



DEPARTMENT OF ENVIRONMENTAL QUALITY  
POLICY AND PROCEDURE

Subject: Nondiscrimination in DEQ Programs

Number: 09-024

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*A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory, does not affect the rights of or procedures and practices available to the public, and does not have the force and effect of law. DEQ staff shall follow the directions contained in this document.*

## INTRODUCTION

Title 40 of the Code of Federal Regulations (CFR), Part 7, prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in programs or activities receiving federal assistance from the United States Environmental Protection Agency (EPA). It requires recipients of federal assistance from the EPA to:

- A. Collect, maintain, and provide information showing compliance with 40 CFR Part 7;
- B. Designate a person to be the Nondiscrimination Compliance Coordinator to coordinate efforts to comply with 40 CFR Part 7;
- C. Adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 CFR Part 7; and
- D. Provide continuing and prominent public notice of nondiscrimination on the basis of race, color, national origin, age, sex, or disability, and of the identity and contact information for the Nondiscrimination Compliance Coordinator.

As set forth below, it is the DEQ's policy not to discriminate on the basis of several factors, including those in 40 CFR Part 7. In addition, the DEQ adopts the following procedures to implement the requirements of 40 CFR Part 7:

## PROCEDURES TO IMPLEMENT THE REQUIREMENTS OF 40 CFR PART 7

### **A. Compliance Information**

(1) The DEQ shall collect, maintain, and on request of the EPA's External Civil Rights Compliance Office (ECRCO), provide the following information to show compliance with 40 CFR Part 7:

- (a) A brief description of any lawsuits pending against the DEQ that allege discrimination that 40 CFR Part 7 prohibits;
- (b) Racial/ethnic, national origin, age, sex, handicap, and disability data, or EPA Form 4700-4 information submitted with DEQ applications for EPA assistance;

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(c) A log of discrimination complaints that identifies the complaint, the date it was filed, the date the DEQ's investigation was completed, the disposition, and the date of disposition;

(d) Reports of any compliance reviews conducted by any other agencies;

(e) Additional data and information specific to certain DEQ programs or activities to determine compliance where there is reason to believe that discrimination may exist in a DEQ program or activity or to investigate a complaint alleging discrimination in a DEQ program or activity;

(2) When preparing compliance information, the DEQ shall use the racial classifications set forth in 40 CFR §7.25 in determining categories of race, color, or national origin;

(3) The DEQ shall keep records of the compliance information identified in paragraphs (1)(a) and (1)(b), above, for at least three years after completing a project for which DEQ was a recipient of EPA assistance. When any complaint or other action for alleged failure by DEQ to comply with 40 CFR Part 7 is brought before the three-year period ends, the DEQ shall keep records until the complaint is resolved; and

(4) The DEQ shall:

(a) Give the ECRCO access during normal business hours to its books, records, accounts, and other sources of information, including its facilities, as may be pertinent to ascertain compliance with 40 CFR Part 7;

(b) Make compliance information available to the public upon request; and

(c) Assist in obtaining other required information that is in the possession of other state agencies, institutions, or persons not under the DEQ's control. If such party refuses to release that information, the DEQ shall inform the ECRCO and explain its efforts to obtain the information.

#### **B. Nondiscrimination Compliance Coordinator**

The DEQ Director has a designated position in the DEQ's Executive Office as the Nondiscrimination Compliance Coordinator (NCC) responsible to coordinate the DEQ's efforts to comply with its obligations under 40 CFR Part 7. The NCC contact information is:

Nondiscrimination Compliance Coordinator  
Department of Environmental Quality  
525 West Allegan Street  
P.O. Box 30473  
Lansing, Michigan 48909-7973  
E-mail: [DEQ-NondiscriminationCC@michigan.gov](mailto:DEQ-NondiscriminationCC@michigan.gov)  
Telephone: 517-249-0906

#### **C. Grievance Procedures**

The DEQ adopts the following procedures to allow any person or group to submit a complaint alleging discrimination of any kind by the DEQ, including discrimination by the DEQ that may constitute a violation 40 CFR Part 7 or of any state or federal statutes or regulations that the DEQ enforces, and in order to assure the prompt and fair resolution of any such discrimination complaints.

