



## IOWA DEPARTMENT OF NATURAL RESOURCES 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, creed, 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 will not tolerate discrimination, intimidation, threats, coercion, or retaliation against any individual or group because they have exercised their rights protected by federal or state law.

DNR's Nondiscrimination Coordinators shall be responsible for coordination and implementation of the complaint procedures outlined herein. A Nondiscrimination Coordinator 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. DNR is committed to the prompt and fair resolution of complaints that allege violation of federal non-discrimination laws.

If you need accommodations to access the DNR's programs or services because of a disability, requests may be made by contacting your local field office or the department's ADA coordinator at 515-725-8200. This information is available in alternative formats upon request by contacting the DNR at 515-725-8200. TTY users - Contact Relay Iowa at 800-735-2942.

### **Free language assistance - Asistencia lingüística gratuita**

If you speak a non-English language, we offer you language assistance services free of charge. Call (515) 725-8200.

Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Llame al (515) 725-8200.

### **Informal Complaints**

DNR encourages anyone with concerns about potential failure to provide services or discrimination in providing services to first discuss the matter with the Civil Rights Coordinator and/or ADA Coordinator. Individuals are not required to pursue the informal process first and may engage the formal complaint (grievance) process as their first step if preferred.

The purpose of the informal complaint process is to make a good faith effort to resolve the issue quickly and efficiently. However, the individual may ask to implement the formal process at any time during the informal resolution. If you have concerns about services provided by DNR or DNR practices, or if you would like to relay your experiences to DNR without making a formal complaint, please contact Rachel Zander at 515-305-0324 or [civilrights@dnr.iowa.gov](mailto:civilrights@dnr.iowa.gov).

### **Formal Complaints (Grievances): Submit to DNR**

The DNR complaint procedure is as follows:

1. **Complaint filing timeframe:** A discrimination complaint must be submitted by the complainant or his/her designee **must** be submitted no later than 180 calendar days of either:
  - a. The alleged act of discrimination.
  - b. Date when the person(s) became aware of the alleged discrimination.
  - c. Date on which the conduct was discontinued, if there has been a continuing course of conduct.

Failure to submit a complaint within 180 days may result in rejection of the complaint, as discussed in more detail below.

2. The complaint must be submitted by the complainant or their designee to:
  - Iowa Department of Natural Resources
  - c/o Rachel Zander or Emily Cohen
  - 6200 Park Ave Ste 200
  - Des Moines, IA 50321
  - [civilrights@dnr.iowa.gov](mailto:civilrights@dnr.iowa.gov)
  
3. **Contents of a complaint:** The complaint must be written, and the document must contain the following information:
  - a. The complainant's name, mailing address, and residential address.
  - b. Identification of individual(s) or organization(s) responsible for the alleged discrimination (hereinafter "the respondent").
  - c. A description of the complainant's allegations of discrimination. Include:
    - i. Detail to allow DNR to determine if DNR has jurisdiction over the complaint and if the complaint was filed timely.
    - ii. Specific prohibited bases of alleged discrimination (i.e. race, color, national origin, age, sex, disability).
  - d. Whether the complaint is filed within 180 days of the last alleged discriminatory act or acts. If the complaint is not filed within 180 days, include 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.
  
4. If the complainant is unable to submit a written complaint, DNR's Nondiscrimination Coordinator 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.
  
5. **Jurisdiction:** Upon receipt of a complaint, the Nondiscrimination Coordinator 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, unless the Complainant is receiving accommodations from the Nondiscrimination Coordinator.
  - b. The complaint must allege a discriminatory act that, if true, may violate 40 C.F.R. Part 5, 40 C.F.R. Part 7, 43 C.F.R. Part 17, or 43 C.F.R. Part 41. Discrimination may include an act or policy that subjects a person or persons to discriminatory treatment, an act or policy that results in discriminatory impact on a person or persons on the basis of a personal characteristic listed in the above regulations; or an act or policy that, if true, may constitute intimidation or retaliation toward any person or persons on the basis of a personal characteristic listed in the above regulations or on the basis of previous interaction with DNR.
  - c. The complaint must identify a respondent that is a bureau, subdivision, or agent of DNR, including DNR's subrecipients of federal funding.
  - 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 Nondiscrimination Coordinator shall consider, among other concerns, the feasibility of investigatory fact finding in light of extended delay.
  
6. **Notice:** If DNR has jurisdiction, DNR shall issue a letter of acceptance within 10 business days of said determination.

If a complaint does not meet the jurisdictional requirements, DNR does not have jurisdiction. DNR will issue a no-jurisdiction letter, rejecting the complaint, within 10 business days. 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 NC. If DNR refers a complaint to another agency, DNR shall notify the complainant.

