

Nondiscrimination Policy and Grievance Procedure

Purpose

The Department of Planning and Natural Resources ("DPNR") is committed to ensuring equal participation in all projects, programs, and activities regarding of federal funding. DPNR does not discriminate on the basis of race, color, creed, religion, sex, sexual orientation, gender identity, national origin, English-language proficiency, disability or age in the administration of its programs or activities in accordance with applicable laws and regulations.

In accordance with Title VI, no person in the United States shall, on the ground of race, color, or national origin be excluded from participation be denied the benefits of or otherwise subjected to discrimination under any program or activity funded by DPNR. To this end, DPNR has adopted this Nondiscrimination Implementation Plan to ensure proper nondiscrimination measures are implemented and monitored.

In accordance with federal policy for funding recipients, DPNR has established an official grievance procedure to ensure prompt and fair resolution of complaints alleging violations of the following statutes:

- a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) prohibits discrimination on the grounds of race, color, or national origin under programs or activities receiving federal financial assistance;
- b. Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.) prohibits discrimination on the basis of sex under federally assisted education programs or activities;
- c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) prohibits discrimination on the basis of handicap under any program or activity receiving or benefitting from federal assistance;
- d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance;
- e. The Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§12101 et seq.) ("ADA"), including the ADA Amendments Act of 2008 (Public Law 110-325), (ADAAA") prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation;
- f. Any other applicable non-discrimination law(s).

Grievance Procedure

The grievance procedure is intended to address allegations of discrimination, in which the individual(s) feel like they have been excluded from DPNR's activities, benefits, services or programs. The grievance procedure provides a process for filing a timely complaint to the

proper authority and describes the process that will be used to investigate and resolve the complaint.

Nondiscrimination Coordinator

Janelle L. Chesterfield

Non-Discrimination Coordinator
Department of Planning and Natural Resources
4611 Tutu Park Mall, Ste. 300
Charlotte Amalie
St. Thomas, VI 00802
Telephone: (340) 774-3320
Email: janelle.chesterfield@dpnr.vi.gov

The Nondiscrimination Coordinator is responsible for the following:

- Coordinating the implementation of this policy across the Department of Planning and Natural Resources ("DPNR").
- Overseeing and guiding the complainant through the grievances process.
- Providing notices and information to complainants throughout the grievance process.
- Manage files and records of complaints pertaining to the Department.
- Ensuring all parties are aware of their rights and responsibilities under this policy.
- Responsible for coordinating the correct person(s) from DPNR to ensure the grievance is addressed efficiently and correctly.
- Conduct periodic evaluations of the efficacy of efforts to provide services, aids, benefits, and participation in any of your programs or activities without regard to race, color, national origin, disability, age, sex or prior exercise of rights of opposition to actions protected under federal non-discrimination laws.

Language Access

If you require accessibility or disability-related accommodations, language assistance, language translation, or interpretive services access the Nondiscrimination Policy, please contact our Nondiscrimination Coordinator at janelle.chesterfield@dpnr.vi.gov.

Who can file a Discrimination Complaint?

Persons who believe that they themselves or another person or persons haven been subjected to discrimination by DPNR on the basis of race, color, national origin, age, disability, or sex may file a complaint under this procedure. It is against the law for DPNR to retaliate against anyone who reports or opposes discrimination, files a grievance, or participates in the investigation of a grievance.

A complainant filing on behalf of another person(s) is responsible for securing any necessary written consent from that individual. The complaints shall be in writing and signed by the

complainant or the complainant's representative and shall include the contact information for the complainant or their representative.

Submission of a Complaint

Informal Complaints

The Non-Discrimination Coordinator may reach out for additional information to work towards informal resolution of the complaint through direct communication with the complainant or their representative. Informal resolution may include open dialogue, discussion using a staff member as an intermediary, or other process that results in an acceptable solution within ten (10) business days from the acceptance of the complaint. Any such informal resolution agreement must be signed by both the Non-Discrimination Coordinator and the complainant.

