

DISCOVERY CLEAN WATER ALLIANCE

RESOLUTION NO. 2024-01

A RESOLUTION OF DISCOVERY CLEAN WATER ALLIANCE, ADOPTING THE CIVIL RIGHTS AND NON-DISCRIMINATION POLICY FOR THE DISCOVERY CLEAN WATER ALLIANCE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Federal and State laws prohibit unlawful discrimination; and

WHEREAS, Title 40 of the Code of Federal Regulation (CFR), Part 7, Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency, prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in programs or activities receiving federal assistance from the United States Environmental Protection Agency (EPA); and

WHEREAS, Washington State laws and administrative rules prohibit discrimination on the basis of age, ancestry, color, disability, marital status, national origin, parental/family status, race, religion/creed, retaliation, sex and use of a guide dog or service animal; and

WHEREAS, it is in the best interests of the Alliance and its ratepayers to apply for governmental funding for projects whenever possible at all times in compliance with non-discrimination requirements; now, therefore

BE IT RESOLVED by the Board of Directors of Discovery Clean Water Alliance that the Civil Rights and Non-Discrimination Policy attached to this Resolution is hereby approved and adopted.

ADOPTED by the Board of Directors of Discovery Clean Water Alliance at a regular meeting held on June 21, 2024.

DISCOVERY CLEAN WATER ALLIANCE



Chair, Board of Directors



Laying the foundation
for a vibrant economy
and healthy environment

Discovery Clean Water Alliance



Civil Rights and Non-Discrimination Policy

Resolution #2024-01
Effective: 6/21/2024

DISCOVERY CLEAN WATER ALLIANCE CIVIL RIGHTS and NON-DISCRIMINATION POLICY

Purpose

Federal and state laws prohibit unlawful discrimination. For example, Title 40 of the Code of Federal Regulations (CFR), Part 7, Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency, prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in programs or activities receiving federal assistance from the United States Environmental Protection Agency (EPA). State law prohibits discrimination on the basis of age, ancestry, color, disability, marital status, national origin, parental/family status, race, religion/creed, retaliation, sex and use of a guide dog or service animal. See WAC 162-04-010. As set forth in this policy, the Discovery Clean Water Alliance (Alliance) is committed to these principles in its services and contracting, including to:

1. Collect, maintain, and provide information showing compliance with 40 CFR Part 7.
2. Designate a person to be the Non-discrimination Compliance Coordinator to coordinate efforts to comply with 40 CFR Part 7.
3. Adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 CFR Part 7.
4. Provide continuing and prominent public notice of non-discrimination and of the identity and contact information for the Non-discrimination Compliance Coordinator.

As set forth below, it is the Alliance's policy not to discriminate based on numerous factors, including those in 40 CFR Part 7 and other applicable state and federal laws. In addition, the Alliance adopts the following to implement the requirements of 40 CFR Part 7.

Personnel Affected

All contractors and stakeholders seeking access to the Alliance services, programs, or activities.

Policy

A. Compliance Information

1. The Alliance shall collect, maintain, and on request of the EPA External Civil Rights Compliance Office (ECRCO), provide the following information to show compliance with 40 CFR Part 7:
 - a. A brief description of any lawsuits pending against the Alliance that allege discrimination prohibited by 40 CFR Part 7.
 - b. Racial/ethnic, national origin, age, sex, handicap, and disability data, or EPA Form 4700-4 information submitted with the Alliance applications for EPA assistance.
 - c. A log of discrimination complaints that identify the complaint, the date it was filed, the date the Alliance's investigation was completed, the disposition, and the date of disposition.

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- d. Reports of any compliance reviews conducted by any other agencies.
 - e. Additional data and information specific to certain Alliance programs or activities to determine compliance where there is reason to believe that discrimination may exist in an Alliance program or activity or to investigate a complaint alleging discrimination in an Alliance program or activity.
2. When preparing compliance information, the Alliance shall use the classifications set forth in 40 CFR Section 7.25.

B. Records Retention and Access

The Alliance shall keep records of the compliance information identified in paragraphs (1)(a) – (1)(b) for:

- At least three (3) years after completing a project for which the Alliance was a recipient of EPA assistance; OR
- Until the complaint is resolved, when any complaint or other action for alleged failure by the Alliance to comply with 40 CFR Part 7 is brought before the three-year period ends.

