



Lane Regional Air Protection Agency

# Non-Discrimination Grievance Policy and Procedures

Last revised: March 27, 2020

## **Introduction:**

Title 40 of the Code of Federal Regulations (C.F.R.), Parts 5 and 7, Nondiscrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency, prohibits discrimination on the basis of race, color, national origin (including limited English proficiency), age, sex, or disability in programs or activities receiving financial assistance from the U.S. Environmental Protection Agency (U.S. EPA). It requires recipients of financial assistance from the U.S. EPA to:

- A. Designate a person to be the Nondiscrimination Coordinator to coordinate efforts to comply with 40 C.F.R., Parts 5 and 7;
- B. Collect, maintain, and provide information showing compliance with 40 C.F.R., Parts 5 and 7;
- C. Adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 C.F.R., Parts 5 and 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 Coordinator.

As set forth below, it is the Lane Regional Air Protection Agency (LRAPA) policy not to discriminate on the basis of several factors, including those in 40 C.F.R., Parts 5 and 7. For definitions of terms, please refer to [“Definitions” in Section 7.25 of subpart A in 40 C.F.R., Part 7 and Section 5.105 of Subpart A, in 40 C.F.R. Part 5.](#) In addition, LRAPA adopts the following procedures to implement the requirements of 40 C.F.R., Parts 5 and 7.

## **Policy:**

LRAPA does not discriminate on the basis of race, color, national origin, age, sex, disability, sexual orientation, or marital status in administration of its programs or activities, and, LRAPA does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7 or for the purpose of interfering with such rights.

LRAPA is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7 (Non-Discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972.

### **A. Nondiscrimination Coordinators**

The LRAPA Director designated the following Nondiscrimination Coordinator(s) on October 21<sup>st</sup>, 2019:

**Travis Knudsen**, Public Affairs Manager  
or **Katie Eagleson**, Environmental Engineer  
1010 Main Street  
Springfield, OR 97477  
541-736-1056  
or by way of electronic mail to [accessibility@lrapa.org](mailto:accessibility@lrapa.org)

## **B. Compliance Information**

1. LRAPA shall collect, maintain, and on request of the U.S. EPA, External Civil Rights Compliance Office within the Office of General Counsel (ECRCO), provide the following information to show compliance with 40 C.F.R., Parts 5 and 7:
  - a. A brief description of any lawsuits pending against LRAPA that allege discrimination which 40 C.F.R., Parts 5 and 7, prohibits;
  - b. Racial/ethnic, national origin, age, sex, disability, and disability data, or [EPA Form 4700-4](#) information submitted with LRAPA applications for U.S. EPA financial assistance;
  - c. A log of discrimination complaints that identifies the complaint, the date it was filed, the date LRAPA's investigation was completed, the disposition, and the date of disposition;
  - d. Reports of any compliance reviews conducted by any other agencies; and
  - e. Data and information specific to certain LRAPA programs or activities to determine compliance where there is reason to believe that discrimination may exist in a LRAPA program or activity or to investigate a complaint alleging discrimination in a LRAPA program or activity.
2. When preparing compliance information, LRAPA shall use the racial classifications set forth in 40 C.F.R., Section 7.25, in determining categories of race, color, or national origin;
3. LRAPA shall keep records of the compliance information identified in paragraphs (1)(a) through (1)(e), above, for at least three (3) years after completing a project for which LRAPA was a recipient of U.S. EPA financial assistance. When any complaint or other action for alleged failure by LRAPA to comply with 40 C.F.R., Parts 5 and 7, is brought before the three-year period ends, LRAPA shall keep records until the complaint is resolved; and
4. LRAPA shall:
  - a. Give 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 C.F.R., Parts 5 and 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 agencies, institutions, or persons not under LRAPA's control. If such party refuses to release that information, LRAPA shall inform the ECRCO and explain its efforts to obtain the information.

