent (Walt Hanline) and District Civil Rights Coordinator (Kay Graham).

Civil Rights binders are accessible at the following locations:

- Lowell High School Office
- Lowell High School Cafeteria
- Lowell High School Staff Lounge
- Lundy Elementary Office
- Lundy Elementary Cafeteria
- Lundy Elementary Staff Lounge
- Mountain View Academy Office
- Lowell Community Preschool
- Lowell Transportation Office

All of the Civil Rights binders contain complaint forms, complaint procedures, and information on how to recognize a Civil Rights complaint.

**District Civil Rights
Coordinator**
Kay Graham
541-937-2124
kgraham@lowell.k12.or.us

**Mountain View Academy
Civil Rights Contact**
Laurie Cardwell
541-735-1709
laurie@mtviewacademy.org

**District Food Service
Coordinator**
Nathan Bowers
541-937-2124
nbowers@lowell.k12.or.us

Lowell School District 71

Non-discrimination Policy

Lowell School District 71

Code: AC
Adopted: 11/22/10
Readopted: 3/17/14
Orig. Code(s): AC

Nondiscrimination

The district shall promote nondiscrimination and an environment free of harassment based on an individual's race, color, religion, sex, sexual orientation¹, national origin, marital status, age or disability, because of the race, color, religion, sex, sexual orientation, national origin, marital status, age or disability of any other persons with whom the individual associates.

In keeping with requirements of federal and state law, the district strives to remove any vestige of discrimination in employment, assignment and promotion of personnel; in educational opportunities and services offered students; in student assignment to schools and classes; in student discipline; in location and use of facilities; in educational offerings and materials; and in accommodating the public at public meetings.

The Board encourages staff to improve human relations within the schools and to establish channels through which citizens can communicate their concerns to the administration and the Board.

The superintendent shall appoint and make known the individuals to contact on issues concerning the Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008 (ADA), Section 504 of the Rehabilitation Act of 1973, Title VI, Title VII, Title IX and other civil rights or discrimination issues². The Board will adopt and the district will publish grievance procedures providing for prompt and equitable resolution of student and employee complaints.

Federal civil rights laws prohibit discrimination against an individual because he/she has opposed any discrimination act or practice or because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing. ADA further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under the Act.

END OF POLICY

¹“Sexual orientation” means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

²Districts are reminded that the district is required to notify students and employees of the name, office address and telephone number of the employee or employees appointed.

Legal Reference(s):

<u>ORS 174.100</u>	<u>ORS 659A.009</u>	<u>ORS 659A.309</u>
<u>ORS 192.630</u>	<u>ORS 659A.029</u>	<u>ORS 659A.321</u>
<u>ORS 326.051(1)(e)</u>	<u>ORS 659A.030</u>	<u>ORS 659A.409</u>
<u>ORS 342.934(3)</u>	<u>ORS 659A.043</u>	
<u>ORS 659.805</u>	<u>ORS 659A.103</u>	<u>OAR 581-015-0054</u>
<u>ORS 659.815</u>	<u>ORS 659A.109</u>	<u>OAR 581-021-0045</u>
<u>ORS 659.850</u>	<u>ORS 659A.112 - 659A.139</u>	<u>OAR 581-021-0046</u>
<u>ORS 659.865</u>	<u>ORS 659A.142</u>	<u>OAR 581-021-0049</u>
<u>ORS 659.870</u>	<u>ORS 659A.145</u>	<u>OAR 581-022-1140</u>
<u>ORS 659A.003</u>	<u>ORS 659A.233</u>	<u>OAR 839-003-0000</u>
<u>ORS 659A.006</u>	<u>ORS 659A.236</u>	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R Part 1626 (2006).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).

Americans with Disabilities Act Amendments Act of 2008.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.

Title II of the Genetic Information Nondiscrimination Act of 2008.

Cross Reference(s):

GBA - Equal Employment Opportunity

JB - Equal Educational Opportunity

Lowell School District 71

Discrimination Complaint Procedure and Harassment Complaint Procedure

Discrimination Complaint/Grievance Procedure

Complaints regarding the interpretation or application of the district's nondiscrimination policy shall be processed in accordance with the following procedures:

Informal Procedure

Any person who feels he/she has been discriminated against should discuss the matter with the principal, who shall investigate the complaint and respond to the complainant within five school days. If this is not acceptable to the complainant, he/she may initiate formal procedures.

If the principal is the subject of the complaint, the individual may file a complaint directly with the superintendent. If the superintendent is the subject of the complaint, the complaint may be filed with the Board chair.

Formal Procedure

- Step 1: A written complaint must be filed with the principal within five school days of receipt of the response to the informal complaint. The principal shall further investigate, decide the merits of the complaint and determine action to be taken, if any, and reply, in writing, to the complainant within 10 school days.
- Step 2: If the complainant wishes to appeal the decision of the principal, he/she may submit a written appeal to the superintendent within five school days after receipt of the principal's response to the complaint. The superintendent shall meet with all parties involved, as necessary, make a decision and respond, in writing, to the complaint within 10 school days.
- Step 3: If the complainant is not satisfied with the decision of the superintendent, a written appeal may be filed with the Board within five school days of receipt of the superintendent's response to Step 2. In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative at the next regular or special Board meeting. A copy of the Board's decision shall be sent to the complainant within 10 days of this meeting.