The Alliance shall give federal or state agencies 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 CFR Part 7. In addition, the Alliance shall:

- Make compliance information available to the public upon request.
- Assist in obtaining other required information that is in the possession of other state agencies, institutions, or persons not under the Alliance's control. If such party refuses to release that information, the Alliance shall inform the applicable federal or state agencies and explain its efforts to obtain the information.

C. Non-discrimination Compliance Coordinator

The Alliance's Executive Director has designated a position as the Non-discrimination Compliance Coordinator (NCC), who is responsible to coordinate the Alliance's efforts to comply with its obligations under 40 CFR Part 7. Unless revised by the Executive Director, the NCC contact is:

Hilary Gorham,
Human Resources Manager
Clark Regional Wastewater District
8000 NE 52nd Ct
Vancouver, WA 98665
(360) 360-5303
Email: civilrights@crwwd.com

D. Notice of Non-discrimination

The Alliance shall provide continuing notice that it does not discriminate in any of its programs, services, or activities. See Appendix C to this Policy. Where appropriate or upon request, such notice shall be in a language or languages other than English. The

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notice shall identify the current Alliance NCC as the responsible individual designated to coordinate the Alliance's efforts to comply with its obligations under 40 CFR Part 7.

1. Methods of Notice

Methods of notice shall accommodate those with impaired vision or hearing. At a minimum, this notice shall be posted on the Alliance's website and in a prominent place at the Alliance's facilities.

2. Non-discrimination Statement

The text of the notice to be provided under this policy shall read as follows:

The Discovery Clean Water Alliance (Alliance) is committed to a policy of non-discrimination in the conduct of its business, to the delivery of equitable and accessible services, and to ensuring full compliance with federal and state non-discrimination laws in all programs, services, and activities. The Alliance will not discriminate on the basis of age, ancestry, color, disability, marital status, national origin, parental/family status, race, religion/creed, retaliation, sex and use of a guide dog or service animal, sexual orientation, political beliefs, genetic information, or veteran's status. The Alliance does not intimidate or retaliate against any individual or group because they have exercised their protected rights or for the purpose of interfering with such rights protected under 40 CFR Parts 5 and 7, including Title VI and VII 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; Section 13 of the Federal Water Pollution Control Act Amendments of 1972 and Chapter 49.60 RCW, Washington's Law Against Discrimination, and 42 U.S.C. 12101 et seq., the Americans with Disabilities Act (ADA).

If you have any questions about this notice or any of the Alliance's non-discrimination programs, policies, or procedures, or if you believe that you have been discriminated against with respect to an Alliance program, service, or activity, you may contact the Alliance's Non-discrimination Compliance Coordinator. Or you may visit Alliance's website at www.discoverycwa.com/civilrights to obtain a copy of its policies and procedures or to file a grievance/complaint of discrimination.

3. General Publications

General publications that are distributed to the public (e.g., public outreach materials, such as brochures, notices, fact sheets, or other information on rights and services; applications or forms to participate in or access the Alliance programs, processes, or activities) shall include the following Notice of Non-discrimination:

The Alliance does not discriminate on the basis of age, ancestry, color, disability, marital status, national origin, parental/family status, race, religion/creed, retaliation, sex and use of a guide dog or service animal, sexual orientation, political beliefs, genetic information or veteran's status in the administration of any of its programs, services or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.

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E. Grievance Procedures

The Alliance adopts the Grievance Process and related procedures, attached to this Policy as Appendix A. The Grievance Process allows any person or group to submit a complaint alleging unlawful discrimination of any kind by the Alliance, including discrimination by the Alliance that may constitute a violation of 40 CFR Part 7 or of any state or federal statutes or regulations that the Alliance enforces, and in order to assure the prompt and fair resolution of any such discrimination complaints. The Grievance Process shall be posted on the Alliance website.

F. Retaliation

To ensure individuals can invoke the Grievance Process and related procedures without fear of reprisal, the Alliance explicitly prohibits retaliation against any individual for any purpose, including for 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 practice made unlawful under any state or federal statutes or regulations. Prohibited retaliatory acts include intimidation, threats, coercion, or discrimination against any such individual or group. Any concern regarding retaliation should be reported to the NCC.

Claims of intimidation and retaliation will be handled promptly and fairly pursuant to the Alliance Non-discrimination Grievance Policy and Procedures and in the same manner as other claims of discrimination.

G. Complaint Tracking and Review

All complaints will be logged, tracked, and reviewed regularly by the NCC. The log will include a summary of allegations, status, and the final determination and or resolution. The review shall include an analysis of patterns of complaints or systemic problems within the Alliance, its programs, and services.

