



## Ohio Administrative Code

### Rule 5101:4-1-15 Food assistance: nondiscrimination.

Effective: February 28, 2017

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(A) What is the nondiscrimination policy for the supplemental nutrition assistance program (SNAP)?

Discrimination in any aspect of program administration is prohibited by program regulations, the Food and Nutrition Act of 2008, the Age Discrimination Act of 1975 (PL 94-135), Title VI of the Civil Rights Act of 1964 (42 U. S. C. 2000d), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101).

Enforcement action may be brought under any applicable federal law. Title VI complaints shall be processed in accord with 7 C.F.R. Part 15 (5/2003), United States department of agriculture's (USDA) regulations on nondiscrimination.

County agencies shall not discriminate against any applicant or participant in any aspect of program administration, including, but not limited to:

- (1) The certification of assistance groups;
- (2) The issuance of benefits;
- (3) The conduct of fair hearings; or
- (4) The conduct of any other program service for reasons of race, color, national origin, sex, age, disability, religious creed, or political beliefs.

(B) What steps shall be followed if an individual feels they were subjected to discrimination?

An individual who believes he or she has been subject to discrimination may file a written complaint.



(1) To file a program complaint of discrimination with the USDA, an individual may:

(a) Complete the USDA "Program Discrimination Complaint Form", (AD-3027) (1/19/12) found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office; or

(b) Submit a written letter or completed USDA "Program Discrimination Complaint Form" which may be requested from the USDA by calling (866) 632-9992. An individual may submit the letter or completed form to USDA by:

(i) Mail: "U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW Washington, D.C. 20250-9410"; or

(ii) Fax: (202) 690-7442; or

(iii) Email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

(2) To file a written complaint with the Ohio department of job and family services, an individual may submit a written letter to "The Ohio Department of Job and Family Services, Bureau of Civil Rights, 30 East Broad Street, 37th Floor, Columbus, Ohio 43215- 3414."

(C) What needs to be included in a written complaint to facilitate an investigation?

(1) Name, address, telephone number, or other means of contacting the person alleging discrimination.

(2) Location and name of the organization or office which is accused of discriminatory practices.

(3) The nature of the incident or action of program administration that led the person to allege discrimination.

(4) The reason for the alleged discrimination (age, race, color, sex, disability, religious creed, national origin, or political beliefs).



(5) The names, titles (if appropriate), and addresses of persons who may have knowledge of the alleged discriminatory acts.

(6) The date or dates on which the alleged discrimination occurred.

(D) What shall happen if the individual is unable to put the complaint in writing?

When an individual makes allegations verbally and is unable or is reluctant to put the allegations in writing, the person to whom the allegations are made shall document the complaint in writing. Every effort shall be made by the individual accepting the complaint to have the individual filing the complaint provide the information listed in paragraph (C) of this rule.

(E) What department accepts the written complaints?

Written complaints will be accepted by the secretary of agriculture or the administrator of food and nutrition service (FNS) even if the above information is not complete. However, investigations will be conducted only if the information in paragraphs (C)(1), (C)(2), (C)(3), and (C)(4) of this rule is provided.

(F) Is there a deadline for filing a complaint?

A complaint must be filed no later than one hundred eighty days from the date of the alleged discrimination; however, the time for filing may be extended by the United States secretary of agriculture.

(G) What are the county agencies required to do?

County agencies shall:

(1) Provide information on the nondiscrimination clause.

(a) Publicize the procedures described in paragraphs (B) and (C) of this rule, and, if applicable, the



county agency's complaint procedures.

(b) Ensure that all offices involved in administering the program and that also serve the public display the "And Justice For All" nondiscrimination poster form AD-475B ( effective December 1, 2015) provided by FNS.

(c) Ensure that participants and other low-income assistance groups have access to information regarding nondiscrimination statutes and policies, complaint procedures, and their rights, within ten days of the date of a request for the information.

(2) Obtain data on the assistance groups by race/ethnicity.

(a) The race categories are: "American Indian" or "Alaska Native", "Asian", "Native Hawaiian" or "Pacific Islander", "Black" or "African American", and "White". The ethnicity categories are "Hispanic or Latino", and "Not Hispanic or Latino."

(b) The SNAP application requests that applicants voluntarily identify their race/ethnicity on the application form. The application clearly indicates that the information is voluntary, that it will not affect eligibility or the level of benefits, and that the reason for the information is to ensure that program benefits are distributed without regard to race, color, or national origin.

(c) In order to comply with required reporting of racial/ethnic data, the county agency shall collect the racial and ethnic data from observation during the interview when the information is not voluntarily provided by the assistance group on the application form.

(3) Establish and maintain a system for complaints.

(a) The county agency shall make information on the complaint system and how to file a complaint available to participants, potential participants, and other interested persons. The county agency may make the information available through written materials or posters at certification offices or other appropriate means.

(b) Each county agency shall establish and maintain a system for handling program complaints filed



by participants, potential participants, or other concerned individual or groups. This includes but is not limited to the following:

- (i) Processing standards;
  - (ii) Services to participants and potential participants;
  - (iii) Long waiting lines;
  - (iv) Location and hours of service;
  - (v) Availability of applications; and
  - (vi) Availability of twenty-four hour service.
- (4) After a complaint is received the county agency shall:
- (a) Obtain as much information as possible to get a clear understanding of what the complaint is;
  - (b) Establish a corrective action plan in an effort to correct the issue;
  - (c) Respond to the individual who submitted the complaint explaining how the issue will be resolved; and
  - (d) Maintain records of complaints received and their disposition, and shall review records at least annually to assess whether patterns of problems may be present. The county agency shall make these records available for review by the state agency and FNS upon request.