DISCRIMINATION COMPLAINT FORM

Name of Person Filing Complaint

Date

School or Activity

Student/Parent ☐ Employee ☐ Nonemployee ☐ (Job applicant)

Type of discrimination:

☐ Race

☐ Color

☐ Religion

☐ Sex

☐ National Origin

☐ Disability

☐ Marital Status

☐ Age

☐ Sexual Orientation

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of informal discussion.)

Remedy requested:

The complaint form should be mailed or taken to the principal. Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Sexual Harassment Complaint Procedure

Principals and the superintendent have responsibility for investigations concerning harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

All complaints will be investigated in accordance with the following procedures:

- Step 1 Any harassment information (complaints, rumors, etc.) shall be presented to the principal, supervisor or superintendent. Complaints against the principal shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The district official receiving the complaint shall promptly investigate. Parents will be notified of the nature of the complaint involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The district official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded.
- A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.
- Step 3 If the complainant is not satisfied with the decision at Step 2, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant's appeal within 10 working days.
- Step 4 If the complainant is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Documentation related to the incident may be maintained as a part of the student's education records or employee's personnel file. Additionally, a copy of all harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with the Teacher Standards and Practices Commission (TSPC) or participating in a practicum under OAR Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, Community Human Services, as possible child abuse. In the event the superintendent is the subject of the investigation, reports, when required, shall be made by the Board chair.

Civil rights complaints related to employment may be filed directly with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries. Civil rights complaints related to educational programs and services may be made directly to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099. Additional information regarding filing of a complaint may be obtained through the principal, compliance officer or superintendent.

Lowell School District 71
65 S Pioneer, Lowell, OR 97452-9721 | 541-937-8405
HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Lowell School District 71
65 S Pioneer, Lowell, OR 97452-9721 | 541-937-8405
WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Oregon Department of Education

Civil Rights Complaint

Information and Form

How to Recognize a Civil Rights Complaint

If a person says their ***civil rights*** are being affected the complaint must be treated as a civil rights complaint. Other legitimate complaints may only be voiced or observed as being unequal treatment. In all cases the established procedure is to use a complaint form, the log, referring the request to the civil rights authority in the school district or facility and reporting the complaint to the Oregon Department of Education. The complaint can be investigated locally, resolved locally and the Department notified of the resolution.

Potential issues for a civil rights complaint may start with a phone call, letter, email, fax or any form of communication where someone feels they or someone they know has received unequal treatment in the operation of any Child Nutrition Program, i.e. program administration, food service or employment.

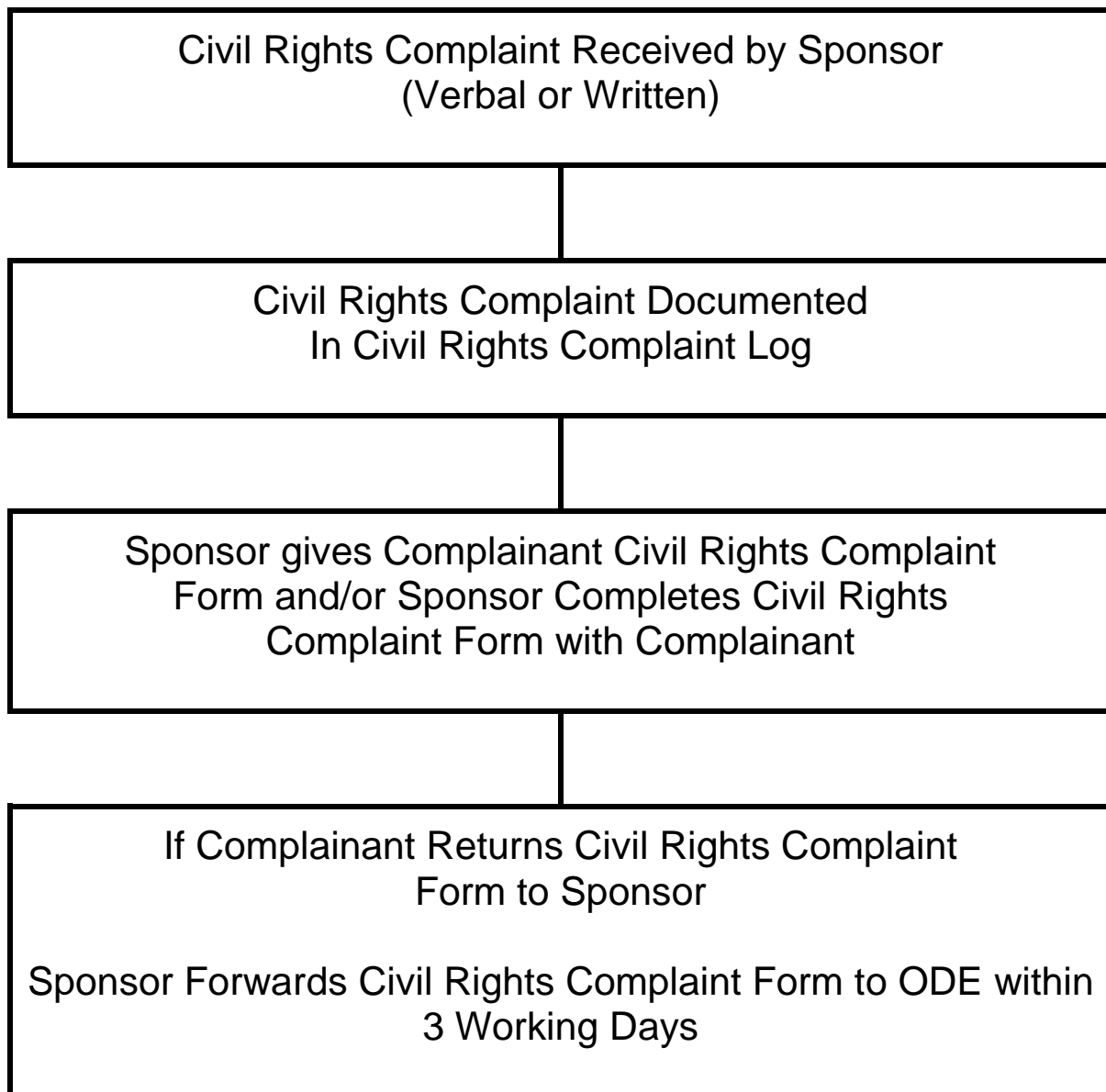
There are six protected classes in Child Nutrition Programs and these are **race, color, sex, age, national origin, disability**.