H. Policy Review

This policy is reviewed on a regular basis (for both print and online materials) and revised as necessary to ensure compliance with current laws, statutes, and regulations and to provide for the prompt and fair resolution of discrimination complaints.

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APPENDIX A

GRIEVANCES PROCESS AND PROCEDURES

If a request for access to Alliance programs, services or facilities or a complaint regarding the equitable delivery of its programs and services is not resolved to the individual's satisfaction, that individual may file a grievance with the Alliance. The Alliance has adopted this procedure to provide for the prompt and fair resolution of civil rights complaints alleging any action that the Civil Rights Act prohibits, the Americans with Disabilities Act, and or other federal and state laws regarding the delivery of equitable and accessible services.

The resolution of any specific grievance will require consideration of varying circumstances, such as the nature of the equity of or access to services, programs or facilities of issue, and the essential eligibility requirements for participation; the health and safety of others; the specific nature of a disability; and the degree to which an accommodation would constitute a fundamental alteration to the program, service or facility, or cause an undue hardship to the Alliance. Accordingly, the resolution by the Alliance of any one grievance does not constitute a precedent upon which the Alliance is bound or upon which other complaining parties may rely.

Grievance Process

Step 1 – Grievance Submission. An individual wishing to submit a grievance should use the Alliance's Discrimination Complaint Form online, www.discoverycwa.com/about/documents/Discrimination-Complaint-Form.pdf, which is also available by contacting the Non-discrimination Compliance Coordinator (NCC). The Complaint Form is also attached to this Policy as Appendix B. If the grievance is not filed on the Discrimination Complaint Form, it should nonetheless contain the following information:

1. The name, address and telephone number of the person filing the grievance.
2. The name, address and telephone number of the person alleging the violation, if other than the person filing the grievance.
3. A description of the alleged violation.
4. A description of the remedy sought.
5. Information regarding whether a complaint has been filed with the Department of Justice or other federal or state civil rights agency or court, including the following information:
 - a. The name of the agency or court where the complaint was filed,
 - b. The date the complaint was filed, and
 - c. The name, address, and telephone number of a contact person with the agency or court.

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6. An oral grievance can be filed by contacting the NCC. The oral grievance will be reduced to writing by the NCC utilizing the Discrimination Complaint Form and will be provided to the grievant for signature.

Step 2 - Acknowledgement.

Generally, a grievance will be acknowledged by the Alliance in writing within seven (7) business days of its receipt.

Step 3 - Complaint Logging.

All complaint submittals meeting the requirements in Step 1 are to be logged. The NCC shall also notify the Executive Director of the grievance.

Step 4 – Initial Review and Determination if complaint warrants investigation.

All logged complaints will receive an appropriate, prompt, and unbiased investigation. Within 45 calendar days of receipt, the NCC will conduct an initial investigation necessary to determine the validity of the alleged violation.

Step 5 – Informal Resolution.

If appropriate, the NCC will arrange to meet with the grievant to discuss the matter and attempt to reach an informal resolution of the grievance. Any informal resolution of the grievance will be documented in the Alliance's Grievance File.

Step 6 – Further Investigation.

If a resolution has not been reached, the NCC will conduct further investigation in order to support a determination regarding the grievance.

Step 7 – Determination.

Within 60 calendar days of receipt, the NCC shall issue a written determination, a copy of which shall be forwarded to the grievant. The determination shall address the validity of the complaint and description of the investigation's findings.

Step 8 – Reconsideration.

Within 30 calendar days of the determination, the grievant may request reconsideration if they are dissatisfied with the written determination and/or resolution. The request for reconsideration shall be submitted in writing to the NCC.

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Step 9 – Final Determination.

Within 60 calendar days from the grievant filing the request for reconsideration, the Executive Director shall review the request and make a final determination. The determination shall be made in writing, a certified copy of which shall be provided to the grievant.

Step 10 – Appeal.

Within 21 calendar days of the date of the Executive Director's final determination, the grievant may appeal the final determination to the Alliance Board of Directors (Board). The appeal shall be submitted in writing to the NCC.

Step 11 – Board Review.

Within 30 calendar days of filing the appeal, Alliance shall schedule a date for the appeal to be considered by the Board. The grievant shall be notified in writing in advance of the meeting date.

Step 12 – Issuance.

