

# Town of Lincoln, Maine

## Non-discrimination Policy

### 1. Introduction

Title 40 of the Code of Federal Regulations (C.F.R.), Parts 5 & 7, prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in programs or activities receiving federal assistance from the EPA. It requires recipients of federal assistance from the EPA to:

- Collect, maintain, and provide information showing compliance with 40 C.F.R., Parts 5 & 7
- Designate a person to be the Non-discrimination Compliance Coordinator (NCC) to coordinate efforts to comply with 40 C.F.R., Parts 5 & 7
- Adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 C.F.R., Parts 5 & 7
- 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 Compliance Coordinator

#### 1(a). Authorities (Implementing Regulations and Related Statutes)

- 40 C.F.R. Parts 5 and 7, [42 U.S.C. 2000d](#) to 2000d-7 and 6101 *et seq.*; [29 U.S.C. 794](#); [33 U.S.C. 1251nt](#). generally, applies to [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 \(42 U.S.C. §2000d to 2000d-7\)](#), which prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin (including limited English proficiency) in their programs or activities. Title VI itself prohibits intentional discrimination.
  - [Section 504 of the Rehabilitation Act of 1973](#), which prohibits discrimination on the basis of disability in federally assisted programs or activities;
  - [Title IX of the Education Act Amendments of 1972](#), which prohibits discrimination on the basis of sex in federally assisted education programs or activities (also see [40 C.F.R. Part 5 - Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance](#))
  - [Age Discrimination Act of 1975](#), which prohibits discrimination on the basis of age in federally assisted programs or activities; and
  - [Section 13 of the Federal Water Pollution Control Act Amendments of 1972](#), which prohibits discrimination on the basis of sex in programs or activities receiving financial assistance under the Clean Water Act.

## 2. Notice of Non-Discrimination

The Town of Lincoln, Maine does not discriminate on the basis of race, religion, color, sex, national origin, age, occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, or gender identity in administration of its programs or activities. Town of Lincoln, Maine does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

Retaliation and intimidation against any person who files a grievance or participates in an investigation is strictly prohibited. Any claims of intimidation or retaliation related to the complaint process will be handled promptly and fairly pursuant to the below procedure and in the same manner as other claims of discrimination.

Dennis Bullen, Town Manager, is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7 (Non-discrimination 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; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the federal non-discrimination laws).

If you have any questions about this notice or any of the Town of Lincoln, Maine's non-discrimination programs, policies or procedures, you may contact the **Non-discrimination Compliance Coordinator**:

### **Town of Lincoln, Maine**

Office of the Town Manager  
29 Main St  
Lincoln, ME 04457  
Email: [Town.Manager@lincolnmaine.org](mailto:Town.Manager@lincolnmaine.org)  
Phone: 207-794-3372

If you believe that you have been discriminated against with respect to a **Town of Lincoln, Maine** program or activity, you may contact the Non-discrimination Compliance Coordinator identified above or visit our website at [lincolnmaine.org](http://lincolnmaine.org)

Appropriate assistance shall be provided to individuals with disabilities and individuals with limited English proficiency. Also, complaints in alternative formats shall be accepted from individuals with disabilities. Please reach out to the Non-discrimination Compliance Coordinator for more information.

## 2(a). Notice

This policy will be disseminated to all employees, contractors, and subrecipients of EPA-funded programs. Notice of this non-discrimination policy will also be made publicly available.

## 3. Grievance Procedure - Purpose

The purpose of this Grievance Procedure is to provide a fair, prompt, and accessible process for addressing complaints of discrimination in programs, services, and activities funded in whole or in part by the U.S. Environmental Protection Agency (EPA). This policy ensures compliance with federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, Title IX of the Education Amendments, the Age Discrimination Act, 40 C.F.R., Parts 5 & 7, Section 13 of the Federal Water Pollution Control Act Amendments of 1972 and other applicable statutes and regulations.