## **C. Grievance Procedures**

Any person who believes someone has been subjected to discrimination may file a grievance under this procedure by contacting the Non-Discrimination Coordinator(s) or filling out a Non-Discrimination Complaint form online. It is against the law for LRAPA to retaliate against any person or group

because they have exercised rights protected by 40 C.F.R. Parts 5 and 7 or for the purpose of interfering with any such rights.

LRAPA adopts the following grievance procedures in order to assure the prompt and fair resolution of complaints that allege a violation by LRAPA of [40 C.F.R., Parts 5 and 7](#):

1. Grievances must be submitted to the LRAPA Non-Discrimination Coordinator(s) within 90 days of the date the person filing the grievance becomes aware of the alleged discriminatory action. Grievance submissions, in the preferred language of the complainant, can be emailed to [accessibility@lrapa.org](mailto:accessibility@lrapa.org), filed through LRAPA's Non-Discrimination [Complaint Form](#) online at [www.lrapa.org](http://www.lrapa.org), called in through the office number at 541-736-1056, or mailed to the LRAPA office address listed below:

Lane Regional Air Protection Agency  
1010 Main Street  
Springfield, OR 97477

2. A complaint must be in writing, containing the name and address of the person filing it and/or the identified representative. The complaint must state the date of the occurrence and the problem or action alleged to be discriminatory and the remedy or relief sought. The complaint shall specify with as much detail as possible:
  - a. The actions or inactions by LRAPA that support an alleged violation of 40 C.F.R., Parts 5 and 7;
  - b. The alleged discrimination that did or will result from such actions or inactions;
  - c. The identity of the person(s) harmed or potentially harmed by the alleged discrimination; and
  - d. The basis for why the action is believed to be discriminatory, and if possible, identifying the sections of 40 C.F.R., Parts 5 and 7, that were allegedly violated.
3. The LRAPA Non-Discrimination Coordinator(s) (or their designee) will acknowledge receipt of the grievance within 5 days and shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The LRAPA Non-Discrimination Coordinator(s) will maintain the files and records of LRAPA relating to such grievances. To the extent possible, and in accordance with applicable law, the LRAPA Non-Discrimination Coordinator(s) will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know.
  - a. LRAPA's Non-Discrimination Coordinator(s) is/are responsible for making information available to non-employees regarding rights to services, aids, benefits, and participation without regard to race, color, national origin, age, sex, disability, sexual orientation, or marital status. LRAPA's Non-Discrimination Coordinator(s) will periodically evaluate the effectiveness of LRAPA's efforts to offer such services, aids, benefits and participation opportunities when feasible.
  - b. LRAPA's Non-Discrimination Coordinator(s) is/are responsible for ensuring that intimidation and retaliation against any person or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with any such rights, is prohibited and that claims of intimidation and retaliation will be handled promptly if they occur.

- c. LRAPA's Non-Discrimination Coordinator(s) will coordinate or facilitate training efforts for LRAPA staff regarding the Department's obligations to comply with non-discrimination statutes, and policies and procedure.
  - d. LRAPA's Non-Discrimination Coordinator(s) will track all complaints filed against LRAPA under this policy or with the EPA and shall review all complaints on a semi-annual basis to identify and address any patterns or systemic problems. LRAPA's Non-Discrimination Coordinator(s) will also ensure that complainants are updated on the progress of their discrimination complaints filed with LRAPA, if requested. LRAPA's Non-Discrimination Coordinator(s) will promptly inform the complainant as to any determinations made.
  - e. LRAPA's Non-Discrimination Coordinator(s) is/are responsible for providing notice of this policy and carrying out the process, as prescribed by this policy, of the investigation of non-employee complaints. LRAPA's Non-Discrimination Coordinator(s) may delegate an investigation to another investigator or designee, if necessary, on a case-by-case basis.
4. The LRAPA Non-Discrimination Coordinator(s) will issue a written decision on the grievance, based on a preponderance of the evidence, no later than 30 days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies. The written decision will include whether discrimination is found and the description of the investigation process.
5. LRAPA assures that intimidation and retaliation are prohibited and that claims of intimidation and retaliation will be handled promptly and fairly pursuant to the LRAPA Non-discrimination Grievance Policy and Procedures in the same manner as other claims of discrimination.
6. The person filing the grievance may appeal the decision of the LRAPA Non-Discrimination Coordinator(s) by writing to the LRAPA Board of Directors within 15 days of receiving the LRAPA Non-Discrimination Coordinator(s)'s decision. The LRAPA Board of Directors shall issue a written decision in response to the appeal no later than 60 days after its filing.
7. The availability and use of this grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, disability, age, sex or retaliation, in court or with the U.S. Environmental Protection Agency, External Civil Rights Compliance Office. A person can file a complaint of discrimination electronically by writing to [TitleVI.Complaints@epa.gov](mailto:TitleVI.Complaints@epa.gov) or by mail or phone at:

U.S. EPA External Civil Rights Compliance Office  
Office of General Counsel (Mail Code 2310A)  
1200 Pennsylvania Avenue N.W.,  
Washington, D.C. 20460  
PHONE: (202) 564-3316

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of race, color, national origin, disability, age, sex, sexual orientation, or marital status with the state of Oregon in accordance with Oregon law ([ORS 659A.403](#)). Complaints of discrimination or retaliation on the basis of these classes can be filed electronically with the [Bureau of Labor and Industries \(BOLI\)](#) or by mail to:

Oregon Bureau of Labor and Industries  
Civil Rights Division  
800 NE Oregon St., #1045  
Portland, OR 97232

LRAPA will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing qualified interpreters, providing taped cassettes of material for individuals with low vision, or assuring a barrier-free location for the proceedings. The LRAPA Non-Discrimination Coordinator(s) will be responsible for such arrangements.

#### **D. Notice of Nondiscrimination**

LRAPA shall provide continuing notice that it does not discriminate on the basis of race, color, national origin, age, sex, disability, sexual orientation, or marital status 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 LRAPA's offices or facilities and on LRAPA's internet homepage. Methods of notice may also include publishing in newspapers and magazines and placing notices in LRAPA's publications. Where appropriate or upon request, such notice shall be in a language or languages other than English. The notice shall identify the current LRAPA Nondiscrimination Coordinator as the responsible LRAPA employee designated to coordinate LRAPA's efforts to comply with its obligations under 40 C.F.R., Parts 5 and 7. The text of the notice to be provided under this policy shall read as follows:

It is the policy of LRAPA to not discriminate on the basis of race, color, national origin, age, sex, disability, sexual orientation, or marital status in administration of its programs or activities, and, LRAPA does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7 or for the purpose of interfering with such rights.

LRAPA is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implanted by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1973, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the federal non-discrimination statutes).

If you have any questions about this notice or any of LRAPA's non-discrimination programs, policies or procedures, you may contact:

Travis Knudsen, Public Affairs Manager or Katie Eagleson, Environmental Engineer,

1010 Main Street  
Springfield, OR 97477  
541-736-1056  
travis@lrpa.org or katie@lrpa.org or [accessibility@lrpa.org](mailto:accessibility@lrpa.org)

If you believe that you have been discriminated against with respect to an LRAPA program or activity, you may contact Travis Knudsen, Public Affairs Manager or Katie Eagleson, Environmental Engineer, identified above or visit our website at [www.lrapa.org](http://www.lrapa.org) to learn how and where to file a complaint of discrimination.

LRAPA's Non-discrimination Policy and Procedures are reviewed on an annual basis (for both in-print and online materials), and revised as necessary, to ensure prompt and fair resolution of discrimination complaints.

Dated: March 27, 2020

A handwritten signature in black ink, appearing to read "M. L. Hough". The signature is written in a cursive, somewhat stylized font.

Merlyn L. Hough, P.E., BCEE

Director