



Flood Control District Internal Policy

Policy Title Title VI Nondiscrimination Program; Grievance Procedures	Policy Number POL-EXE-010
	Issue Date April 29, 2019
Approved by  <hr/> Michael Fulton, Director	Revision Date
	Author Kelli A. Sertich Policy, Planning, and Coordination Branch Manager

I. Purpose

The Flood Control District of Maricopa County (FCD) 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. FCD will not tolerate intimidation, threats, coercion, or discrimination against any individual or group. This policy establishes a framework for taking reasonable steps to ensure access to all services provided by the FCD for all Maricopa County citizens, and establishes procedures whereby the FCD will receive and investigate allegations of discrimination.

Title VI of the Civil Rights Act of 1964 (Title IV) 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." Nondiscrimination prohibitions have been further 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.

FCD is actively engaged in Title VI activities as a recipient of federal assistance from the Federal Emergency Management Agency (FEMA), U.S. Army Corps of Engineers (USACE), Natural Resources Conservation Service (NRCS), Department of Defense (DOD), and other federal agencies.

II. Divisions/Branches Affected

This policy is applicable to all employees and programs of the Flood Control District of Maricopa County.

III. Definitions

Disability: Individuals with hearing, vision, cognitive, ambulatory, self-care, and/or independent living difficulty.

Persons with Limited English Proficiency (LEP): Individuals who do not speak English well as their primary language and who have limited ability to read, write, speak or understand English.

Nondiscrimination Program Coordinator: Department representative that ensures compliance with federal non-discrimination statutes.

IV. Statement of Policy

- 1) Discrimination Prohibited: FCD will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under any of 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 have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color, or national origin.
- 2) Intimidation and Retaliation Prohibited: FCD 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 FCD action or decision.
- 3) Access to FCD Programs: FCD will take reasonable measures to provide access to FCD services to individuals with limited ability to speak, write, or understand English and/or those with disabilities.

Procedures

- A. Public Notice of FCD's Nondiscrimination Program will be prominently posted:
 - In FCD offices
 - On FCD's website

B. Public Notice/Meeting Planning: the development and distribution of public notices and planning for public meetings or hearings regarding FCD actions will consider the LEP and disabled population density in the area most impacted by the FCD action or program.

- Staff engaged in developing public notices and planning of public meetings will consult the following data sources regarding the geographic distribution of LEP and disabled populations within Maricopa County to inform the plan:
 - Household Proportions with Limited English-Speaking Ability
 - Civilian Non-institutionalized Population Proportions with a Disability
- FCD public notices will include the following text:

“Accommodations will be made for individuals with disabilities and individuals with Limited English Proficiency (LEP). The District will also provide alternative format materials, translation services in other languages, including sign language and assertive listening devices. All of these accommodations are available upon 72 hours advance notice to the District at: 602-506-1501.”

“Se harán arreglos especiales para personas con discapacidades o aquellas que tengan un dominio limitado del inglés (LEP por sus siglas en inglés). El Distrito también proporcionará materiales con formatos alternativos, servicios de traducción en otros idiomas, incluyendo lenguaje de señas y dispositivos de asistencia auditiva. Todos estos arreglos pueden ser solicitados al Distrito con 72 horas de anticipación al teléfono: 602-506-1501.”

C. The Nondiscrimination Program Coordinator:

- Ensures information regarding FCD’s Nondiscrimination Program is internally and externally available;
- Posts and maintains public notice of, and procedures for receipt and processing of complaints;
- Tracks and reviews complaints received;
- Trains District staff on FCD’s Nondiscrimination Program and procedures;
- Provides written updates to complainants on the progress of investigations;
- Periodically reviews the efficacy of FCD’s Nondiscrimination Program.

D. Grievance Procedures: If someone believes they have suffered from discrimination under an FCD program, they may contact the FCD Nondiscrimination Program Coordinator to seek informal resolution. If the matter cannot be resolved informally, the following steps will be followed:

- Within 180 days of the alleged discrimination, complainants may submit a written or verbal complaint to the Nondiscrimination Program Coordinator. Complaints

must include the complainant's name, the nature of the complaint, the dates of the alleged discrimination, requested action, and the contact information. Complaint forms are available in English and Spanish.

- The Nondiscrimination Program Coordinator will review the complaint and may solicit additional information from the complainant as needed. If additional information is requested and not received, the case may be closed. The case may also be closed if the complainant no longer wishes to pursue their case.
- A complaint log will be kept by FCD containing the name and address of the complainant, nature of the complaint, date of submission and results of the investigation.
- If the complaint is outside the jurisdiction of FCD, the complainant will be notified of the name and contact information for the appropriate agency with jurisdiction, if known.

Complaint Processing:

If the complaint is within the jurisdiction of FCD, or informal resolution was not possible, it will be promptly investigated. FCD's goal is to address complaints within 60 days of receipt, though the time to carefully investigate complaints may be longer depending on the nature of the complaint and complexity of the issue.

Preliminary Inquiry:

FCD will conduct a preliminary inquiry to determine the need for further investigation.

- FCD will notify the complainant in writing that a preliminary inquiry is underway to determine the need for further investigation.
- If the preliminary inquiry by FCD indicates that an investigation is warranted, the complainant will be notified in writing and an interview will be scheduled.
- If the preliminary inquiry indicates an investigation is not warranted, the complainant will be notified in writing of the reasons why and factors considered.

Complaint Investigation:

- Complaints warranting further investigation will be promptly processed by the FCD Nondiscrimination Program Coordinator. The preponderance of evidence standard will be applied to all complaint investigations. The results of the investigation will be provided to the FCD Chief Administrator for review.
- The complainant will be notified in writing of the results of the investigation and what actions will be/have been taken in response and a timeline to request review.
- Records and investigative files will be kept for a minimum of three years.

V. Attachments

Program Plan,
Public Notice
Complaint Forms