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	Nondiscrimination Policy for Programs, Activities and Services and Grievance Procedures	Rev. January 2017
		Effective: DRAFT

1.0 Purpose

The purpose of this policy is to ensure compliance with Title VI of the Civil Rights Act of 1964.

ADEQ is committed to ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program, activity or service that it provides. ADEQ will not tolerate intimidation, threats, coercion, or discrimination against any individual or group. This policy establishes a framework for taking reasonable measures to ensure access to all services provided by the department for all citizens in the State of Arizona and establishes procedures whereby the department will receive and investigate allegations of discrimination.

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened and supplemented by related statutes, regulations and executive orders:

- Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in any education or training program receiving federal financial assistance, with a limited number of defined exceptions;
- Section 504 of the Rehabilitation Act of 1973 (Section 504), which forbids discrimination on the basis of an individual's disability by all federal agencies and in all federally funded activities;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination in federally supported activities on the basis of age.
- Executive Order 13166, *Improving Access to Services with Persons with Limited English Proficiency* (2000) requires that persons with limited English proficiency (LEP) should have meaningful access to federally conducted and federally funded programs and activities, including services and benefits.

ADEQ is actively engaged in Title VI activities as a recipient of federal assistance from the Environmental Protection Agency (EPA).

2.0 Definitions

Disability – Hearing, vision, cognitive, ambulatory, self-care, and/or independent living difficulty.

Limited English Proficient (LEP) persons – Individuals who do not speak English well as their primary language and who have limited ability to read, write, speak or understand English.

Environmental Justice/Title VI Nondiscrimination Program Coordinator (Coordinator) – ADEQ representative who ensures compliance with federal non-discrimination statutes.

3.0 Policy Statement

Discrimination Prohibited: ADEQ will not exclude an individual on the basis of a prohibited discriminatory reason from participation in or from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs regardless of the funding source for the program. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or age or disability, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin or age or disability.

Intimidation and Retaliation Prohibited: ADEQ will not tolerate intimidation, threats, coercion, or discrimination against any individual or group, either:

- a. For the purpose of interfering with any right or privilege guaranteed under law or regulations, or
- b. Because the individual has filed a complaint or has testified, assisted or participated in any way in an investigation, proceeding or hearing or has opposed any ADEQ action or decision.

Access to ADEQ Programs: ADEQ will take reasonable measures to provide access to ADEQ services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities.

3.1 Procedures

3.1.1 Public Notice: Public notice of ADEQ's Nondiscrimination Plan will be prominently posted in ADEQ offices and on ADEQ's web site.

3.1.2 Public Notice/Meeting Planning: The development and distribution of public notices and planning for public meetings or hearings regarding ADEQ actions will consider the LEP and disabled population density in the area most impacted by the ADEQ action or program. Staff engaged in developing public notices and planning of public meetings will consult U.S. Census Bureau and Arizona Office of Economic Opportunity data sources regarding the geographic distribution of LEP and disabled populations within the State of Arizona when planning public meetings and hearings.

3.1.3 Public Notice Text: ADEQ notices will include the following text:

“ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: Environmental Justice/Title VI Nondiscrimination Program Coordinator at 602-771-4322 or idb@azdeq.gov”

“ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con: Environmental Justice/Title VI Nondiscrimination Program Coordinator at 602-771-4322 or idb@azdeq.gov”

3.1.4 Role of Environmental Justice/Title VI Nondiscrimination Program Coordinator:

3.1.4.1 Ensures information regarding ADEQ’s Nondiscrimination Program is internally and externally available

3.1.4.2 Posts and maintains public notice of, and procedures for, receipt and processing of complaints

3.1.4.3 Tracks and reviews complaints received through their disposition, in compliance with 40 CFR § 7.85, to enable completion and submittal of EPA Form 4700-4 with grant applications. Provides quarterly written status updates on pending complaints to the Office of Administrative Counsel and Human Potential Office. Conducts semiannual review of all filed complaints to identify and address any patterns or systemic discrimination problems.

3.1.4.4 Trains department staff on ADEQ’s Nondiscrimination Program Policy and procedures

3.1.4.5 Provides written updates to complainants on the progress of investigations

3.1.4.6 Recommends dispositions to the ADEQ Director.

3.1.4.7 Periodically reviews the efficacy of ADEQ’s Nondiscrimination Program Policy and recommends timely revisions to the Executive Leadership Team. Revisions may include additional procedures, mechanisms, or an investigation manual.