### 3(a). Scope of Grievance Procedure

This policy applies to all applicants, beneficiaries, employees, contractors, subcontractors, and other participants in County-administered programs or activities funded in whole or in part by the EPA. Complaints may be filed by an individual or group who believes they have been subjected to discrimination on the basis of:

- Race
- Color
- National origin
- Sex (including gender identity and sexual orientation)
- Religion
- Disability
- Age
- Familial status
- Occupation
- Marital Status
- Political Opinion
- Personal appearance
- Any other protected status as required by applicable law

### 3(b). Filing a Grievance

- **Who May File:** Any person, or their authorized representative, who believes they have been subjected to discrimination or retaliation/intimidation.
- **How to File:** Complaints may be submitted in writing, verbally, or electronically. Assistance will be provided to individuals with limited English proficiency or disabilities in preparing and submitting grievances.
- **Where to File:** Please send an email to the Non-discrimination Compliance Coordinator, via [town.manager@lincolmaine.org](mailto:town.manager@lincolmaine.org), with the following information and utilizing the subject line "Discrimination Complaint" or call 207-792-3372
  - Name, address, and contact information of the complainant (or representative)
  - Name of respondent (e.g. Department)

- A description of the discriminatory act(s) (what occurred, when, where)
- The basis for the alleged discrimination (race, color, national origin, etc.)
- Names of any witnesses or other persons with relevant information
- Any documentation or evidence (if available)
- **Time to File:** Complaints should be filed within 180 days of the alleged discriminatory act.
- **If assistance is needed:** Appropriate assistance shall be provided to individuals with disabilities and individuals with limited English proficiency. Also, complaints in alternative formats shall be accepted from individuals with disabilities.

### 3(c). Grievance Procedure Once a Complaint is Filed

- i. **Acknowledgment** – **Town of Lincoln, Maine** will acknowledge receipt of the grievance within 10 business days.
- ii. **Preliminary Review** – **Town of Lincoln, Maine** staff will determine whether the grievance falls within the scope of this policy and notify the complainant of acceptance or referral within 30 business days.
- iii. **Investigation** – An investigation should include interviews of the complainant, any witnesses identified by the complainant, relevant staff of the subject of the investigation (Town of Lincoln, Maine or its contractor or grantee) and any witnesses identified by the subject of the investigation. An investigation should also include review of relevant documents, inspection of relevant premises and, if necessary, consultation with technical experts, including legal advisors. Staff may review facilities or any other documentation that may be provided.

The preponderance of the evidence standard will be applied during the analysis of each complaint.

- iv. **Resolution/Determination** – Within 180 calendar days, **Town of Lincoln, Maine** will issue written findings and, if applicable, propose corrective actions, unless Town of Lincoln, Maine determines additional time is needed. The complainant will receive a written notice detailing:
  - a. The findings of the investigation
  - b. Whether discrimination or retaliation was found
  - c. A summary of the investigation process
  - d. Any corrective actions that will be implemented (if applicable)

**Appeal** – If the complainant disagrees with the resolution, they may file a written appeal within 15 calendar days. The written appeal should be addressed to the **Town of Lincoln**, Office of the Town Manager, 29 Main St Lincoln, ME 04457 or  
Email: [TownManager@lincolnmaine.org](mailto:TownManager@lincolnmaine.org)  
Phone: 207-794-3372

- v. 4. Confidentiality

All information related to a grievance will be maintained as confidential to the extent possible, consistent with the need to conduct a fair and thorough investigation.

## 5. Recordkeeping

The **Town of Lincoln** will maintain records of all grievances, investigations, and resolutions for a minimum of three (3) years and make such records available to EPA upon request. When any complaint or other action is brought before the three-year period ends, the Town of Lincoln, Maine shall continue to keep the records beyond the three-year period until the complaint or action is resolved.

The Town of Lincoln, Maine will also collect, maintain, and on request of the EPA, provide the following:

- A brief description of any lawsuits pending against the recipient that allege discrimination which 40 C.F.R., Parts 5 & 7 prohibits
- Racial/ethnic, national origin, age, sex, and disability data, or EPA Form 4700-4 information submitted with the County's application for EPA funding
- A log of discrimination complaints which identifies the complaint, the date it was filed, the date the recipient's investigation was completed, the disposition, and the date of disposition, and the date of disposition
- Reports of any compliance reviews conducted by any other agencies

The Town of Lincoln, Maine's Nondiscrimination Policy and Procedures are reviewed on an annual basis, and revised as necessary, to ensure prompt and fair resolution of discrimination complaints and ongoing compliance with 40 C.F.R. Parts 5 and 7.