



CACFP & SFSP Complaint Guidance

Complaint Allegation Categories

Financial

- Fraud
- Non-payment vendor or staff
- Unallowable Program Cost

Legal

- National Disqualified List (NDL)
- Recruitment

Meals

- Quantity/Quality
- Health & Sanitation

Participation

- Charge for meal
- Denied meal service
- Site not open /Inaccurate hours
- Counting/Claiming

Program Management

- Employee Management Issues
- Maintaining Oversight

Non-TDA Purview

- Medicare/Medicaid Fraud

Reporting a Complaint

- **E-mail:** squaremeals@TexasAgriculture.gov
- **Fax:** 888-223-7170
- **Phone:** 1-877-TEX-MEAL (839-6325)

Examples of Contracting Entity (CE) Role

- Responsive to TDA requests and prompt action.
- CE may receive a Directive to Sponsor Letter.
 - Address the alleged allegations with sponsored site
 - Conducting research which may include:
 - Making contact with individual(s) who may have knowledge of alleged incident,
 - Conducting a site visit,
 - Requesting documentation to assess allegation(s) and/or to support determination/actions taken, and
 - Conducting review of documentation.
- CE provides a timely response to TDA outlining the research results. (e.g., allegation(s) Substantiated/ Unsubstantiated/ Inconclusive; resolution/implementation of corrective action; and supporting documentation).

TDA's timeline for closing a complaint is 30 days, unless there are extenuating circumstances.



Handling CIVIL RIGHTS Complaints

All nutrition assistance programs and activities that receive Federal funding are protected and subject to civil rights oversight. In the United States Department of Agriculture (USDA) nutrition programs administered by Texas Department of Agriculture (TDA), there are six bases protected against discrimination. A protected bases refers to any person or group of people who have characteristics for which discrimination is prohibited based on law, regulation, or executive order. Protected bases in the USDA nutrition assistance programs administered by TDA are:

● Race ● Color ● National Origin ● Sex ● Age ● Disability

If a person says their civil rights are being affected, the complaint must be treated as a civil rights complaint. The person may not use the term “civil rights” or “protected bases” so it is important to listen to what they are telling you to determine if their civil rights may be affected. Civil rights may be affected if the complainant says that they have been:

- **Denied** program benefits unfairly
- **Delayed** program benefits unfairly
- Treated **differently**
 - This could involve a policy or practice that has an adverse impact or any form of intimidation or retaliation
- Given **disparate** treatment
 - This could involve a policy or practice which is not discriminatory, but has a discriminatory impact in practice

Discrimination is defined as the treatment or consideration of, or making a distinction in favor or against, a person based on the group, class, or category to which the person belongs. Discrimination may be either intentional, by neglect, or by the actions or lack of actions based on membership in one of the protected groups. Examples of unlawful discrimination include:

- Giving one group or type of participants larger or extra helpings of food
- Separating genders
- Failing to provide children with a dietary disability accommodating meals
- Failing to provide program information to all potential program applicants

Reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA is also prohibited.

Resources:

- TDA CACFP Handbook:
<http://www.squaremeals.org/Programs/ChildandAdultCareFoodProgram/CACFPPolicyandHandbook.aspx>
- TDA SFSP Supplemental Handbook:
<http://www.squaremeals.org/Programs/SummerFeedingPrograms/SummerFeedingPolicyandHandbooks.aspx>
- USDA's FNS Civil Rights page: <https://www.fns.usda.gov/cr/civil-rights>
- TDA's Annual Civil Rights Training:
<http://www.squaremeals.org/FandNResources/Training/OnlineEducationandSelfStudy.aspx>

