Maricopa County Air Quality Department	Number: PP-2016-001 (Supersedes PP-2006-01) Title: ***Nondiscrimination Program Policy; Grievance Procedures***
Author: Michael A. Fulton, Deputy Director	*Issue Date:* *September 1, 2016* *Revision Date* *Review Date:* *September 1, 2018*
Approved by: Philip A McNeely **Philip A. McNeely, Director**	

Purpose:

Maricopa County Air Quality Department (MCAQD) 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. MCAQD 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 department for all Maricopa County citizens 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), which requires that persons with limited English proficiency (LEP) have meaningful access to federally conducted and federally funded programs and activities, including services and benefits.

MCAQD is actively engaged in Title VI activities as a recipient of federal assistance from the Environmental Protection Agency (EPA) and the Department of Homeland Security (DHS).

Applicability:

This Policy is applicable to all employees and programs of the Maricopa County Air Quality Department.

Definitions:

Disability: individuals with 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.

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

Statement of Policy:

1) Discrimination Prohibited: MCAQD 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: MCAQD 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 MCAQD action or decision.

3) Access to MCAQD Programs: MCAQD 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.

Procedures:

A. Public Notice of MCAQD's Nondiscrimination Program will be prominently posted:
    a. In MCAQD offices;
    b. On MCAQD's web site

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

a. 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:
    i. Household Proportions with Limited English-Speaking Ability
    ii. Civilian Non-institutionalized Population Proportions with a Disability

b. Department public notices will include the following text:
"MCAQD 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: [Department Contact Information]"

"MCAQD 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: [Departamento de Información de Contacto]"

C. The Nondiscrimination Program Coordinator:
- Ensures information regarding MCAQD'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 department staff on MCAQD's Nondiscrimination Program and procedures;
- Provides written updates to complainants on the progress of investigations;
- Periodically reviews the efficacy of MCAQD's Nondiscrimination Program.

D. Grievance Procedures: If someone believes they have suffered from discrimination under an MCAQD program, they may contact the MCAQD 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 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 MCAQD 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 MCAQD, 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 MCAQD, or informal resolution was not possible, it will be promptly investigated. MCAQD'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:

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

- MCAQD will notify the complainant in writing that a preliminary inquiry is underway to determine the need for further investigation.
- If the preliminary inquiry by MCAQD 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 MCAQD Nondiscrimination Program Coordinator. The results of the investigation will be provided to the MCAQD Deputy Director 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.