**Department of Transportation (DOT)-related complaints:** DNR will refer all complaints against DNR regarding U.S. DOT-funded activity, or Iowa DOT-funded activity to Iowa DOT consistent with DOT policy, regardless of whether other jurisdictional criteria are met. Complaints against subrecipients of U.S. or Iowa DOT funding are eligible for DNR acceptance.

7. Once DNR has issued a letter of acceptance, the Nondiscrimination Coordinator 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 pre-empting the need for future complaints. Upon informal resolution as contemplated here, the Nondiscrimination Coordinator 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.
8. Within 180 days of the completion of the investigation and exhaustion of the possibility of informal resolution as set forth above, the Nondiscrimination Coordinator 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 Nondiscrimination Coordinator 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 Nondiscrimination Coordinator 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.

9. The Nondiscrimination Coordinator shall maintain copies of complaints and documentation related to the investigation and resolution thereof for a period of not less than two years or for the period consistent with DNR record retention schedule, whichever is longer.
10. 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. DNR's decision to take actions to resolve a complaint should not be construed to constitute an admission that any discrimination has occurred, and any written documents prepared by DNR in response to a complaint to constitute an offer of compromise subject to Federal Rule of Evidence 408 and equivalent state rules.

**Formal Complaints (Grievances): Submit to Other Agencies**

Alternatively, complaints may be submitted to the following agencies. Complainants should refer to each agency's requirements for complaint submissions.

- A. U.S. EPA, External Civil Rights Compliance Office  
Mail to: U.S. Environmental Protection Agency  
 Mail code 2310A  
 1200 Pennsylvania Ave NW  
 Washington, DC 20460  
Email to: [Title VI Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov)  
 Website for additional information: <https://www.epa.gov/external-civil-rights>
- B. U.S. Department of the Interior  
 Office of Diversity, Inclusion and Civil Rights  
Mail to: Director, Office of Civil Rights,  
 Department of the Interior  
 1849 C St NW  
 Washington, DC 20240  
 Website for additional information: <https://www.doi.gov/pmb/eo/Public-Civil-Rights>
- C. U.S. Department of Homeland Security (including U.S. Coast Guard)  
 Office for Civil Rights and Civil Liberties  
Mail to: (this method can take up to 20 business days)  
 U.S. Department of Homeland Security  
 Office for Civil Rights and Civil Liberties  
 Compliance Branch, Mail Stop # 0190  
 2707 Martin Luther King Jr Ave SE  
 Washington, DC 20528-0190  
Email to: [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov)  
 Website for additional information: <https://www.dhs.gov/file-civil-rights-complaint>
- D. Federal Emergency Management Agency  
 External Civil Rights Division  
Mail to: FEMA Office of Equal Rights  
 C St SW Rm 4SW-0915  
 Washington, DC 20472-3505  
Email to: [FEMA-CivilRightsOffice@fema.dhs.gov](mailto:FEMA-CivilRightsOffice@fema.dhs.gov)  
 Website for additional information: <https://www.fema.gov/about/offices/equal-rights/civil-rights>
- E. U.S. Department of Defense (including U.S. Army Corps of Engineers)  
 Defense Privacy, Civil Liberties, and Transparency Division  
Email to: [osd.ncr.ocmo.mbx.cl-correspondence@mail.mil](mailto:osd.ncr.ocmo.mbx.cl-correspondence@mail.mil)  
 Website for additional information:  
[https://dpcl.d.defense.gov/Portals/49/Documents/Civil/Civil\\_Liberties\\_Complaint\\_COVID-19.pdf](https://dpcl.d.defense.gov/Portals/49/Documents/Civil/Civil_Liberties_Complaint_COVID-19.pdf)
- F. U.S. Department of Agriculture  
Mail to: U.S. Department of Agriculture  
 Director, Center for Civil Rights Enforcement  
 1400 Independence Ave SW  
 Washington, DC 20250-9410  
Email to: [program.intake@usda.gov](mailto:program.intake@usda.gov)  
 Website for additional information: <https://www.usda.gov/oascr/filing-program-discrimination-complaint-usda-customer>

G. U.S. Department of Transportation

Mail to: Departmental Office of Civil Rights  
1200 New Jersey Ave SE  
Washington, DC 20590

Website for additional information: <https://www.transportation.gov/civil-rights/complaint-resolution/public-complaint-process>

H. Iowa Civil Rights Commission

Mail to: Iowa Civil Rights Commission  
400 E 14<sup>th</sup> St  
Des Moines, IA 50319-0201

Website for additional information: <https://icrc.iowa.gov/file-complaint>