

# **Central Massachusetts Regional Planning Commission (CMRPC)**

## **Non-Discrimination Grievance and Complaint Procedure Policy**

### **INTRODUCTION**

The Central Massachusetts Regional Planning Commission (CMRPC) does not discriminate on the basis of race, color, national origin, disability, age, or sex in the administration of its programs or activities, as required by applicable Federal and State laws and regulations.

CMRPC is responsible for coordination of compliance efforts and receipt of inquiries concerning the non-discrimination requirements of 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; Title II of the Americans with Disabilities Act of 1990; and other applicable federal non-discrimination laws, including, but not limited to, Section 13 of the Federal Water Pollution Control Act Amendments of 1972 and 40 C.F.R. Part 7.

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

#### **Non-Discrimination Coordinator**

Stephanie Toupin, Human Resources Manager

1 Mercantile Street, Suite 520

Worcester, MA 01608

Phone Number: (508) 756-7717

E-mail Address: [stoupin@cmrpc.org](mailto:stoupin@cmrpc.org)

If you believe that you have been discriminated against with respect to a CMRPC program or activity, you may contact the Non-Discrimination Coordinator identified above to learn how and where to file a complaint of discrimination.

### **PURPOSE AND SCOPE**

The CMRPC Grievance Policy is applicable to all CMRPC employees and non-employees. A non-discrimination grievance can be filed for any of the following concerns: Workplace harassment, sexual harassment, health and safety, supervisor behavior, adverse changes in employment conditions, bullying, name-calling, offensive language or discriminatory practices.

Title 40 of the Code of Federal Regulations (C.F.R.), Parts 5 and 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 (including limited English proficiency), age, sex, or disability in programs or activities receiving financial assistance from the U.S. Environmental Protection Agency (U.S. EPA). It requires recipients of financial assistance from the U.S. EPA to:

- A. Designate a person to be the Non-Discrimination Coordinator to coordinate efforts to comply with 40 C.F.R., Parts 5 and 7;

- B. Collect, maintain, and provide information showing compliance with 40 C.F.R., Parts 5 and 7;
- C. Adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 C.F.R., Parts 5 and 7; and
- D. Provide continuing and prominent public notice of non-discrimination on the basis of race, color, national origin, age, sex, or disability, and of the identity and contact information for the Non-Discrimination Coordinator.

As set forth below, it is the Central Massachusetts Regional Planning Commission's (CMRPC) policy not to discriminate on the basis of several factors, including those in 40 C.F.R., Parts 5 and 7. For definitions of terms, please refer to "Definitions" in Section 7.25 of subpart A in 40 C.F.R., Part 7 and Section 5.105 of Subpart A, in 40 C.F.R. Part 5. In addition, CMRPC adopts the following procedures to implement the requirements of 40 C.F.R., Parts 5 and 7.

### **INFORMAL RESOLUTION**

It is advisable to resolve minor issues informally prior to filing a formal Grievance Complaint. The CMRPC Non-Discrimination Coordinator should be informed and will provide more guidance on whether a CMRPC employee or non-employee should proceed further with a formal complaint.

### **FORMAL GRIEVANCE PROCESS**

Any person who believes he/she has been discriminated against with respect to CMRPC programs or activities may file a complaint with the Non-Discrimination Coordinator. Any individual who files a complaint or testifies, assists, or participates in a non-discrimination investigation, proceeding, or hearing may not be intimidated or retaliated against by the Department for the purpose of interfering with any right or privilege guaranteed by the Civil Rights Act of 1964. CMRPC will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing qualified interpreters, providing taped cassettes of material for individuals with low vision, or assuring a barrier-free location for the proceedings. The CMRPC Non-Discrimination Coordinator(s) will be responsible for such arrangements.

