

# Town of Franklin

## Nondiscrimination Grievance Policy and Procedures

### Introduction

Title 40 of the Code of Federal Regulations (C.F.R.), Parts 5 and 7, *Nondiscrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency*, prohibits discrimination on the basis of race, color, national origin (including limited English proficiency), age, sex, or disability, in programs or activities receiving financial assistance from the United States Environmental Protection Agency (U.S. EPA). It requires recipients of financial assistance from the U.S. EPA to:

- A. Designate a person to be the Nondiscrimination Coordinator to coordinate efforts to comply with 40 C.F.R., Parts 5 and 7;
- B. Collect, maintain, and provide information showing compliance with 40 C.F.R., Parts 5 and 7;
- C. Adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 C.F.R., Parts 5 and 7; and
- D. Provide continuing and prominent public notice of nondiscrimination on the basis of race, color, national origin, age, sex, or disability, and of the identity and contact information for the Nondiscrimination Coordinator.

As outlined below, it is the Town of Franklin's policy not to discriminate on the basis of many factors, including those in 40 C.F.R., Parts 5 and 7. The Town of Franklin goes beyond 40 C.F.R. Parts 5 and 7 and does not discriminate based on race, color, religious creed, national origin, ancestry, sex, gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, retaliation, sexual harassment, sexual orientation, active military personnel, or genetics. In addition, the Town adopts the following procedures to implement the requirements of 40 C.F.R., Parts 5 and 7.

For definitions of terms used in this document, please refer to "Definitions" in Section 7.25 of subpart A in 40 C.F.R., Part 7, and Section 5.105 of Subpart A, in 40 C.F.R. Part 5.

### Non-Discrimination Grievance Policy

The Town of Franklin does not discriminate on the basis of race, color, religious creed, national origin, ancestry, sex, gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, retaliation, sexual harassment, sexual orientation, active military personnel, or genetics in administration of its programs or activities, and, the Town does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7 or for the purpose of interfering with such rights.

The Town 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, *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; 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 nondiscrimination statutes).

#### A. Nondiscrimination Coordinator

The Town of Franklin's Town Administrator designated the following Nondiscrimination Coordinator on January 25, 2024:

Karen Bratt, Human Resources Director  
355 East Central Street, Franklin, MA 02038-1352  
Phone: 508-553-4810  
Email: [kbratt@franklinma.gov](mailto:kbratt@franklinma.gov)

## **B. Compliance Information**

1. The Town shall collect, maintain, and on request of the U.S. EPA, External Civil Rights Compliance Office within the Office of General Counsel (ECRCO), provide the following information to show compliance with 40 C.F.R., Parts 5 and 7:
  - a. A brief description of any lawsuits pending against the Town that allege discrimination which 40 C.F.R., Parts 5 and 7, prohibits;
  - b. Racial/ethnic, national origin, age, sex, disability, and disability data, or EPA Form 4700-4 information submitted with the Town's applications for U.S. EPA financial assistance;
  - c. A log of discrimination complaints that identifies the complaint, the date it was filed, the date the Town'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 the Town programs or activities to determine compliance where there is reason to believe that discrimination may exist in a Town program or activity or to investigate a complaint alleging discrimination in a Town program or activity.
2. When preparing compliance information, the Town shall use the racial classifications set forth in 40 C.F.R., Section 7.25, in determining categories of race, color, or national origin;
3. The Town shall keep records of the compliance information identified in paragraphs a. through e. of Section B.1 above for at least three (3) years after completing a project for which the Town was a recipient of U.S. EPA financial assistance. When any complaint or other action for alleged failure by the Town to comply with 40 C.F.R., Parts 5 and 7, is brought before the three-year period ends, the Town shall keep records until the complaint is resolved; and
4. The Town shall:
  - a. Give ECRCO 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 with 40 C.F.R., Parts 5 and 7;
  - 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 the Town's control. If such party refuses to release the required information, the Town shall inform the ECRCO and explain its efforts to obtain the information.

## **C. Grievance Procedures**

Any person who believes someone has been subjected to discrimination may file a grievance under this procedure by contacting the Nondiscrimination Coordinator or filling out a Nondiscrimination Complaint form online. It is against the law for the Town to retaliate against any person or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7 or for the purpose of interfering with any such rights.

The Town adopts the following grievance procedures in order to ensure the prompt and fair resolution of complaints that allege a violation by the Town of 40 C.F.R., Parts 5 and 7:

1. Grievances must be submitted to the Town's Nondiscrimination Coordinator within ninety (90) days of the date the person filing the grievance becomes aware of the alleged discriminatory action. Grievance submissions, in the preferred language of the complainant, should be submitted to the Town by mailing or emailing to the Nondiscrimination Coordinator specified in Section A above.
2. A complaint must be in writing and contain at a minimum the following information:

- a. Name and address of the person filing the complaint and or an identified representative.
- b. The Date of the occurrence, the problem or action alleged to be discriminatory, and the remedy or relief sought. The complaint shall specify with as much detail as possible:
  - 1) The actions or inactions by the Town that support an alleged violation of 40 C.F.R., Parts 5 and 7;
  - 2) The alleged discrimination that did or will result from such actions or inactions;
  - 3) The identity of the person(s) harmed or potentially harmed by the alleged discrimination; and
  - 4) The basis for why the action is believed to be discriminatory, and if possible, identifying the sections of 40 C.F.R., Parts 5 and 7, that were allegedly violated.
3. The Town's Nondiscrimination Coordinator will acknowledge receipt of the grievance within five (5) business days and shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint.
4. The Town's Nondiscrimination Coordinator will ensure that complainants are updated on the progress of their discrimination complaints filed with the Town, if requested. The Town's Nondiscrimination Coordinator will promptly inform the complainant as to any determinations made.
5. The Town's Nondiscrimination Coordinator will issue a written decision on the grievance, based on a preponderance of the evidence, no later than thirty (30) days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies. The written decision will include whether discrimination is found and the description of the investigation process.
6. The person filing the grievance may appeal the decision of the Town's Nondiscrimination Coordinator within fifteen (15) days of receiving the Town's Nondiscrimination Coordinator's decision, by writing to the Town's Town Administrator:

Jamie Hellen, CEO/Town Administrator  
355 East Central Street, Franklin, MA 02038-1352  
Phone: 508-520-4949  
Email: [jhellen@franklinma.gov](mailto:jhellen@franklinma.gov)
7. The Town's Town Administrator shall issue a written decision in response to the appeal no later than sixty (60) days after its filing.
8. The Town's Nondiscrimination Coordinator is responsible for providing notice of this policy and carrying out the process, as prescribed by this policy, of the investigation of non-employee complaints. The Town's Nondiscrimination Coordinator may delegate an investigation to another investigator or designee, if necessary, on a case-by-case basis.
9. The Town's Nondiscrimination Coordinator will maintain the files and records of the Town relating to such grievances. To the extent possible, and in accordance with applicable law, the Town Nondiscrimination Coordinator will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know.
10. The Town'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, religious creed, national origin, ancestry, sex, gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, retaliation, sexual harassment, sexual orientation, active military personnel, or genetics.

11. The Town's Nondiscrimination Coordinator will coordinate or facilitate training efforts for Town staff regarding its obligations to comply with non-discrimination statutes, and policies and procedure.
12. The Town'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. Parts 5 and 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.
13. The Town assures that intimidation and retaliation are prohibited and that claims of intimidation and retaliation will be handled promptly and fairly pursuant to the Town's Non-discrimination Grievance Policy and Procedures, in the same manner as other claims of discrimination.
14. The Town's Nondiscrimination Coordinator will track all complaints filed against the Town under this policy or with the EPA and shall review all complaints on a semi-annual basis to identify and address any patterns or systemic problems.
15. The Town 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. Such arrangements may include, but are not limited to, providing qualified interpreters, providing taped cassettes of material for individuals with low vision, or assuring a barrier-free location for the proceedings. The Town's Nondiscrimination Coordinator will be responsible for such arrangements.
16. The Town's Nondiscrimination Coordinator will periodically evaluate the effectiveness of the Town's efforts to offer such services, aids, benefits and participation opportunities when feasible.
17. 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, age, sex, disability, or retaliation, in court, or with the U.S. Environmental Protection Agency's External Civil Rights Compliance Office 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  
Phone: (202) 564-3316  
TitleVI\_Complaints@epa.gov

#### **D. Notice of Nondiscrimination**

The Town shall provide continuing notice that it does not discriminate based on race, color, religious creed, national origin, ancestry, sex, gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, retaliation, sexual harassment, sexual orientation, active military personnel, or genetics in any of its programs or activities. Methods of notice shall accommodate those with impaired vision or hearing.

At a minimum, this notice shall be posted in a prominent place in the Town's offices or facilities and on the Town's internet homepage. Methods of notice may also include publishing in newspapers and magazines and placing notices in the Town's publications. Where appropriate or upon request, such notice shall be in a language or languages other than English.

The notice shall identify the current Town Nondiscrimination Coordinator as the responsible Town employee designated to coordinate the Town's efforts to comply with its obligations under 40 C.F.R., Parts 5 and 7.

The text of the notice to be provided under this policy shall read as follows:

**Town of Franklin Massachusetts  
Notice of Nondiscrimination**

It is the policy of the Town to not discriminate on the basis of race, color, religious creed, national origin, ancestry, sex, gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, retaliation, sexual harassment, sexual orientation, active military personnel, or genetics in administration of its programs or activities, and, the Town does not intimidate or retaliate against any individual or group because they have exercised rights protected by or oppose action prohibited by 40 C.F.R. Parts 5 and 7 or for the purpose of interfering with such rights.

The Town is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implanted 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.

If you have any questions about this notice or any of the Town's non-discrimination programs, policies or procedures, please contact the Town's Nondiscrimination Coordinator:

Karen Bratt, Human Resources Director  
355 East Central Street, Franklin, MA 02038-1352  
Phone: 508-553-4810  
Email: kbratt@franklinma.gov

If you believe you have been discriminated against with respect to a Town program or activity, you may contact the Town's Nondiscrimination Coordinator identified above.

The Town's Nondiscrimination Policy and Procedures are reviewed on an annual basis, and revised as necessary, to ensure prompt and fair resolution of discrimination complaints.

Dated: 1/25/2004

  
Amy Frigulietti  
Deputy Town Administrator