(Revised January 2020)

PROCEDURAL SAFEGUARDS CHECKLIST FOR RECIPIENTS
FEDERAL NON-DISCRIMINATION OBLIGATIONS AND BEST PRACTICES[1]

Federal Non-Discrimination Laws: Collectively, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Section 13 of Federal Water Pollution Control Act of 1972, and Title IX of the Education Amendments of 1972; and EPA's implementing non-discrimination regulations at 40 C.F.R. Parts 5 and 7.

Item	Yes, with Supporting Documentation	In Progress	No
Notice of Non-Discrimination under the Federal Non-Discrimination Laws[2]			
(See Attachment for recommended text of notice.)			
Post the non-discrimination notice in a prominent place:			
• in your offices and facilities			
• on your website's homepage			
• in general publications distributed to the public			
Ensure the non-discrimination notice			
• is accessible to limited-English proficient individuals and individuals with disabilities			
• clearly identifies the non-discrimination coordinator, including name and contact information			
Grievance Procedures to Process Discrimination Complaints filed under the Federal Non-Discrimination Laws[3]			
Adopt grievance procedures that are prominently published[4] in print and online and that:			
• clearly identify the non-discrimination coordinator, including name and contact information			

[1] This Checklist is provided for the purpose of providing technical assistance to assist Recipients in complying with federal non-discrimination laws. *See* 40 C.F.R. § 7.105. It is not intended as legal advice. Also, while EPA has made every effort to ensure the accuracy of the information discussed in this Checklist, the relevant statutes, regulations, and other legally binding requirements determine Recipient's obligations as a recipient. In the event of a conflict between the Checklist and any federal non-discrimination law, the Checklist would not control.
[2] 40 C.F.R. § 7.95(a); 40 C.F.R. § 5.140.
[3] 40 C.F.R. § 7.90; 40 C.F.R. § 5.135(b).
[4] 40 C.F.R. § 5.135(b).

Item	Yes, with Supporting Documentation	In Progress	No
• explain the role of the non-discrimination coordinator relative to the coordination and oversight of the grievance procedures			
• state who may file a complaint under the grievance procedures and describe the appropriate bases for filing a complaint			
• describe which formal and informal processes are available, and the options for complainants in pursuing either			
• state that the preponderance of the evidence standard will be applied during the analysis of the complaint			
• contain assurances that intimidation and retaliation are prohibited[5] and that claims of intimidation and retaliation will be handled promptly and fairly pursuant to your grievance procedures in the same manner as other claims of discrimination			
• assure the prompt and fair resolution of complaints which allege violation of federal non-discrimination laws			
• state that written notice will be promptly provided about the outcome of the investigation, including whether discrimination is found and the description of the investigation process[6]			
• are reviewed on an annual basis (for both in-print and online materials), and revised as necessary, to ensure prompt and fair resolution of discrimination complaints			
Non-Discrimination Coordinator[7]			
Designate at least one non-discrimination coordinator to ensure compliance with the federal non-discrimination laws, who will:			
• provide information to individuals internally and externally that you do not discriminate on the basis of race, color, national origin,			

[5] *See* 40 C.F.R. § 7.100.
[6] Whether ECRCO would consider a recipient's complaint investigation and resolution to be "prompt" will vary depending on the complexity of the investigation and the severity and extent of the alleged discrimination. For example, the investigation and resolution of a complaint involving multiple allegations and multiple complainants likely would take longer than one involving a single allegation of discrimination and a single complainant.
[7] 40 C.F.R. § 7.85(g): 40 C.F.R. § 5.135(a).

Item	Yes, with Supporting Documentation	In Progress	No
disability, age, or sex in administration of your programs or activities, and you do not intimidate or retaliate against any individual or group because they have exercised their rights to participate in or oppose actions protected/prohibited by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights			
• provide notice of your formal and informal grievance processes and the ability to file a discrimination complaint			
• establish a mechanism (*e.g.*, an investigation manual) for implementation of your grievance procedures to ensure that all discrimination complaints filed with you under federal non-discrimination laws are processed promptly and fairly. One element of any policy and procedure or mechanism must include providing meaningful access for limited-English proficient individuals and individuals with disabilities to your programs and activities			
• track all complaints filed with you under federal non-discrimination laws, including any patterns or systemic problems			
• conduct semiannual reviews of all formal and informal discrimination complaints filed with you under federal non-discrimination laws and/or any other complaints independently investigated by you to identify and address any patterns or systemic problems			
• ensure that appropriate training is provided for your staff in the formal and informal processes available to resolve complaints filed with you under federal non-discrimination laws			
• provide or procure training services for your staff to ensure that they are appropriately trained on your non-discrimination policies and procedures, as well as the nature of your obligation to comply with federal non-discrimination laws			
• ensure that complainants are updated on the progress of their discrimination complaints filed with you under federal non-			