You may file a signed, written complaint within 30 days of the date of the alleged discrimination. The complaint should include:

- Your name, address, and telephone number;
- Basis of the discrimination (race, color, national origin, etc.);
- How, why, and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination and any other relevant information; and
- Name(s) of any witness(es) who the CMRPC Non-Discrimination Coordinator may contact. Your complaint must be signed, dated, and submitted to the CMRPC Non-Discrimination Coordinator

## **SUBMISSION OF GRIEVANCE**

CMRPC adopts the following grievance procedures in order to assure the prompt and fair resolution of complaints that allege a violation by CMRPC of 40 C.F.R., Parts 5 and 7:

1. Grievances must be submitted to the CMRPC Non-Discrimination Coordinator(s) within 30 days of the date the person filing the grievance becomes aware of the alleged discriminatory action. Grievance submissions, in the preferred language of the complainant, can be emailed to [stoupin@cmrpc.org](mailto:stoupin@cmrpc.org), called in through the office number at (508) 756-7717, or mailed to the CMRPC office address listed below:

Central Massachusetts Regional Planning Commission  
1 Mercantile Street, Suite 520  
Worcester, MA 01608

2. A complaint must be in writing, containing the name and address of the person filing it and/or the identified representative. The complaint must state the date of the occurrence and the problem or action alleged to be discriminatory and the remedy or relief sought. The complaint shall specify with as much detail as possible:
3. The actions or inactions by CMRPC that support an alleged violation of 40 C.F.R., Parts 5 and 7; The alleged discrimination that did or will result from such actions or inactions; The identity of the person(s) harmed or potentially harmed by the alleged discrimination; The basis for why the action is believed to be discriminatory, and if possible, identifying the sections of 40 C.F.R., Parts 5 and 7, that were allegedly violated.
4. The CMRPC Non-Discrimination Coordinator (or their designee) will acknowledge receipt of the grievance within 10 business days and shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The CMRPC Non-Discrimination Coordinator(s) will maintain the files and records of CMRPC relating to such grievances. To the extent possible, and in accordance with applicable law, the CMRPC Non-Discrimination Coordinator(s) will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know.
5. The CMRPC Non-Discrimination Coordinator will issue a written decision on the grievance, based on a preponderance of the evidence, no later than 90 days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies. The written decision will include whether discrimination is found and the description of the investigation process.
6. CMRPC assures that intimidation and retaliation are prohibited and that claims of intimidation and retaliation will be handled promptly and fairly pursuant to the CMRPC Non-discrimination Grievance Policy and Procedures in the same manner as other claims of discrimination.
7. The person filing the grievance may appeal the decision of the CMRPC Non-Discrimination Coordinator by writing to the CMRPC Executive Director within 15 days of receiving the CMRPC Non-Discrimination Coordinator(s)'s decision. The CMRPC Executive Director shall issue a written decision in response to the appeal no later than 60 days after its filing.

8. The availability and use of this grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, disability, age, sex or retaliation, in court or with the U.S. Environmental Protection Agency, External Civil Rights Compliance Office. A person can file a complaint of discrimination electronically by writing to:

[TitleVI\\_Complaints@epa.gov](mailto:TitleVI_Complaints@epa.gov) or by mail or phone at:

U.S. EPA Office of External Civil Rights (OECRC)  
Office of Environmental Justice and External Civil Rights (Mail Code 2310A)  
1200 Pennsylvania Avenue N.W.,  
Washington, D.C. 20460  
PHONE: (202) 564-3316

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of race, color, national origin, disability, age, sex, sexual orientation, or marital status with the state of Massachusetts in accordance with Massachusetts law. Complaints of discrimination or retaliation on the basis of these classes can be filed by telephone or by mail to The Massachusetts Commission Against Discrimination (“MCAD”):

Boston Office:  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994-6000

## **POLICY VIOLATIONS**

If an employee is found to have violated the grievance procedure policy, they will be subject to disciplinary action, up to and including termination. The severity of each case will determine the type of disciplinary action, which may include a verbal or written warning, suspension, and/or termination.

If an employee is unequivocally proven to have committed the grievance, he/she/they is being accused of, CMRPC will adhere to its Disciplinary Action Policy to ensure that the matter is resolved justly and according to Commission guidelines.

## **REVIEW AND REVISION**

CMRPC Grievance Policy will be reviewed at least once per year, and revised when new information, procedures and protocols are deemed necessary.