

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES		
Subject:	Nondiscrimination Policy/Grievance Policy	Page 1 of 7
Approved:	Chris Winters, Commissioner	Effective: 3/31/23
Supersedes:	Previous Version	Dated: 7/11/2019

Purpose

The purpose of this policy is to state the Vermont Department for Children and Families (herein “the Department”) prohibition against discrimination based on race, creed, religion color, national origin, marital status, sex, sexual orientation, gender identity, age, disability, or political beliefs in the administration of our programs, services, and activities. This policy also establishes the complaint/grievance process to follow in the event of a claim of discrimination other than those lodged by employees.

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Related Policies

State of Vermont Americans with Disabilities Act Purpose Grievance Procedure

<https://www.vermont.gov/portal/policies/accessibility.php>

Agency of Human Services Nondiscrimination Regarding Services and Benefits

https://humanservices.vermont.gov/sites/ahsnew/files/doc_library/non-discrimination.pdf

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DCF Nondiscrimination Policy

Your civil rights are important to us. We do not discriminate in the administration of our programs, services, or activities nor do we exclude any individual from participation in our programs, services, or activities based on race, creed, religion color, national origin, marital status, sex, sexual orientation, gender identity, age, disability, or political beliefs.

If you have a disability or if your primary language is other than English, we may be able to provide you with:

- Free aids and services for your use if you have a disability that prevents you from communicating effectively with us. For example, we may be able to provide you with qualified sign language interpreters, large print, audio files, accessible electronic formats, etc.
- Free language services if your primary language is not English. For example, we will always speak to you in a language you can communicate in and understand and provide qualified interpreters or written information in your primary language upon a timely request.

If you need any of these services, please contact us through one of our district offices or contact the Commissioner's Office at:

Commissioner's Office, Department for Children and Families
280 State Drive, HC 1 North, Waterbury, VT 05671-1080
phone: 802-241-0925
email: Rachel.Edens@vermont.gov

DCF Complaint/Grievance Policy

We care about the protection of your civil rights. **To this end, we have established an internal grievance process to ensure prompt and equitable resolution of all complaints.** Please know, if you file a complaint with us, we are prohibited by law from retaliating against you, and we are also prohibited by law from retaliating if you participate in an investigation.

If you believe that we have failed to provide any of the services listed above or discriminated in another way based on race, creed, religion color, national origin, marital status, sex, sexual orientation, gender identity, age, disability, or political beliefs, please consider filing an internal complaint with us at the Commissioner's Office, Consumer Concerns Team at:

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Commissioner's Office, Department for Children and Families

280 State Drive, HC 1 North

Waterbury, VT 05671-1080

phone: 802-798-9582

email: Rachel.Edens@vermont.gov

NOTE: Below is information as to how to file an external complaint with an enforcement agency should you choose not to file an internal complaint.

How to File a Complaint

Our Internal Review Process is here to help. Here are a few things to keep in mind along with what you need to do:

- ✓ **You need to file your complaint within 180-days from the date you experienced or became aware of the alleged discrimination.**
- ✓ The Commissioner's Office is available to help you through the process. The Director of Race, Gender, Equity, and Accessibility, Rachel Edens is the point of contact you will file your complaint with. Rachel can be reached at:
Commissioner's Office, Department for Children and Families
280 State Drive, HC 1 North, Waterbury, VT 05671-1080
phone: 802-798-9582
email: Rachel.Edens@vermont.gov
- ✓ You may submit your complaint in writing or verbally. If you choose to submit your complaint in writing, you may request and use our Discrimination Complaint Form, or you may submit it in the written format of your choice.
- ✓ In accordance with Federal law, Rachel Edens is appointed to coordinate compliance and to ensure we meet our responsibilities required under the law. She may be reached at the Agency of Human Services, Department for Children and Families, 280 State Drive, HC 1 North, Waterbury, VT 05671-1080, or by phone at 802-798-9582.

What Should be Included in Your Complaint

- ✓ Your name, address, and preferred method for us to be in touch with you
- ✓ Description of what happened to make you feel discriminated against
- ✓ The protected category to which you belong, like race, color, national origin, religion, disability, LGBT+ or gender identity, etc.
- ✓ A brief description of what you would hope to see in a resolution and/or correction of the situation.

