The Massachusetts Department of Youth Services (DYS) is committed to providing quality services to all youth in its care. DYS is committed to respecting the dignity of all youth, and keeping them safe and secure, regardless of individual differences. The DYS Policy on Prohibition of Harassment and Discrimination Against Youth prohibits any form of discrimination or harassment against youth based on actual or perceived membership in or association with a protected class. No DYS employee, intern, volunteer, or contracted provider employee shall discrimination or harass a DYS youth in the course of their duties on the basis of race, creed, color, age, sex, national origin, religion, marital status, mental or physical disability, gender identity, gender expression, intersex condition, sexual orientation, veteran status, and criminal record.

In conjunction with the above referenced Policy, the following guidelines detail requirements if there is complaint that involves discrimination related to a youth’s ability to access Child Nutrition Programs while at DYS state or contracted provider residential locations.

**SECTION I: NOTICE OF COMPLAINT and PROCESS**

1. Complaints by youth, their parent(s) or guardian(s) or any other third party of alleged discrimination or harassment in their access to meals, snacks or nutrition programs shall be reported through the DYS Serious Incident Policy.
2. Complaints shall follow the DYS Grievance Process and may be made verbally or in writing; no specific form is required. All complaints shall be documented in accordance with the DYS Grievance Process and Serious Incident Reporting Policies.
3. If a compliant of discrimination also involves Child Nutrition Programs, National School Lunch Program and/or School Breakfast Program, and the youth and/or youth’s parent or guardian would like to submit an official Civil Rights complaint, the incident shall be reported through the DYS Serious Incident Policy as an allegation of discrimination and referred to the Assistant Commissioner for Support Services for review.
4. If upon review of the Serious Incident, the Assistant Commissioner for Support Services, determines the complaint does not involve an allegation of discrimination related to the Child Nutrition Programs, the complaint shall be processed according to the DYS Serious Incident Process. If the Assistant Commissioner determines that the complaint involves an allegation of discrimination concerning the Child Nutrition Programs the Assistant Commissioner shall:
	* 1. Collect relevant information including the name of the staff member who received the complaint, details of the complaint, the complainant’s name, and contact information, if not anonymous, and the nature and date of the alleged discrimination.
		2. Review the complaint process steps with the youth and/or parent or guardian informing them that they may remain anonymous.
		3. Discuss if the youth and/or parent or guardian wish to work with DYS to resolve the concern or if they wish to also file a complaint with the United States Department of Agriculture (USDA) Civil Rights Division. If they do not want to file a complaint with the USDA, then the complaint shall be processed according to the DYS Serious Incident Process.

**SECTION II: ACCEPT AND FILE COMPLAINT**

1. If the youth and/or parent/guardian wish to file with the USDA, the Assistant Commissioner for Support Services shall notify them that they can use the USDA process or DYS can ‘accept’ their complaint and submit it to the USDA.
2. If they choose for DYS to ‘accept’ their complaint, the Assistant Commissioner for Support Services shall send a copy of the complaint to the United States Department of Agriculture (USDA) Civil Rights Division by either (a) writing a letter or (b) using the USDA Program Discrimination Complaint Form within 5 days of accepting the complaint.
	1. To File a complaint letter – The letter shall be mailed to the following address: U.S. Department of Agriculture Director, Center for Civil Rights Enforcement, 1400 Independence Avenue, SW, Washington, DC 20250-9410Refer to USDA.

How to File a Program Discrimination Complaint (https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint) for information to be included in the complaint letter.

* 1. To file a USDA Program Discrimination Complaint Form – The form shall be sent via Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights,1400 Independence Avenue, SW, Washington, DC 20250-9410 or Fax: (202) 690-7442 or Email: program.intake@usda.gov.

The complaint form can be downloaded from USDA web site at <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>

1. For support in responding to Child Nutrition Programs Civil Rights complaints, contact Massachusetts Department of Elementary and Secondary Education Food and Nutrition Programs at Nutrition@doe.mass.edu or 781-338-6480 for technical assistance.

**SECTION III: TRAINING**

Annual training on Civil Rights for Child Nutrition Programs shall be conducted by the DYS Dietician or designee for DYS Facility Administrators and Food Service Supervisors or contracted provider equivalent roles through the John C. Stalker Institute of Food and Nutrition.

**Glossary of Terms:**

Civil Rights Requirement for Child Nutrition Programs: DYS residential programs which participate in Child Nutrition Programs, including National School Lunch Program and School Breakfast Program, must comply with USDA FNS Instruction 113-1 (<https://www.fns.usda.gov/fns-instruction-113-1>) and 2016 Memorandum of Understanding between USDA FNS Civil Rights Division and Massachusetts Department of Elementary and Secondary Education (DESE), Office for Food and Nutrition Programs.

Food and Nutrition Service (FNS) Instruction 113-1: Civil Rights Compliance and Enforcement: A United States Department of Agriculture (USDA) policy to ensure compliance with enforcement of the prohibition against discrimination, and to provide guidelines to recipients of USDA programs on receiving fair and equitable treatment.