Within 30 calendar days of the Board meeting, the Board shall issue a written decision, a copy of which shall be provided to the grievant.

Legal Complaint

If the grievant is dissatisfied with the Alliance's handling of the grievance at any stage of the process or does not wish to file a grievance through the Civil Rights Grievance Procedure, the grievant may file a complaint directly with the United States Department of Justice, or other appropriate state or federal agency or court. Use of the Alliance's grievance procedure is not a prerequisite to the pursuit of other remedies.

Records Retention

The Alliance's NCC shall maintain all documents on file for civil rights grievances for:

- a period of three (3) years, or
- until the complaint is resolved when any complaint or other action for alleged failure by the Alliance to comply with 40 CFR Part 7 is brought before the three (3) year period ends,
- or as otherwise required by the state Public Records Act at Chapter 42.56 RCW.

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APPENDIX B

Discrimination/ADA Complaint Form

Instructions: Please fill out this form completely, sign and submit it online. If filling out this form presents a hardship for you, you may orally report your complaint by contacting the Non-discrimination Compliance Coordinator at (360) 360-5303.

Complainant: *(Required)*

First Name Last Name

Address: *(Required)*

Street Address Address Line 2 City State

ZIP Code

Telephone - Home:

Telephone - Business:

Email: *(Required)*

Person Discriminated Against: *(Required)*

- Complainant
 Other

Incident Details:

Date of Incident: *(Required)*

Day

Month

Year

Time:

Hours

:

Minutes

AM/PM

Basis of Discrimination:

race

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- color
- religion/creed
- age
- sex
- national origin/ancestry
- physical/mental disability
- medical condition
- marital status
- veteran's status
- genetic information
- retaliation
- other

Description of Complaint:

Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status was a factor in the discrimination. Include how other persons were treated differently from you. Provide the name(s) where possible, of the individuals involved:



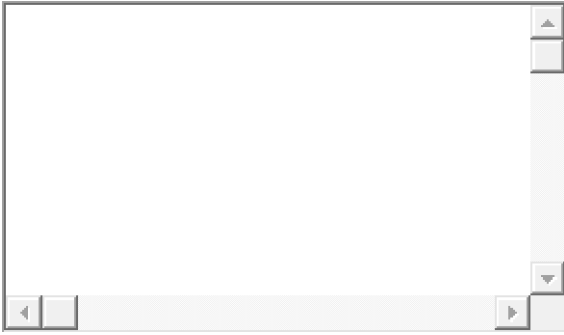
Are there other person(s) (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify the complaint:

- Yes
- No

Resolution of Complaint:

Describe how you would like to see this complaint resolved.

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Other Remedies: *(Required)*

Has the complaint been filed with any other Federal, State or local civil rights agency or court?

- Yes
 No

Signature: *(Required)*

Sign online using a mouse or stylus.



Full Name: *(Required)*

Date:

Month

Day

Year

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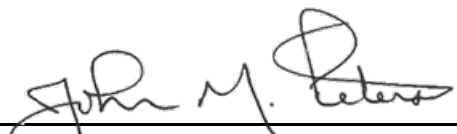
APPENDIX C

**CIVIL RIGHTS POLICIES & PROCEDURES
Non-discrimination Statement**

The Discovery Clean Water Alliance (Alliance) is committed to a policy of non-discrimination in the conduct of its business, to the delivery of equitable and accessible services, and to ensuring full compliance with federal and state non-discrimination laws in all programs, services and activities.

The Alliance will not discriminate on the basis of age, ancestry, color, disability, marital status, national origin, parental/family status, race, religion/creed, retaliation, sex and use of a guide dog or service animal, *sexual orientation, political beliefs, genetic information, or veteran's status*. The Alliance does not intimidate or retaliate against any individual or group because they have exercised their protected rights or for the purpose of interfering with such rights protected under 40 CFR Parts 5 and 7, including Title VI and VII 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; Section 13 of the Federal Water Pollution Control Act Amendments of 1972 and Chapter 49.60 RCW, Washington's Law Against Discrimination, and 42 U.S.C. 12101 et seq, the Americans with Disabilities Act (ADA).

If you have any questions about this notice or any of the Alliance's non-discrimination programs, policies, or procedures, or if you believe that you have been discriminated against with respect to an Alliance program, service or activity, you may contact the Alliance's Non-discrimination Compliance Coordinator.



John M. Peterson, Executive Director

June 21, 2024
Effective Date

REVIEWED: