

Nondiscrimination Complaint Procedures Office of Policy and Planning		Policy Number: OPP-03
		Effective Date: June 16, 2023
Supersedes (if applicable): OPSP-03-Title VI Complaints of Discrimination		Review Frequency: As needed
Drafted By:	Name: Rachael Maitland	Signature <i>Rachael Maitland</i>
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Summary of Policy (2-3 Sentences): This policy addresses the procedures for the Tennessee Department of Environment and Conservation regarding the submission and processing of complaints of discrimination. Any person or group alleging discrimination by TDEC in access to services, programs, or activities; retaliation; or intimidation on the basis of race, color, national origin, disability, age, or sex may file a complaint with TDEC.		
Number(s) and Name(s) of Referenced Files (forms, templates, etc.):		
<ol style="list-style-type: none"> 1. CN-1492: Complaint of Discrimination Form 2. Complaints of Discrimination Form, Spanish 		

Nondiscrimination Complaint Procedures

As a recipient of federal funding, the Tennessee Department of Environment and Conservation (TDEC) is required to comply with [federal nondiscrimination laws](#)¹. Any person or group alleging discrimination by TDEC in access to services, programs, or activities; retaliation; or intimidation on the basis of race, color, national origin, disability, age, or sex may file a complaint with TDEC. TDEC is committed to the prompt and fair resolution of complaints which allege violations of federal nondiscrimination law, including claims of intimidation or retaliation, pursuant to the complaint discussed below ².

How to File a Complaint of Discrimination, Retaliation, or Intimidation:

Complaints of discrimination, retaliation, or intimidation must be submitted in writing within 180 calendar days of the alleged offending act. TDEC provides a [complaint form](#) that can be used to ensure all necessary information is included in your submittal; however, use of the complaint form is not required.

Your complaint should include the following information:

- The name, address, and telephone number of the complaining party. If you are filing on behalf of another person, include your name, address, telephone number and your relation to that person (e.g., friend, attorney, parent).
- Name of the agency, department, and/or employee(s) your complaint concerns.
- Description of the alleged discrimination, retaliation, or intimidation, including the location and date when the offending act(s) occurred. Please include as much background information as possible about the alleged offending acts, including the basis (race, color, national origin, disability, age, or sex).
- The names and contact information of any witnesses, if known, that the investigating agency may contact for additional information to support or clarify your complaint.
- The signature of the complainant or the person filing on their behalf.

Where to Send your Complaint:

All complaints should be submitted by mail or e-mail in writing and signed to:

Nondiscrimination Coordinator
Tennessee Department of Environment and Conservation
Davy Crockett Tower, 5th Floor
500 James Robertson Parkway
Nashville, TN 37243
TDEC.TitleVI@tn.gov

¹ Federal Nondiscrimination 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 the Federal Water Pollution Control Act of 1972, Title IX of the Education Amendments of 1972; and EPA's implementing nondiscrimination regulations at 40 C.F.R. Parts 5 and 7.

² In its practices, the Tennessee Department of Environment and Conservation (TDEC) strives for the fair and equitable treatment of every community in the state. These procedures may be updated in the future to best serve Tennessee communities as needs change.



A complaint can also be filed with the Tennessee Human Resources Commission (THRC); the federal agency providing the funding for the program/activity alleged to have committed discrimination, retaliation, or intimidation; the state agency providing the funding or service for the program/activity alleged to have committed discrimination, retaliation, or intimidation; or the agency that performed the alleged discrimination, retaliation, or intimidation. Please visit the agency website for more information about how to file a complaint with an external agency.

If the complaint is filed by an internal party, TDEC does not have jurisdiction and will forward it to the appropriate agency having jurisdiction to review it.

Processing a Complaint:

Within ten (10) business days of receiving a complaint, the nondiscrimination coordinator will provide a notice of receipt to the complainant and THRC's Compliance Program. The nondiscrimination coordinator will log the complaint, evaluate jurisdiction, the need for additional information, and investigate the merit of the complaint.

If TDEC has jurisdiction to investigate, TDEC's complaint officer will investigate the complaint based on information provided by the complainant and involved persons. As TDEC investigates the complaint, it will use a preponderance of the evidence standard, meaning that if the investigator believes there is more than a 50 percent chance that a claim is true, they will decide in favor of the claimant.

TDEC is committed to the prompt and fair resolution of complaints which allege violate of nondiscrimination laws. The investigator may attempt to resolve the complaint informally through a mutually agreeable solution. Any informal resolutions must be described in writing and signed by the complainant. If the investigator finds that discrimination violating nondiscrimination laws has occurred and an informal resolution is not reached, the department will recommend action to agency leaders.

When the investigation is over, the investigator will provide a written summary of the process and findings in a memorandum, notify the THRC of the findings, and notify all parties of the final decision and subsequent action steps in writing. If complainant is not satisfied with the results of the investigation, the complainant may appeal to the appropriate federal agency.

TDEC explicitly prohibits retaliation or intimidation against any individual 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 state or federal statutes or regulations. Any concern regarding retaliation or intimidation resulting from the filing of a complaint or participation in an investigation should be reported to the nondiscrimination coordinator.