Item	Yes, with Supporting Documentation	In Progress	No
discrimination laws and promptly informed as to any determinations you have made			
• undertake periodic evaluations of the efficacy of your 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 or opposition to actions protected under federal non-discrimination laws			
• not have other responsibilities that create a conflict of interest (*e.g.*, serving as your non-discrimination coordinator as well as your legal advisor or representative on civil rights issues)			
Public Participation			
Ensure your public involvement process is available to all persons regardless of race, color, national origin, disability, age, sex or prior exercise of rights or opposition to actions protected under federal non-discrimination laws.			
Ensure that the factors used to determine the appropriate time, place, location, duration, and security at public meetings are developed and applied in a non-discriminatory manner.			
Develop, publicize and implement written public participation procedures (consistent with EPA's Public Participation Guidance found at 71 FR 14207, 14210 (March 21, 2006)), that include implementation of steps for effective public participation that is accessible to all persons regardless of race, color, national origin (including LEP), disability, age, and sex each time you engage in a public participation or public involvement process. For example:			
• develop a description of the community (including demographics, history, and background)			
• provide a contact list of your relevant staff members, including phone numbers and email addresses, to allow the public to communicate via phone or internet			

Item	Yes, with Supporting Documentation	In Progress	No
• develop a list of past and present community concerns (including any complaints filed under the federal non-discrimination laws)			
• develop and implement a detailed plan of action (outreach activities) you will take to address concerns			
• develop and implement a contingency plan for unexpected events			
• identify location(s) where public meetings will be held (consider the availability and schedules of public transportation)			
• develop a list of contact names for obtaining language assistance services for limited-English proficient persons, including translation of documents and/or interpreters for meetings			
• develop a list of appropriate local media contacts (based on the culture and linguistic needs of the community)			
• provide the location of the information repository			
Meaningful Access to Programs and Activities for Persons with Limited English Proficiency			
Conduct an appropriate analysis described in EPA's LEP Guidance, found at 69 FR 35602 (June 25, 2004) and http://www.lep.gov, to determine what language services or mix of language services you need to provide to ensure that limited-English proficient individuals can meaningfully participate in your programs and activities, and			
• develop a language access plan consistent EPA's LEP Guidance			
• develop, publicize, and implement written procedures to ensure meaningful access to all your programs and activities for all persons, including access for limited-English proficient individuals			
• translate vital documents of general interest into prominent languages			
• translate vital documents of individual interest to LEP individuals			
• provide for simultaneous oral interpretation of live proceedings (*e.g.*, town hall meetings and public hearings) in prominent languages			

Item	Yes, with Supporting Documentation	In Progress	No
• provide for simultaneous interpretation of proceedings, meetings, *etc.*, for individual LEP person participating in one of your programs or activities (*e.g.*, a LEP individual wishing to file a grievance or complaint)			
Meaningful Access to Programs and Activities for Persons with Disabilities			
Develop, publicize and implement written procedures to ensure meaningful access to your programs and activities for individuals with disabilities that:			
• provide, at no cost, appropriate auxiliary aids and services, including but not limited to, qualified interpreters to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication and an equal opportunity to participate fully in the benefits, activities, programs and services provided by you in a timely manner and in such a way as to protect the privacy and independence of the individual			
• ensure that your facilities and other facilities utilized by you (*e.g.*, if you hold a public hearing at a recreational center) are physically accessible for individuals with disabilities			

ATTACHMENT – NOTICE OF NON-DISCRIMINATION RECOMMENDED TEXT

[Recipient Name] does not discriminate on the basis of race, color, national origin, disability, age, or sex in administration of its programs or activities, and, [Recipient Name] does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

[Insert name and title of non-discrimination coordinator] is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI 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; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the federal non-discrimination laws).

If you have any questions about this notice or any of [Recipient Name]'s non-discrimination programs, policies or procedures, you may contact:

[Insert name and title of non-discrimination coordinator]
[Insert Recipient Name and Address]
[Insert phone number of non-discrimination coordinator]
[Insert email address of non-discrimination coordinator]

If you believe that you have been discriminated against with respect to a [Recipient Name] program or activity, you may contact the [insert title of non-discrimination coordinator] identified above or visit our website at [insert Recipient website address] to learn how and where to file a complaint of discrimination.