Discrimination is defined as different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on race, color, sex, age, national origin, disability.

To quickly identify a civil rights violation, remember 4 D's

1. Deny Program benefits unfairly
2. Delay Program benefits unfairly
3. Treat Differently (or a policy or practice that has an adverse impact or any form of intimidation or retaliation)
4. Give Disparate Treatment (defined as a policy or practice which, "on the face of it" is not discriminatory, but has a discriminatory impact in practice, also known as the "effects test")

Civil Rights Complaint Procedure



Send Civil Rights Complaints to: Director of Child Nutrition Programs
Oregon Department of Education
255 Capitol St. NE
Salem, OR 97310



Oregon Department of Education

John A. Kitzhaber, MD, Governor

Office of Learning/Student Services

255 Capitol St NE

Salem, OR 97310

Voice: 503-947-5600

Fax: 503-378-5156

CIVIL RIGHTS COMPLAINT FORM

The U. S. Department of Agriculture (USDA) and the State of Oregon respond to concerns and complaints involving all USDA programs and activities. ***Anyone wishing to file a complaint may do so by writing a letter, submitting this form or providing verbal notice to the sponsor, USDA or State of Oregon in person or by telephone.***

To file a Child Nutrition Programs complaint of discrimination with the State of Oregon, please send an email to ODE.CNPCivilRights@state.or.us or write Director of Child Nutrition Programs, Oregon Department of Education, 255 Capitol Street NE, Salem, OR 97310 or call (503) 947-5888, (voice) or (503) 378-2892 (TDD).

If you wish to file a Civil Rights program complaint of discrimination with USDA, complete the USDA Program Discrimination Complaint form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov

When complaints are registered with the USDA or State of Oregon, the appropriate agency will investigate the incident to see if there has been a misunderstanding or if some corrective action should be taken. Resolution may include education, mediation and/or other problem-solving opportunities. When complaints are returned to the sponsor, the sponsor will forward the complaint to the State of Oregon.

Please complete the following information:

_____ Name of Complainant	_____ Name of School or Organization	_____ Date
_____ Address	_____ City	_____ State
	_____ Zip	_____ Phone Number

Specific Complaint: Describe in detail the issues, decisions, actions, and/or events related to this complaint. Include what happened, when, where, to whom and what witnesses were present.
(Use additional paper if necessary.)

(Over)

Is this complaint regarding discrimination or harassment? If so, please provide information that describes how you experienced discrimination. Specify one or more of the bases of discrimination you experienced, such as race, color, national origin, sex, age, or disability. If you experienced harassment, specify the type of harassment you experienced.
(Use additional paper if necessary.)

What solution do you request? (Use additional paper if necessary.)

If possible, please provide copies of all documentation, evidence, proof or other information that supports your complaint. Review this complaint form to make sure all the information provided is accurate and complete.

By signing in the space below, I affirm the information provided is true, accurate, and complete to the best of my knowledge.

Signature of Complainant *Printed Name* *Date*

I acknowledge receipt of the complaint. I will forward the complaint to the State of Oregon.

Signature of Sponsor or Representative *Printed Name* *Date*

Reprisal or retaliation against any person acting in good faith in a complaint process is a violation of USDA and State of Oregon policy.

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

Oregon Department of Education/Child Nutrition Programs

Internal use only: All complaints received on this form must be forwarded to the Civil Rights Specialist, ODE, within three (3) working days. Date forwarded: _____