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Step	Who	Grievance Procedure
Step 1	Complainant	<p><b>Submittal of Complaint</b></p> <p>In order to have a complaint submittal considered for investigation under this procedure, the complainant shall file the complaint no later than 180 calendar days after the date(s) of the alleged act(s) of discrimination. <u>A Grievance Submittal Form is attached.</u> [add link]</p> <p>Complaints shall be in writing and signed by the complainant or the complainant's representative and shall include contact information for the complainant or their representative.</p> <p>The complaint shall specify with as much detail as possible:</p> <ul style="list-style-type: none"> <li>• The actions or inactions by the DEQ that support an alleged violation of;</li> <li>• The alleged discrimination that did or will result from such actions or inactions;</li> <li>• The identity of the person(s) harmed or potentially harmed by the alleged discrimination; and</li> <li>• The state or federal statutes or regulations that the DEQ allegedly violated.</li> </ul> <p>The DEQ may request additional information from the complainant if needed to assist with meeting the complaint requirements listed above. Appropriate assistance shall be provided to individuals with disabilities and individuals with limited English proficiency. Also, complaints in alternate formats shall be accepted from individuals with disabilities, for example, complaints filed on computer disks, on audio tape, or in Braille.</p> <p>All complaint submittals should be mailed (or e-mailed) to the NCC at the following address:</p> <p style="text-align: center;">                     Nondiscrimination Compliance Coordinator                      Department of Environmental Quality                      525 West Allegan Street                      P.O. Box 30473                      Lansing, Michigan 48909-7973                      E-mail: <a href="mailto:DEQ-NondiscriminationCC@michigan.gov">DEQ-NondiscriminationCC@michigan.gov</a>                      Telephone: 517-249-0906                 </p>

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Step	Who	Grievance Procedure
<b>Step 2</b>	NCC	<p><b>Logging of Complaint Submittals</b></p> <p>All complaint submittals meeting the requirements in Step 1 are to be logged. The NCC shall retain a copy of all documents on file in accordance with the records retention schedule. The NCC shall also notify the relevant program manager(s). All logged complaints will receive an appropriate, prompt, and unbiased investigation.</p> <p>The following are examples of what will not be logged as a complaint submittal:</p> <ul style="list-style-type: none"> <li>• Anonymous submittals;</li> <li>• Submittals too vague to reasonably determine the allegations of discriminatory conduct;</li> <li>• Submittals not sufficiently identifying the person(s) harmed or potentially harmed by the alleged discrimination;</li> <li>• Inquiries seeking advice or information;</li> <li>• Courtesy copies of court pleadings;</li> <li>• Courtesy copies of complaints addressed to other local, state, or federal agencies;</li> <li>• Newspaper articles;</li> <li>• Web-based media sources, such as YouTube videos, e-mail strings, blogposts, comments strings, or Web pages;</li> <li>• Courtesy copies of internal grievances; and</li> <li>• Voice mail messages, telephone calls, or in-person conversations.</li> </ul>
<b>Step 3</b>	NCC	<p><b>Initial Review of Complaint Submittals; Informal Resolution Process</b></p> <p>Upon receipt of a complaint and any additional information supporting or otherwise associated with the complaint, a case file shall be established containing all documents and information pertaining to the complaint and an initial review of the case shall be conducted. At this stage the NCC shall determine if an informal resolution processes should be engaged and, if so, shall inform the complainant how to engage the available options for the informal resolution process.</p>

