



## **GREAT FALLS DEVELOPMENT AUTHORITY, INC.**

### **NONDISCRIMINATION GRIEVANCE POLICY AND PROCEDURES**

#### **I. INTRODUCTION.**

Title 40 of the Code of Federal Regulations (C.F.R.), Part 7, Nondiscrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency (“EPA”), prohibits discrimination on the basis of race, color, national origin, age, sex, or handicap in programs or activities receiving financial assistance from the EPA. It requires recipients of financial assistance from the EPA to:

- A. Designate a person to be the Nondiscrimination Coordinator to coordinate efforts to comply with 40 C.F.R., Part 7;
- B. Collect, maintain, and provide information showing compliance with 40 C.F.R., Part 7;
- C. Adopt grievance procedures that provide for the prompt and fair resolution of discrimination complaints alleging violations of 40 C.F.R., Part 7; and
- D. Provide continuing and prominent public notice of nondiscrimination on the basis of race, color, national origin, age, sex, or handicap, and of the identity and contact information for the Nondiscrimination Coordinator.

It is the Great Falls Development Authority, Inc.’s (“GFDA”) policy not to discriminate based on several factors, including those in 40 C.F.R., Part 7. For definitions of terms, please refer to “Definitions” in 40 C.F.R. § 7.25.

GFDA adopts the following policy and procedures to implement the requirements of 40 C.F.R., Part 7.

## II. POLICY.

GFDA does not discriminate on the basis of race, color, age, sex, marital status, political beliefs, disability, national origin or ancestry, religion, gender identity, gender expression in administration of its programs or activities, and GFDA does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R. Part 7 or for the purpose of interfering with such rights.

GFDA is responsible for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements implemented by 40 C.F.R., Part 7, including Title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; and section 13 of the Federal Water Pollution Control Act Amendments of 1972.

### A. Nondiscrimination Coordinator:

1. Brett Doney is designated as GFDA's Nondiscrimination Coordinator. Brett can be reached at:

The Portage Building at  
West Bank Landing  
405 3rd Street NW Suite 203  
Great Falls, MT 59404  
Phone: (406) 750-2119  
Fax: (406) 454-2995  
Email: [bdoney@growgreatfalls.org](mailto:bdoney@growgreatfalls.org)

2. GFDA's Nondiscrimination Coordinator is responsible for making information available to non-employees regarding rights to services, aids, benefits, and participation without regard to race, color, age, sex, marital status, political beliefs, disability, national origin or ancestry, religion, gender identity, gender expression. GFDA's Nondiscrimination Coordinator will periodically evaluate the effectiveness of GFDA's efforts to offer such services, aids, benefits and participation opportunities when feasible.
3. GFDA's Nondiscrimination Coordinator is responsible for ensuring that intimidation and retaliation against any person or group because they have exercised rights protected by 40 C.F.R., Part 7, or for the purpose of interfering with any such rights, is prohibited and that claims of intimidation and retaliation will be handled promptly if they occur.
4. GFDA's Nondiscrimination Coordinator will coordinate or facilitate training efforts for GFDA staff as necessary regarding GFDA's

obligations to comply with nondiscrimination statutes, and policies and procedure.

**B. Compliance:**

1. *Compliance information.* GFDA will collect, maintain, and on request of the EPA's Office of Civil Rights ("OCR"), provide the following information to show compliance:
  - a. A brief description of any lawsuits pending against GFDA that allege discrimination which 40 C.F.R., Part 7 prohibits;
  - b. Racial/ethnic, national origin, age, sex, and handicap data, or EPA Form 4700-4 information submitted with GFDA's applications;
  - c. A log of discrimination complaints which identifies the complaint, the date it was filed, the date GFDA's investigation was completed, the disposition, and the date of disposition;
  - d. Reports of any compliance reviews conducted by any other agencies; and
  - e. Data and information specific to certain GFDA programs or activities to determine compliance where there is reason to believe that discrimination may exist in a program or activity receiving EPA assistance or to investigate a complaint alleging discrimination in a program or activity receiving EPA assistance.
2. *Preparing compliance information.* When preparing compliance information, GFDA will use the racial classifications set forth in 40 C.F.R. § 7.25, in determining categories of race, color, or national origin;
3. *Maintaining compliance information.*
  - a. GFDA will keep records of compliance information as identified in paragraphs (1)(a) through (1)(e), above, for at least three (3) years after completing a project for which GFDA was a recipient of EPA financial assistance.
  - b. When any complaint or other action for alleged failure by GFDA to comply with 40 C.F.R., Part 7, is brought before the three-year period ends, GFDA shall keep records until the complaint is resolved.

4. *Accessibility to compliance information.* GFDA will:
  - a. Give OCR access during normal business hours to its books, records, accounts, and other sources of information, including its facilities, as may be pertinent to ascertain compliance;
  - b. Make compliance information available to the public upon request; and
  - c. Assist in obtaining other required information that is in the possession of other agencies, institutions, or persons not under GFDA's control. If such party refuses to release that information, GFDA shall inform the OCR and explain its efforts to obtain the information.

**C. Grievance Procedures:**

1. Any person who believes someone has been subjected to discrimination may file a grievance under this procedure by contacting GFDA's Nondiscrimination Coordinator. It is against the law for GFDA to retaliate against any person or group because they have exercised rights protected by 40 C.F.R., Part 7 or for the purpose of interfering with any such rights.
2. GFDA adopts the following grievance procedures to assure the prompt and fair resolution of complaints that allege a violation by GFDA of 40 C.F.R, Part 7.
  - a. Grievances must be submitted in writing to GFDA's Nondiscrimination Coordinator within thirty (30) days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
  - b. Grievance submissions shall be emailed, faxed, or mailed to the Nondiscrimination Coordinator at the contact information identified in II.A. above.
  - c. Contents of complaint. The complaint must be in writing, must include as much specificity and detail as possible, and must contain the following information:
    - i. The name and address of the person filing the complaint and/or the identified representative;
    - ii. State the date of the occurrence;

- iii. Identify the action(s) or inaction(s) which support the alleged discrimination;
  - iv. State the alleged discrimination that did or will result from such action(s) or inaction(s);
  - v. Identify the person(s) or entity(ies) harmed or potentially harmed by the alleged discrimination;
  - vi. State the basis for why the action(s) or inaction(s) are believed to be discriminatory, and if possible, the section of 40 C.F.R., Part 7, that is alleged to have been violated; and
  - vii. Identify the remedy or relief sought.
3. *Acknowledgment of receipt.* GFDA's Nondiscrimination Coordinator (or their designee) will acknowledge receipt of the complaint within five (5) business days of receipt.
4. *Investigation.* GFDA's Nondiscrimination Coordinator will investigate the complaint. The Nondiscrimination Coordinator may delegate an investigation to another investigator or designee, if necessary, on a case-by-case basis. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint.
5. *Decision.*
- i. GFDA's Nondiscrimination Coordinator (or their designee) will attempt to issue a written decision on the complaint within forty-five (45) days after the complaint's filing unless extenuating circumstances preclude doing so.
    - a. If the Nondiscrimination Coordinator is unable to issue the decision within forty-five (45) days they must immediately inform the complainant of this fact, explain the circumstances causing the delay, and identify when the decision will be issued.
    - b. Under no circumstances, will issuance of the decision be extended past ninety (90) days after the complaint's filing.

- ii. The written decision will include whether discrimination is found and the description of the investigation process.
  - iii. Included in the decision, will be a notice to the complainant of their right to pursue further administrative or legal remedies.
  - iv. The Nondiscrimination Coordinator will promptly inform the complainant as to any determination made.
6. *Files.* GFDA’s Nondiscrimination Coordinator will maintain the files and records of GFDA relating to the complaint and investigation. To the extent possible, and in accordance with applicable law, GFDA’s Nondiscrimination Coordinator will take appropriate steps to preserve the confidentiality of files and records relating to complaints and will share them only with those who have a need to know.
7. *Intimidation/Retaliation.* GFDA assures that intimidation and retaliation are prohibited and that claims of intimidation and retaliation will be handled promptly and fairly in the same manner as other complaints of discrimination discussed herein.
8. *Appeal.* The person filing the grievance may appeal the decision of the GFDA Nondiscrimination Coordinator, in writing, to the Executive Committee of the GFDA Board of Directors within fourteen (14) days of receipt of the Nondiscrimination Coordinator’s decision. The Executive Committee shall issue a written decision in response to the appeal no later than sixty (60) days after its filing. This decision will be final and will conclude the appeal process.
9. *Other administrative remedies.* 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. EPA, External Civil Rights Compliance Office or the Montana Human Rights Bureau (“HRB”).

- i. U.S. EPA: Filing a complaint electronically, by mail, or fax at:

U.S. EPA External Civil Rights Compliance Office  
Office of General Counsel (Mail code 2310A)  
1200 Pennsylvania Avenue N.W.  
Washington, D.C. 20460  
Fax: (202) 565-0196  
Email: [Title\\_VI\\_Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov)

- ii. Montana HRB: Filing a complaint by mail or fax at:

Montana Human Rights Bureau  
P.O. Box 1728  
Helena, MT 59624  
Fax: (406) 443-3234

- 10. GFDA 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.
- 11. GFDA's Nondiscrimination Coordinator will track all complaints filed against GFDA under this policy or with the EPA and shall review all complaints on a regular basis to identify and address any patterns or systemic problems.

**D. Notice of Nondiscrimination.**

- 1. GFDA shall provide continuing notice that it does not discriminate on the basis of race, color, age, sex, marital status, political beliefs, disability, national origin or ancestry, religion, gender identity, gender expression in any of its programs or activities.
- 2. At a minimum, this notice will be posted in a prominent place in GFDA's office and on GFDA's internet homepage. The notice shall identify the current Nondiscrimination Coordinator as the responsible GFDA employee designated to coordinate GFDA's efforts to comply with its obligations under 40 C.F.R., Part 7. The text of the notice to be provided under this policy shall read as follows:

It is the policy of GFDA to not discriminate on the basis of race, color, age, sex, marital status, political beliefs, disability, national origin or ancestry, religion, gender identity, gender expression in administration of its programs or activities, and, GFDA does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R., Part 7 or for the purpose of interfering with such rights.

GFDA is responsible for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements fixed by 40 C.F.R., Part 7 (Nondiscrimination 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, as amended; the Age Discrimination Act of 1975, as amended; and section 13 of the Federal Water Pollution Control Act Amendments of 1972.

If you have any questions about this notice or any of GFDA's nondiscrimination programs, policies, or procedures, you may contact:

Nondiscrimination Coordinator  
Brett Doney  
The Portage Building at  
West Bank Landing  
405 3rd Street NW Suite 203  
Great Falls, MT 59404  
Phone: (406) 750-2119  
Fax: (406) 454-2995  
Email: [bdoney@growgreatfalls.org](mailto:bdoney@growgreatfalls.org)

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

3. Methods of notice shall accommodate those with impaired vision or hearing and where appropriate or upon request, notice shall be in a language or languages other than English.

### **III. REVIEW AND EFFECTIVE DATE.**

GFDA's Nondiscrimination Policy and Procedures are reviewed on a regular basis, and revised as necessary, to ensure prompt and fair resolution of discrimination complaints.

This Nondiscrimination Grievance Policy and Procedures is hereby effective as of September 1, 2022.