



**Rhode Island
Department of Environmental Management**

Office of the Director

235 Promenade Street, Room 425
Providence, Rhode Island 02908

Civil Rights Discrimination RIDEM Complaint Procedure

Any person who believes that they have been subjected to discrimination under Title VI, on the basis of race, color, or national origin has a right to file a complaint. In addition, the Rhode Island Department of Environmental Management (RIDEM) prohibits discrimination based on age, sex, marital status, religion, gender identity or gender expression, income, disability, sexual orientation, citizenship status, or any other legally prohibited basis.

Complaint Process

1. A written complaint must be filed with the Civil Rights Coordinator for RIDEM within one hundred and eighty (180) days of the alleged occurrence. The complaint should contain the name and address of the person filing the complaint, a description of the situation giving rise to the discrimination (awarding of federal funds to a recipient from RIDEM; employment by a recipient of federal funding from RIDEM; program or services offered by RIDEM; program or services offered by a recipient of federal funding from RIDEM), the date the discrimination occurred (month, day, year), that agency or organization involved, the nature(s) of discrimination (age, gender, gender identity, sexual orientation, marital status, familial status, religion, race/ethnicity, national origin – including Limited English Proficiency, color, or disability) and description of the alleged discrimination. The complaint should contain a signature and date.
2. Complaints must be submitted to RIDEM's Civil Rights Coordinator:
 - Via US Mail: Tricia Quest, Esq.
Civil Rights Coordinator and ADA Coordinator
RIDEM Office of Legal Services
235 Promenade Street, Suite 425
Providence, RI 02908
 - Via hand delivery: RIDEM Office of Legal Services, Suite 425, 235 Promenade Street, Providence, RI
 - Via email: tricia.quest@dem.ri.gov

3. Upon request, alternative means of filing a complaint shall be made available for persons seeking such accommodation on the basis of a disability. Complaints filed by alternative means must include the name, address, telephone number, email address, and brief description of the alleged violation including the date(s) and parties involved.
4. Complaints by RIDEM employees or applicants for state employment should refer to process set forth in the Department's Affirmative Action Plan and the State Equal Opportunity Office procedure.

Complaint Resolution Process

1. Formal complaints will be reviewed by the Civil Rights Coordinator, who will provide written acknowledgment of the complaint within 10 business days by first-class mail. The written acknowledgment will be sent to the address provided on the submitted complaint form.

Accommodations will be provided if a complainant cannot receive written notice throughout the complaint process.

These complaint procedures do not impede the Complainant's right to file complaint with any other State or Federal agencies or the right to retain an attorney.

2. The Civil Rights Coordinator may determine additional information is required. In this event, the complainant will be notified in writing of the information needed. The complaint will have 60 days to provide the requested information.
3. Once the additional information is received, if any, the Civil Rights Coordinator will determine if the complaint will be investigated. This will be determined within 15 business days of receiving the requested information, if any. The complaint will be assessed using the preponderance of evidence standard. This means that, based on the information provided, it is more likely than not the complaint warrants an investigation. The Civil Rights Coordinator will notify the complainant in writing of the decision within five business days.
 - If the decision is to not investigate the complaint, the notification shall specify the reason(s) of the decision; or
 - If the complaint is to be investigated, the notification shall state the grounds for the investigation and inform the parties that full cooperation will be required.
4. If it is determined that a complete investigation will be conducted the investigation will be conducted by the Civil Rights Coordinator, or his/her designee, in consultation with other Department personnel, as warranted. This procedure contemplates an informal but thorough investigation, afforded all interested

persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

5. At the conclusion of the investigation, the Civil Rights Coordinator shall prepare a report that will make a written determination as to the validity of the complaint and include findings and recommendations of the investigation, if any.
6. The Civil Rights Coordinator shall have up to ninety (90) days, from the date of the investigation notification, to conduct an investigation and complete a report. A copy of the report will be forwarded to the complainant. If additional time is needed by the Civil Rights Coordinator he/she shall advise all parties accordingly.

Mediation and Informal Complaint Resolution

At any time during the complaint review and/or investigation process, the complainant may request mediation. Both parties must consent to the mediation. If the parties consent to mediation the complaint review and investigation process will be stayed while the parties work to mediate the complaint.

Additionally, the parties are encouraged to consider how they might be willing to resolve the matter through informal means, as appropriate. Either party may take informal measures as necessary to resolve the complaint.

Complaint Dismissal

A complaint may be dismissed under any of the following circumstances:

1. The complainant dismisses or withdraws the complaint;
2. The complaint is not timely and good cause does not exist for waving the timing requirement;
3. The complainant does not respond to correspondence requesting additional information within the timeframes requested;
4. The complainant cannot be located;
5. The complaint does not make allegations against RIDEM or one of its subrecipients;
6. A complaint may be dismissed after a review if it has been determined there is not a substantive claim of discrimination.

Record Keeping

Complaints, including the nature of the complaint and other pertinent information, will be recorded by RIDEM. This may include but is not limited to: the demographics of the complainant; the date the complaint was filed; and the dates of investigation. Records of complaints may be requested by federal agencies. If requested, this information will be forwarded to the requesting federal agency. To maintain confidentiality, no personal

identifying information of the complainant will be disclosed in the record. The Civil Rights Coordinator will maintain the files and records relating to complaints filed.