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Step	Who	Grievance Procedure
Step 4	NCC	<p><b>Determination if Complaint Warrants Further Investigation</b>                      The NCC, based on information in the complaint submittals and other information available, shall determine if:</p> <ul style="list-style-type: none"> <li>• The DEQ has jurisdiction to pursue the matter; and</li> <li>• The complaint submittals contain sufficient merit to warrant further investigation.</li> </ul> <p>A complaint shall warrant further investigation unless:</p> <ul style="list-style-type: none"> <li>• It clearly appears on its face to be frivolous or trivial;</li> <li>• Within the time allotted for making the determination of jurisdiction and investigative merit, the DEQ reaches an agreed resolution with the complainant;</li> <li>• Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or</li> <li>• The complaint was not submitted within the time limits established in Step 1.</li> </ul> <p>Within 14 calendar days of receipt of the complaint submittals, the NCC shall inform the complainant if the complaint has or has not been accepted for further investigation. If it is determined that further investigation is not warranted, the reason for such determination shall be recorded in the case file.</p>
Step 5	NCC	<p><b>Further Investigation of Complaint</b>                      If the NCC determines the complaint submittals warrant further investigation, the NCC shall review the alleged facts to determine the course of the investigation. The investigation may include interviews of DEQ employees, other relevant witnesses, or others named in the complaint. Relevant DEQ employees shall make themselves available as necessary. The preponderance of the evidence standard will be applied during the analysis of the complaint.</p>
Step 6	NCC	<p><b>Report and Determination</b>                      The NCC shall issue a report and determination on whether the DEQ violated 40 CFR Part 7. The NCC shall prepare a written report of the investigation that includes a narrative of the incident, identification of the individuals interviewed and evidence reviewed, and contains findings and a determination. The report and determination shall be placed in the complaint file.</p> <p>Within 180 calendar days of receiving the complaint that warranted investigation, the NCC shall notify the complainant in writing of the findings of the investigation and the recommendations for resolution.</p>

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Step	Who	Grievance Procedure
Step 7	Complainant	<b>Appeal</b> The person submitting the complaint may appeal the decision of the NCC by writing to the DEQ Director within 30 calendar days of receiving the NCC's decision. The DEQ Director shall issue a written decision in response to the appeal no later than 30 calendar days after its filing.

**D. Notice of Nondiscrimination**

The DEQ shall provide continuing notice that it does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in any of its programs or activities. Methods of notice shall accommodate those with impaired vision or hearing. At a minimum, this notice shall be posted in a prominent place in the DEQ's offices or facilities. Methods of notice may also include publishing in newspapers and magazines and placing notices in the DEQ's internal publications. Where appropriate or upon request, such notice shall be in a language or languages other than English. The notice shall identify the current DEQ NCC as the responsible DEQ employee designated to coordinate the DEQ's efforts to comply with its obligations under 40 CFR Part 7. The text of the notice to be provided under this policy shall read as follows:

It is the policy of the DEQ not to discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, as required by applicable laws and regulations.

The DEQ is responsible for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements implemented by 40 CFR Part 7 (Nondiscrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972.

If you have any questions about this notice or any of the DEQ's nondiscrimination programs, policies, or procedures or if you believe that you have been discriminated against with respect to a DEQ program or activity, you may contact:

Nondiscrimination Compliance Coordinator  
Department of Environmental Quality  
525 West Allegan Street  
P.O. Box 30473  
Lansing, Michigan 48909-7973  
E-mail: [DEQ-NondiscriminationCC@michigan.gov](mailto:DEQ-NondiscriminationCC@michigan.gov)  
Telephone: 517-249-0906

Or you may visit the DEQ's Web site at <http://www.michigan.gov/deq/> and click the link for Policy and Procedure 09-024, Nondiscrimination in DEQ Programs, to obtain a copy of the DEQ's procedures to file a grievance/complaint of discrimination.

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To ensure individuals can invoke these grievance procedures without fear of reprisal, the DEQ explicitly prohibits retaliation against any individual for any purpose, including for the purpose of interfering with any right or privilege guaranteed under and state or federal statutes or regulations because that individual has filed a complaint or has testified, assisted, or participated in any way in an investigation, proceeding, or hearing of any kind or has opposed any practice made unlawful under any state or federal statutes or regulations. Prohibited retaliatory acts include intimidation, threats, coercion, or discrimination against any such individual or group. Any concern regarding retaliation should be reported to the NCC.

**E. Tracking and Annual Review of Complaints Received**

All complaints logged, including a summary of allegations, status, and final determinations, will be tracked and reviewed annually by the NCC. The review shall include an analysis of patterns of complaints or systemic problems within the DEQ or program areas. An annual report will be provided to the DEQ Director each January. The report will include an assessment of the efficacy of the DEQ nondiscrimination policy.

Attachment: Grievance Submittal Form

Approved: \_\_\_\_\_

C. Heidi Grether, Director