

**IOWA DEPARTMENT OF NATURAL RESOURCES
TITLE VI/DISCRIMINATION COMPLAINT PROCEDURE (NON-EMPLOYEE)**

The Iowa Department of Natural Resources (herein referred to as DNR) prohibits discrimination, intimidation and/or retaliatory conduct on the basis of race, color, religion, national origin, English-language proficiency, sex, sexual orientation, gender identity, age, or disability in the administration of its programs or activities, as required by applicable laws and regulations.

DNR's Environmental Justice Coordinator (EJC) shall be responsible for coordination and implementation of the complaint procedures outlined herein. The EJC shall receive and review complaints, communicate with complainants, investigate complaints or arrange for the investigation of complaints, issue letters and notices, and perform other actions necessary to fulfill DNR's obligations under non-discrimination statutes.

The complaint procedure is as follows:

1. A complaint regarding prohibited discrimination in DNR's services, programs and activities should be submitted by the complainant or his/her designee as soon as possible but no later than 180 calendar days of the last alleged discriminatory incident to:
 - Iowa Department of Natural Resources
 - c/o Rachel Zander, Acting Environmental Justice Coordinator
 - Wallace State Office Bldg
 - 502 E 9th St
 - Des Moines, IA 50319
 - Rachel.Zander@dnr.iowa.gov

2. The complaint must include the following information:
 - A. Name, mailing address, and residential address of the complainant.
 - B. The name of the entity that is the subject of the complaint (hereinafter "the respondent").
 - C. The basis for the complaint (i.e., a description of the alleged discriminatory act or acts giving rise to the complaint).
 - D. Whether the complaint is filed within 180 days of the last alleged discriminatory act or acts and, if not so filed, any good cause that may exist to warrant extension of the 180-day deadline for filing.
 - E. Whether a complaint has been filed with another agency or court, the agency or court where it was filed and relevant contact information.
 - F. Complainant's signature and date.

3. If the complainant is unable to submit a written complaint, DNR's EJC should be contacted in order to request reasonable accommodations to this procedure. Such accommodations may include, but are not limited to, using a relay service to communicate with a complainant who has a hearing impairment or arrange for interpretive services for those with limited English proficiency. DNR shall work to ensure that individuals have full access to the complaint filing and investigative process.

4. Upon receipt of a complaint, the EJC shall review the complaint to determine whether DNR has jurisdiction to investigate the issues presented. For DNR to have jurisdiction, the following criteria must be met:
 - A. The complaint must be in writing.
 - B. The complaint must allege a discriminatory act that, if true, may violate Title VI of the 1964 Civil Rights Act, another applicable federal nondiscrimination law (e.g., Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act, as amended (ADAAA); Section 13 of the Federal Water Pollution Control Act Amendments of 1972; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and 40 C.F.R. Parts 5 and 7) or DNR's nondiscrimination policy, such as an act or policy that subjects a person or persons to discriminatory treatment or results in discriminatory impact on a person or persons on the basis of a personal characteristic set forth in the nondiscrimination policy (e.g., race); or that, if true, may constitute intimidation or retaliation toward any person or persons on the basis of a personal characteristic

set forth in the nondiscrimination policy or on the basis of previous interaction with DNR, including via the procedure set forth herein.

- C. The complaint must identify a respondent that is a bureau, subdivision, or agent of DNR, including organizations that receive DNR funding or operate on behalf of DNR.
- D. The complaint must be submitted in writing within 180 days of the last alleged discriminatory act or good cause must exist to waive the 180-day deadline. In determining whether good cause to waive the 180-day deadline exists, the EJC shall consider, among other concerns, the feasibility of investigatory fact finding in light of extended delay.

If DNR does not have jurisdiction, a no-jurisdiction letter shall be issued within 10 business days of said determination. A no-jurisdiction letter shall result in DNR's closure of the complaint file. A no-jurisdiction letter may include a formal referral to another agency in instances where the referred agency's jurisdiction and/or ability to address the complaint is readily apparent to the EJC.

If DNR has jurisdiction, a letter of acceptance shall be issued within 10 business days of said determination.

- 5. Once a letter of acceptance has been issued, the EJC shall:
 - A. Notify the respondent of the complaint and request the respondent provide a written response to the complaint within a reasonable time.
 - B. Conduct an appropriate, timely, and impartial investigation of the allegations, which may include interviews of the complainant, DNR staff, any witnesses to the alleged discrimination, and other persons with relevant personal knowledge. The investigation may also include a review of any physical or written material provided by the complainant or respondent. A preponderance of the evidence standard shall be applied during the analysis of the complaint.
 - C. Attempt, if possible, to conciliate and resolve the complaint through a mutually agreeable solution. The focus of this informal resolution process should include improving agency procedures with the intent of preempting the need for future complaints. Upon informal resolution as contemplated here, the EJC shall provide a letter of resolution summarizing the allegations and describing the informal resolution mutually agreed to by the complainant and the respondent. Such a letter of resolution shall result in DNR's closure of the complaint file.
- 6. Within 180 days of the completion of the investigation and exhaustion of the possibility of informal resolution as set forth above, the EJC shall make a preliminary written finding as to the complaint. Such preliminary findings shall be either:
 - A. A finding that the respondent is in compliance with applicable nondiscrimination law or policy; or
 - B. A finding that the respondent is in violation of applicable nondiscrimination law or policy.

Upon a finding of compliance, the EJC shall prepare a closure letter summarizing the allegations and investigative process and stating that the complaint file shall be closed and shall send copies thereof to complainant and respondent. A preliminary finding of compliance shall result in DNR's closure of the complaint file. Upon a finding of violation, the EJC shall prepare a letter of remediation summarizing the allegations and investigative process and explaining actions the respondent shall take in order to come into compliance. The letter shall prescribe a reasonable time for the respondent to complete the remedial actions set forth therein.

- 7. The EJC shall maintain copies of complaints and documentation related to the investigation and resolution thereof for a period of not less than two years.
- 8. The above procedures do not limit or deny the right of the complainant to file a complaint with state or federal agencies, or to seek private counsel for complaints alleging discrimination, intimidation, or retaliation of any kind that is prohibited by law.