Formal Complaints - Filing a Complaint

- A. The complaint should:
 - 1. Be in writing via email or mail (any other form other than email or physical mail will not be considered a valid form of complaint);
 - 2. Be filed within 60 days of the date the person filing the complaint becomes aware of the alleged discriminatory action. **DPNR may be willing to waive the sixty (60) calendar day requirement if the complainant shows good cause and/or under severe circumstances;**
 - 3. Must contain the name and address of the person filing the complaint, other contact information (such as phone number or email address);
 - 4. The complaint must state the problem (as much detail as possible) or action that is alleged to be discriminatory and the remedy or relief sought; and
 - 5. Identify the parties impacted or potentially impacted by the alleged discrimination.

DPNR may request additional information from the complainant, if this information is needed to meet the complaint requirements described above.

If the complainant needs more information, accommodation, assistance with or help submitting a complaint, requires an alternative means of submission due to disability, language assistance, language translation, interpretive services access or for any other reason, please contact our Nondiscrimination Coordinator at janelle.chesterfield@dpnr.vi.gov.

Within 15 business days of receiving a written complaint, DPNR will provide the complainant with a written notice receipt (only applies to email or physical mail; messages through social media will not be accepted as formal complaints). DPNR will create a case file containing all

information in relation to the complaint and will provide the complainant with written notice that the complaint is complete.

Responding to a Complaint

The Nondiscrimination Coordinator (or a designee) shall investigate the complaint. This investigation may be informal, but it will be thorough, giving all interested people an opportunity to submit evidence relevant to the complaint. The investigation may include interviews with DPNR employees, other relevant witnesses, or others named in the complaint. DPNR employees shall make themselves available as necessary. To the extent possible, and in accordance with applicable law, the Nondiscrimination Coordinator will take appropriate steps to preserve the confidentiality of files and records relating to complaints and will share them only with those who have a need to know.

A complaint shall be regarded as meriting an investigation unless:

- a. it clearly appears to be frivolous or trivial;
- b. within the time allotted to investigate the merit of the complaint, DPNR voluntarily concedes noncompliance and agrees to take appropriate remedial action or reaches an informal resolution with the complainant;
- c. within the time allotted to investigate the merit of the complaint, the complainant withdraws the complaint; or
- d. It is not timely and good cause does not exist for waiving the timing requirement under section A.2.

Disposition of Complaints

The Nondiscrimination Coordinator will issue a written decision on the complaint, based on the preponderance of the evidence, no later than 120 days after its filing, unless in the reasonable judgment of the Nondiscrimination Coordinator, further time is required to investigate and respond to the complaint, in which case the Nondiscrimination Coordinator will notify the complainant of the need of more time and the additional time, which shall not be more than 30 days, needed.

The Nondiscrimination Coordinator will provide the written decision to the complainant, along with notice to that person of the right to pursue further administrative or legal remedies.

Appeal of the complaint

The person submitting the complaint may appeal the decision of the Nondiscrimination Coordinator by writing to the Commissioner of DPNR – Jean-Pierre L. Oriol at jp.oriol@dpnr.vi.gov, within fifteen (15) calendar days of the date of the written decision. The Commissioner shall issue a written decision in response to the appeal no later than thirty (30) calendar days after its filing.

Non-Retaliation

The Department of Planning and Natural Resources is committed to fostering an environment where individuals can invoke these grievances procedures without fear of retaliation or reprisal. DPNR explicitly prohibits retaliation against any individual for any purpose, including the purpose of interfering with any right or privilege guaranteed under any 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 practiced made unlawful under any state or federal statute or regulations. Prohibited retaliatory acts include coercion, intimidation, harassment, threats, or discrimination directed against any such individual or group. If any person feels that he or she has been retaliated against, the alleged violation should be reported to the Nondiscrimination Coordinator and will be handled promptly and fairly pursuant to DPNR's Grievance Procedure.