

# Grievance Procedure

## Purpose

The purpose of this Grievance Procedure is to provide a fair, prompt, and accessible process for addressing complaints of discrimination in programs, services, and activities funded in whole or in part by the U.S. Environmental Protection Agency (EPA). This policy ensures compliance with federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, Title IX of the Education Amendments, the Age Discrimination Act, 40 C.F.R., Parts 5 & 7, Section 13 of the Federal Water Pollution Control Act Amendments of 1972 and other applicable statutes and regulations.

## Scope of Grievance Procedure

This policy applies to all applicants, beneficiaries, employees, contractors, subcontractors, and other participants in County-administered programs or activities funded in whole or in part by the EPA. Complaints may be filed by an individual or group who believes they have been subjected to discrimination on the basis of:

- Race
- Color
- National origin
- Sex (including gender identity and sexual orientation)
- Religion
- Disability
- Age
- Familial status
- Occupation
- Marital Status
- Political Opinion
- Personal appearance
- Any other protected status as required by applicable law

## Filing a Grievance

- **Who May File:** Any person, or their authorized representative, who believes they have been subjected to discrimination or retaliation/intimidation.
- **How to File:** Complaints may be submitted in writing, verbally, or electronically. Assistance will be provided to individuals with limited English proficiency or disabilities in preparing and submitting grievances.
- **Where to File:** Please send an email to the Non-discrimination Compliance Coordinator, via [Title.vi@ag.ok.gov](mailto:Title.vi@ag.ok.gov), with the following information and utilizing the subject line "Discrimination Complaint":

- Name, address, and contact information of the complainant (or representative)
  - Name of respondent (e.g., program name, County department)
  - A description of the discriminatory act(s) (what occurred, when, where)
  - The basis for the alleged discrimination (race, color, national origin, etc.)
  - Names of any witnesses or other persons with relevant information
  - Any documentation or evidence (if available)
- **Time to File:** Complaints should be filed within 180 days of the alleged discriminatory act.
  - **If assistance is needed:** Appropriate assistance shall be provided to individuals with disabilities and individuals with limited English proficiency. Also, complaints in alternative formats shall be accepted from individuals with disabilities. Please reach out to the Non-discrimination Compliance Coordinator for more information. Contact Mr. James W. Rucker, NCC, via [title.vi@ag.ok.gov](mailto:title.vi@ag.ok.gov) or (405) 522-5770.

### 3(c). Grievance Procedure Once a Complaint is Filed

- i. Acknowledgment – ODAFF will acknowledge receipt of the grievance within 10 business days.
- ii. Preliminary Review – ODAFF NCC will determine whether the grievance falls within the scope of this policy and notify the complainant of acceptance or referral within 30 business days.
- iii. Investigation – An investigation should include interviews of the complainant, any witnesses identified by the complainant, relevant staff of the subject of the investigation (ODAFF or its contractor or grantee) and any witnesses identified by the subject of the investigation. An investigation should also include review of relevant documents, inspection of relevant premises and, if necessary, consultation with technical experts, including legal advisors. Staff may review facilities or any other documentation that may be provided.

The preponderance of the evidence standard will be applied during the analysis of each complaint.

- iv. Resolution/Determination – Within 180 calendar days, the investigator will issue written findings and, if applicable, propose corrective actions, unless ODAFF NCC determines additional time is needed. The complainant will receive a written notice detailing:
  - a. The findings of the investigation
  - b. Whether discrimination or retaliation was found
  - c. A summary of the investigation process
  - d. Any corrective actions that will be implemented (if applicable)
- v. Appeal – If the complainant disagrees with the resolution, they may file a written appeal within 15 calendar days. The written appeal should be addressed to the Director ODAFF NCC, James W. Rucker, via mail at 280-0 N. Lincoln Blvd., Oklahoma City, OK 73105 or

email james.rucker@ag.ok.gov. The Director (or his designee) will issue a final decision within 90 calendar days of receiving the appeal.

#### 4. Confidentiality

All information related to a grievance will be maintained as confidential to the extent possible, consistent with the need to conduct a fair and thorough investigation.

#### 5. Recordkeeping

The ODAFF will maintain records of all grievances, investigations, and resolutions for a minimum of three (3) years and make such records available to EPA upon request. When any complaint or other action is brought before the three-year period ends, ODAFF shall continue to keep the records beyond the three-year period until the complaint or action is resolved.

ODAFF will also collect, maintain, and on request of the EPA, provide the following:

- A brief description of any lawsuits pending against the recipient that allege discrimination which 40 C.F.R., Parts 5 & 7 prohibits
- Racial/ethnic, national origin, age, sex, and disability data, or EPA Form 4700-4 information submitted with the County's application for EPA funding
- A log of discrimination complaints which identifies the complaint, the date it was filed, the date the recipient's investigation was completed, the disposition, and the date of disposition, and the date of disposition
- Reports of any compliance reviews conducted by any other agencies

The Department of the Environment's Nondiscrimination Policy and Procedures are reviewed on an annual basis, and revised as necessary, to ensure prompt and fair resolution of discrimination complaints and ongoing compliance with 40 C.F.R. Parts 5 and 7.