



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

Civil Rights Grievance Procedures

The Maine Human Rights Act, at 5 M.R.S. § 4630(1) prohibits discrimination by public entities:

A public entity may not discriminate against an individual, exclude an individual from participation in a service, program or activity of that public entity or otherwise deny to an individual the benefits of a service, program or activity of that public entity by reason of the individual's race or color, sex, sexual orientation or gender identity, age, physical or mental disability, religion, ancestry or national origin.

These procedures shall be followed by the Maine Department of Environmental Protection for any complaint against the Department alleging that the Department, or Department staff acting on behalf of the Department, has discriminated against a person in violation of Title IX of the federal Civil Rights Act or of the Maine Human Rights Act, Maine Revised Statutes Title 5, Chapter 337.

These procedures are adopted to provide individuals with a formal means for addressing civil rights complaints, to ensure the prompt and fair resolution of discrimination complaints, and to ensure the Department meets the requirements of 40 CFR Parts 5 and 7.

Intimidation and retaliation are prohibited, and claims of intimidation and retaliation will be handled promptly and fairly pursuant to these procedures in the same manner as other claims of discrimination.

The MEDEP Nondiscrimination Coordinator shall ensure these procedures are followed.

Definitions

For definitions of terms, see:

- 40 CFR Part 5.105
- 40 CFR Part 7.25
- 5 M.R.S. §4553 and §4553-A

MEDEP Nondiscrimination Coordinator

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A person may file a complaint with the MEDEP Nondiscrimination Coordinator or directly with the Maine Human Rights Commission. If the MEDEP Nondiscrimination Coordinator receives a complaint that the MEDEP has violated a person's rights under the Civil Rights Act, the Nondiscrimination Coordinator will provide the complainant with guidance to submit their complaint to the Maine Human Rights Commission.

If a person chooses to file a civil action against the MEDEP directly in Superior Court, the Nondiscrimination Coordinator will notify the Maine Office of the Attorney General (OAG) and the OAG will follow the procedures set forth by the Court.

A person may also choose to file a complaint with the U.S. Environmental Protection Agency's Office of External Civil Rights Compliance (OECRC). Information regarding the OECRC's process is available at <https://www.epa.gov/external-civil-rights>. Instructions for filing a complaint with OECRC are available at <https://www.epa.gov/external-civil-rights/filing-discrimination-complaint-against-recipient-epa-funds>. If a person files a complaint with the OECRC, the MEDEP's Nondiscrimination Coordinator will coordinate MEDEP's communication with OECRC.

For any complaint that the MEDEP discriminated against a MEDEP job applicant or employee, the Nondiscrimination Coordinator shall also notify the Human Resources Director of the Natural Resource Service Center.

Maine Human Rights Commission

Maine Revised Statutes Title 5, Section 4566 establishes the powers and duties of the Maine Human Rights Commission:

The commission has the duty of investigating all conditions and practices within the State which allegedly detract from the enjoyment, by each inhabitant of the State, of full human rights and personal dignity. Without limiting the generality of the foregoing, it has the duty of investigating all forms of invidious discrimination, whether carried out legally or illegally, and whether by public agencies or private persons. Based on its investigations, it has the further duty to recommend measures calculated to promote the full enjoyment of human rights and personal dignity by all the inhabitants of this State.

Filing a Complaint with the Commission

Any person who believes that they have been subjected to unlawful discrimination covered under the Maine Human Rights Act may file a complaint with the Maine Human Rights Commission. Any person who has solicited or received the services of the MEDEP and who believes MEDEP violated their civil rights may file a complaint against the MEDEP with the Maine Human Rights Commission. This applies to all activities which the MEDEP has authority to undertake, including the provision of funding,

charging fees, reviewing permit applications, and ensuring compliance with laws and rules MEDEP has the responsibility to implement.

See <https://www.maine.gov/mhrc/file> for procedures for filing a complaint with the Maine Human Rights Commission.

A complaint must be filed with the Maine Human Rights Commission within 300 days of the date of discrimination.

A complaint of discrimination must be sworn to under oath before a Notary Public or other person authorized by law to administer oaths.

Complaints of discrimination may be filed in person or by mail by filling out a form provided by the Commission. Complaints of discrimination must be filed at the office of the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333-0051.

Complaint Review Process

When the Commission receives a signed Complaint of Discrimination, a Case Number is assigned, and the MEDEP will be provided with a copy of the complaint along with a Request for Information and Documents. The Complainant will receive a copy of the material that is sent to the MEDEP. The Commission will establish a timeframe for the MEDEP to respond to the allegations.

The Commission will provide the Complainant with a copy of MEDEP's response. The Complainant will be given an opportunity to provide additional information in response to MEDEP's response.

The Commission will assign a case number and an investigator to the case. Once this has occurred, all communication by the Complainant regarding their case should go to the Commission's assigned investigator. If the Complainant continues to communicate with the MEDEP's Nondiscrimination Coordinator, the Nondiscrimination Coordinator will direct them to communicate with their assigned investigator instead.

The Commission's investigator may conduct interviews, hold an Issues and Resolution Conference, or a Fact Finding Conference.

Additional information regarding the Commission's complaint review process, including possible timeframes for each stage of the process, is available at <https://www.maine.gov/mhrc/file/after>.

Complaint Resolution

A Complainant may withdraw their complaint at any time by submitting a Withdrawal Form to the Commission.

The Complainant and MEDEP may agree on a settlement, subject to the approval of the Commission, before a decision is made as to whether or not discrimination has occurred. The investigator will work with the parties to reach agreement on ways to resolve the issues raised in the complaint. If a settlement is reached, the Commission will agree not to proceed with the case. The final Agreement is put in writing. The Commission makes sure the terms of the Agreement are met, and does not formally close the case until all obligations have been met. A Complainant may withdraw their complaint if they agree to terms with MEDEP.

If a Complainant does not withdraw their complaint and does not reach settlement with MEDEP, the investigator will issue an Investigator's Report with a recommendation to the Commission as to whether there are or are not reasonable grounds to believe that unlawful discrimination occurred. MEDEP will have seventeen (17) days to submit a written disagreement. The Commission will hear oral argument at a scheduled Commission meeting and then will vote on the case.

Review and Tracking

The Nondiscrimination Coordinator will track all complaints filed against the MEDEP and ensure any necessary changes to procedures are implemented to ensure compliance with Title IX and 40 C.F.R. Parts 5 and 7.

The Nondiscrimination Coordinator will review these procedures on an annual basis, and revise as necessary, to ensure prompt and fair resolution of discrimination complaints.

Approved by:



Melanie Loyzim, Commissioner

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