3.1.4.8 The Coordinator is:

Ian Bingham
Arizona Department of Environmental Quality
1110 W. Washington Street
602-771-4322
idb@azdeq.gov

3.1.5 Grievance Procedures and Complaint Processing:

- 3.1.5.1 If someone believes they have suffered from prohibited discrimination under an ADEQ program, they may contact the ADEQ Environmental Justice/Title VI Nondiscrimination Program Coordinator [Coordinator] to seek informal resolution. The Coordinator may schedule an interview with the complainant. If the alleged discrimination concerns employment at ADEQ, the Coordinator will refer the complainant or the complaint to the ADEQ Human Potential Office.
- 3.1.5.2 If complaints about ADEQ programs, activities or services cannot be resolved informally, the complainant may file a complaint with the ADEQ Coordinator. The complaint must be filed within 180 days after the alleged discrimination, unless ADEQ waives the time limit for good cause. Complainants may submit a written or verbal complaint to the Coordinator. Complaints must include the complainant's name, the nature of the complaint, the date(s) of the alleged discrimination, requested action, and contact information. Complaint forms are available in English and Spanish (**Attachment C**)
- 3.1.5.3 The Coordinator will review the complaint and may solicit additional information from the complainant as needed. ADEQ will make initial contact within 5 days after receipt of the complaint. If additional information necessary to confirm the prohibited discrimination is requested and not received within 30 days, the case may be closed. The case may also be closed if the complainant no longer wishes to pursue their case and submits a written request to the Coordinator to close the case. All complaints will be processed promptly.
- 3.1.5.4 The Coordinator will maintain a complaint log containing the name and address of the complainant, date(s) of the alleged prohibited discrimination, nature of the complaint, date of submission of the complaint, date of the Coordinator's request for additional information necessary to confirm the complaint and date of its receipt, results of the investigation and disposition of the complaint.
- 3.1.5.5 The Coordinator will make a preliminary recommendation for a prompt and fair resolution to the Administrative Counsel of either dismissal of the complaint or of a finding of prohibited discrimination and a proposed remedy. The Coordinator and the Administrative Counsel shall consult with the Attorney General's Office and may conduct additional investigation before making a recommendation to the ADEQ Director.
- 3.1.5.6 After consulting the Attorney General's Office, the Coordinator and the Administrative Counsel will recommend to the Director dismissal of a complaint if the investigation reveals no prohibited discrimination, based on the preponderance of the evidence. If the Director agrees, the Coordinator will notify the complainant timely in writing of the dismissal within 10 days.

- 3.1.5.7 After consulting with the Attorney General's Office, the Coordinator and the Administrative Counsel will recommend to the Director a finding of prohibited discrimination and a proposed remedy for a complaint if the investigation reveals prohibited discrimination, based on the preponderance of the evidence. If the Director agrees, the Coordinator will notify the complainant timely in writing of the finding and the proposed remedy within 10 days.
- 3.1.5.8 The Coordinator or the Administrative Counsel may also recommend to the Director changes to this policy or to ADEQ programs, activities and services as a result of a complaint investigation.
- 3.1.5.9 If the complaint is outside the jurisdiction of ADEQ, within two weeks after receipt of the complaint the Coordinator will notify the complainant of ADEQ's lack of jurisdiction to address the complaint and of the name and contact information for the appropriate agency or tribe with jurisdiction, if known to ADEQ.
- 3.1.6 Recordkeeping; Records including investigative files shall be kept for a minimum of three years after disposition of the complaint.

4.0 Audience

All recipients of ADEQ programs, activities and services
All ADEQ employees

5.0 Policy Owner (Position Responsible for Implementing & Maintaining the Policy – Title/Unit/Section/Division)

Environmental Justice/Title VI Nondiscrimination Coordinator

6.0 Communication & Training

Environmental Justice/Title VI Nondiscrimination Coordinator will develop, conduct and annually review training needs.

7.0 Compliance & Audit Plan

Environmental Justice/Title VI Nondiscrimination Coordinator will review the complaint files and data annually in conjunction with the federal grant cycle.

8.0 Review & Revision

Environmental Justice/Title VI Nondiscrimination Coordinator will review the complaint files and data annually in conjunction with the federal grant cycle.

9.0 Additional Documentation Templates and Checklists for the Final Policy

Complaint Form in English and Spanish

10.0 Approved by:

Title	Name	Signature	Date
ADEQ Director, if necessary	Misael Cabrera		
Affected Division Director(s)			
<i>Administrative Counsel as to form</i>	<i>Sherri Zendri</i>		

11.0 Historical Note

[Describes the changes or updates to a policy, which serves as a reference for the reader to understand any past changes.]

Date	Number, Name, and Issue Date of Previous Version	Replaces Listed Sections/Entire Document