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What to Expect After the Complaint is Filed

- ✓ Once the Director of Race, Gender, Equity, and Accessibility, receives your complaint, they will reach out to the appropriate division or community partner and begin a review. If this is a complaint of discrimination involving the 3SquaresVT program, we will forward your complaint to the Food and Nutrition Service (FNS) for resolution.
- ✓ We will write and let you know the status of our review within 30-days of the date you file the complaint.
- ✓ Once our review is complete, you will receive a final decision. We will render a decision as to the merits of your complaint no later than 90 days after the receipt of your complaint.

Your Right to a Fair Hearing

If you disagree with our final decision, or if you do not want to go through the Internal Review Process, you may ask for a fair hearing with the Human Services Board. The Human Services Board will:

- ✓ Review the facts of your case in a fair and objective manner
- ✓ Decide whether the final decision should be upheld or reversed (this decision may be appealed to the Vermont Supreme Court)
- ✓ If there was no internal review, the Human Services Board will render a written decision after hearing the case (you may appeal this decision to the Vermont Supreme Court)

How to Request a Fair Hearing

- ✓ To request a fair hearing, you may call the Human Services Board at 802-828-2536. You may also send your request for a fair hearing by printing, completing, and mailing [this form](#) to:

Human Services Board
6 Baldwin Street, Suite 305
Montpelier, VT 05633-4302

TEL: (802) 828-2536

FAX: (802) 828-3068

Contact.HSB@vermont.gov

<https://humanservices.vermont.gov/human-services-board>

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- ✓ Timeliness
 - Fair hearing requests must be made within 30 days from the date the grievance with the action of the affected office or department arose, unless otherwise provided by statute or regulation.
 - Requests for fair hearings involving eligibility, benefits, coverage and financial assistance decisions by the Economic Services Division must be received within 90 days of the Final Written Decision or of the date giving rise to the complaint.
- ✓ See the Human Services Board, Rules:
<https://humanservices.vermont.gov/sites/ahsnew/files/fair-hearing-rules-1.pdf>

Other Options

You may be able to file a complaint with other agencies. For example, you may be able to file a complaint with the:

- Vermont Human Rights Commission
 - 12 Baldwin Street
 - Montpelier, VT 05633-6301
 - web: <https://hrc.vermont.gov>
 - email: human.rights@vermont.gov
 - phone: 802-828-2480
 - TTY: 877-294-9200
- U.S. Department of Health and Human Services, Office of Civil Rights
 - 200 Independence Ave., SW
 - Room 509F, HHH Building
 - Washington, DC 20201
 - web: <https://www.hhs.gov/ocr>
 - email: OCRMail@hhs.gov
 - phone: 800-368-1019
 - TTY: 800-537-7697
- U.S. Department of Justice, Office of Civil Rights
 - 950 Pennsylvania Avenue, NW
 - Washington, D.C. 20530-0001
 - web: <https://civilrights.justice.gov>
 - phone: 855-856-1247
 - TTY: 202-514-0716

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For complaints of discrimination involving the 3SquaresVT program, individuals may file a complaint directly with FNS. To file a 3SquaresVT program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at:

<https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (833)620-1071, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to:

- Mail:
Food and Nutrition Service, USDA
1320 Braddock Place, Room 334
Alexandria, VA 22314; or
- Fax: (833) 256-1665 or (202) 690-7442; or
- Email: program.intake@usda.gov.

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Civil Rights Laws and Regulations

Below is a list of the major civil rights laws and associated regulations. These laws and regulations each prohibit specific types of discrimination. If you need help obtaining a copy of these laws, please contact the Consumers Concerns Team listed above. There may be other nondiscrimination protections beyond this list:

- Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et Seq., 28 C.F.R. Part 35)
- Section 504 of the Rehabilitation Act of 1973, as amended (29U.S.C. 794, 45 C.F.R. Part 84)
- Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et Seq., 45 C.F.R. Part 80)
- Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et seq., 45 C.F.R. Part 86)
- Age Discrimination Act of 1975 (42 U.S.C. 6101 et Seq., 42 C.F.R. Part 91)
- Public Accommodations (9 V.S.C. 4501 et. seq.)
- 7 C.F.R. Part 15

In accordance with Federal law, Rachel Edens is appointed to coordinate compliance and to ensure we meet our responsibilities required under the law. She may be reached at the Agency of Human Services, Department for Children and Families, 280 State Drive, HC 1 North, Waterbury, VT 05671- 1080, or by phone at 802-241-0867.