

## .01 Discrimination Complaint



This policy details applicants' and participants' rights to file a discrimination complaint.

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### Policy

It is a violation of the law to discriminate against anyone for **any** of the following reasons:

- Age
- Color
- Has a disability, recently separated, other protected, and armed forces service medal veterans (Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended)
- Genetics
- Persons who have a disability
- National origin
- Political affiliation
- Race
- Religion
- Retaliation
- Sex (Including gender identity and sexual orientation)
- Pregnancy
- Sexual harassment

All applicants and participants have the right to non-discrimination. Anyone who feels discriminated against has the right to file a complaint.

Applicants and participants can file a discrimination complaint in writing, verbally, or anonymously with any FAA office.

FAA is required to inform participants who are filing a discrimination complaint of the option to file a complaint with the United States Department of Agriculture (USDA). (See [USDA](#) for contact information.)

A participant needs to file a complaint within 180 [calendar days\(g\)](#) of the alleged act. (See [Discrimination Complaint Offices](#) for a list of the addresses to send all complaints against DES.)

Each FAA office has an appointed specialist who acts on behalf of the DES Director's Office of Equal Opportunity (DOEO) to help customers file a discrimination complaint. (See [DOEO](#) for contact information.)

- When any person files a discrimination complaint, the DOEO specialist or designated staff complete **all** of the following:
- Explains the discrimination complaint process.
- Provides the correct discrimination complaint form for the person to complete.

**NOTE** When a person is filing a discrimination complaint verbally or cannot or does not want to put the complaint in writing, the DOEO specialist or designated staff assists with completing the discrimination complaint form.

- Documents the discrimination complaint on the Discrimination Complaint Log.

**NOTE** FAA management maintains the Discrimination Complaint Log, which is kept in a secure location that only the DOEO specialist, designated staff, and FAA management can access.

All discussions regarding a discrimination complaint are kept confidential. Conferences are required to be held in a private location.

FAA cannot deny or delay services or benefits to any participant because they filed a discrimination complaint against FAA, its providers, or employees.

The DOEO completes **all** of the following when a person files a discrimination complaint through any DES office:

- Notifies the complainant in writing of **all** of the following:
  - DES has received their complaint.
  - The person has the right to file directly with the appropriate federal enforcement agency.
- Provides a copy of the complaint charges to the Assistant Director of the appropriate division.
- Conducts an investigation.

Within 60 calendar days of the discrimination complaint, the DOEO notifies the complainant in writing of **all** of the following:

- The completion of the investigation.
- The findings of the investigation.
- The person can file directly with the correct federal office when the DOEO procedure does not affect a resolution.

When complaints are filed through the Food and Nutrition Service (FNS), the Secretary of USDA can extend the 180-day filing period. Complaints sent to FNS are required to contain **all** of the following:

- The name, address, and telephone number (when known) of the person or participant filing the complaint
- The name and location of the staff or office accused of the claimed discrimination
- A statement describing what happened to lead up to the claim of discrimination
- A statement describing the discrimination being claimed (age, sex, color, etc.)
- Names and addresses of anyone who has knowledge of the claimed discrimination
- The date of the claimed discrimination

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### Procedures

Each FAA office must appoint a staff member to act as a specialist for the DES Director's Office of Equal Opportunity (DOEO).

When any person expresses an interest in filing a written discrimination complaint, the DOEO specialist or designated staff must complete **all** of the following:

- Explain the discrimination complaint process.
- Provide the person with the Client Discrimination Complaint (J-020) form, and request that the person complete the J-020.
- Document the discrimination complaint on the Discrimination Complaint Log (FAA-1280A). FAA management maintains the FAA-1280A. The FAA-1280A form must be kept in a secure location that only the DOEO specialist, designated staff, and FAA management can access.
- Send the J-020 to the DOEO by **one** of the following:
  - Fax, the Fax Cover Sheet (DES-1078A) form must be used
  - Interoffice mail
  - Scan the J-020 and include it as an email attachment

See the [Document Center](#) for the J-020 and FAA-1280A forms.

All discussions regarding the discrimination complaint must be kept confidential. Conferences must be held in private. Do not allow **any** of the following:

- Do not place copies of the J-020 in the [case file\(g\)](#).
- Do not document anything about the complaint in the case file.
- Do not deny or delay services or benefits to anyone because they filed a complaint against FAA, its providers, or their employees.

When a person makes a complaint verbally and cannot or does not want to put the complaint in writing, complete **all** of the following:

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- Document the complaint using the J-020). Documentation must include all information regarding the right to file a complaint.
- Document the discrimination complaint on the FAA-1280A. The FAA-1280A must be kept in a secure location that only the DOEO specialist, designated staff, and management can access.
- Fax or interoffice mail the J-020 to the DOEO. (See [Discrimination Complaint Offices](#) for contact information.)

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**Legal Authorities**

CFR 7 273.2(b)(viii)

Title VI - Civil Rights Act of 1964

CFR 7 272.6

CFR 45 704.2

[Prior Policy](#)

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