



# Civil Rights and Nondiscrimination Grievance Procedure

Approval

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Julie S. Moore, P.E., Secretary  
Agency of Natural Resources

## § 1. Purpose and applicability

- (a) Purpose. The Vermont Agency of Natural Resources (ANR) adopts this Civil Rights and Nondiscrimination Grievance Procedure to ensure prompt and fair resolution of complaints from members of the public alleging discrimination in the operation of ANR’s programs, services, or activities.
- (b) Applicability. This Procedure shall apply to complaints of discrimination by ANR or a recipient of funding from ANR on the basis of race, religion, creed, color, national origin ancestry, place of birth, disability, age, marital status, sex, sexual orientation, gender identity, and breastfeeding. Any person who alleges discrimination by ANR or a recipient of funding from ANR may file a complaint in accordance with this Procedure.

**Notes:** Workplace discrimination complaints are addressed in [Department of Human Resources Personnel Policy Section Numbers 3.3](#). Complaints alleging discrimination related to Vermont’s Public Accommodations law, [9 V.S.A., Chapter 139](#), and Fair Employment law, [21 V.S.A § 495](#), should also be directed to the [Vermont Human Rights Commission](#). Filing a complaint pursuant to this Procedure shall not prevent the complainant from filing of a complaint with any other federal or state agency or from obtaining legal counsel. See Appendix 1.

## § 2. Language Access and Reasonable Accommodations

“Questions or Complaints/Free Language Services | SERVICES LINGUISTIQUES GRATUITS | भाषासम्बन्धी निःशुल्क सेवाहरू | SERVICIOS GRATUITOS DE IDIOMAS | 免費語言服務 | BESPLATNE JEZIČKE USLUGE | БЕСПЛАТНЫЕ УСЛУГИ ПЕРЕВОДА | DỊCH VỤ NGÔN NGỮ MIỄN PHÍ | 無料通訳サービス | ነጻ የቋንቋ አገልግሎቶች | HUDUMA ZA MSAADA WA LUGHA BILA MALIPO | BESPLATNE JEZIČKE USLUGE | အခမဲ့ ဘာသာစကား ဝန်ဆောင်မှုများ | ADEEGYO LUUQADA AH OO BILAASH AH | خدمات لغة مجانية: [anr.civilrights@vermont.gov](mailto:anr.civilrights@vermont.gov) or 802-636-7827.”

If you speak a language other than English, ANR offers free language assistance services. Please reach out to ANR directly at (802) 636-7827 or visit our [Language Services](#) website for more information.

If you would like to request accessibility accommodations or if you have questions related to diversity, equity and inclusion, please contact the Agency’s Civil Rights and Environmental Justice Director and Nondiscrimination Coordinator Karla Raimundí at [ANR.CivilRights@vermont.gov](mailto:ANR.CivilRights@vermont.gov) or call (802) 636-7827.

## § 3. Discrimination Prohibited

No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any of ANR's programs, services, or activities on the basis of race, religion, creed, color, national origin, ancestry, place of birth, disability, age, marital status, sex, sexual orientation, gender identity, or breastfeeding.

#### **§ 4. Intimidation and Retaliation Prohibited**

Intimidation and retaliation are prohibited and claims of intimidation and retaliation will be handled promptly and fairly pursuant to this procedure in the same manner as other claims of discrimination. See 40 C.F.R. § 7.100.

#### **§ 5. Informal Inquiries**

If a member of the public does not wish to make a formal complaint for investigation but has informal questions or concerns about civil rights and/or nondiscrimination, they may contact ANR's Nondiscrimination Coordinator at ANR.CivilRights@vermont.gov or call (802) 636-7827.

#### **§6. Filing a Complaint**

- (a) Any person who alleges discrimination in the operation of ANR's programs, services, or activities may file a complaint pursuant to this Procedure. Complaints may be filed by the person alleging discrimination or a person who witnessed discriminatory conduct occurring.
- (b) Timing and Contents of a Complaint. The complaint should:
  - (1) be submitted in writing by mail or email to:

**Vermont Agency of Natural Resources**  
Karla Raimundí, Civil Rights Environmental Justice Director and  
Nondiscrimination Coordinator  
Davis Building – 2<sup>nd</sup> Floor  
One National Life Drive  
Montpelier, VT 05620-0301  
ANR.CivilRights@vermont.gov
  - (2) be filed within 180 days of the date that the alleged discriminatory conduct occurred;
  - (3) describe with specificity the conduct subject to the grievance and provide any supporting documentation or evidence that relates to the alleged conduct; and
  - (4) if the complainant is not the party discriminated against, identify the party or parties impacted or potentially impacted by the alleged discrimination.

- (c) Acceptance of a Complaint. Within 14 days of receiving a written complaint the ANR Nondiscrimination Coordinator shall:
- (1) assign a person to conduct an investigation of the complaint (ANR Investigator);
  - (2) provide the complainant with written notice of receipt and notification of the name and contact information of the ANR Investigator assigned to the complaint;
  - (3) ask the complainant whether they have made the complaint to any other entity or agency; and
  - (4) make a request for any additional information needed to facilitate the investigation of the complaint.

## **§ 7. Investigations of Complaints of Discrimination Against ANR**

- (a) Investigation of Discrimination Complaints. An ANR Investigator shall document in writing, or in the case of an interview through recording, all activities undertaken to investigate an allegation of discrimination under this Procedure.
- (1) An ANR Investigator shall have the authority to request records, including e-mails and text messages, from any person that may be related to a grievance filed under this Procedure.
  - (2) An ANR Investigator shall have the right to conduct interviews with any person that may be related to a matter subject to a grievance. A state employee shall cooperate with the investigation but shall have the right to request union representation at an interview with an ANR Investigator. If such a request is made, the ANR Investigator shall refer the matter as defined in subsection (i) of this section. The ANR Investigator shall inform the Complainant that the matter has been referred to the Vermont Department of Human Resources.
  - (3) If a Complaint has been made to multiple entities, the ANR Investigator shall contact those entities and coordinate the investigation.
- (b) Stipulated Resolution of Discrimination Complaint. ANR and a complainant may seek to informally resolve a complaint and stipulate to a resolution of a complaint filed under this procedure. A stipulated resolution shall be filed with the ANR Investigator. If the ANR Investigator determines that the stipulation is fair and in the best interests of all parties, the ANR Investigator shall forward the stipulated resolution to the Secretary for approval. Upon the Secretary's approval, the ANR Investigator shall dismiss the complaint.

- (1) Notification of Approval and Dismissal. The ANR Investigator will be responsible for notifying both the complainant and the appropriate management within ANR of the Secretary's approval and the resulting dismissal of the complaint. The notification can be issued through formal written notice, which may include email, certified mail, or other documented methods to ensure receipt.
  - (2) Closing Documentation. The complaint file should include the signed stipulated resolution, the approval of the Secretary, and a formal dismissal notice. Copies of these documents should be distributed to the complainant, the ANR Nondiscrimination Coordinator and appropriate management to confirm that the complaint has been officially resolved and dismissed. The information shall be recorded as required by Section 8 of this Procedure.
- (c) For the purpose of this Procedure, the Parties to the Investigation may include the following persons or entities: the complainant(s), the person or person impacted or potentially impacted by the alleged discrimination, the person(s) alleged to have discriminated, and ANR.
  - (d) Standard of Review. The standard of review is preponderance of the evidence which means that the alleged discriminatory conduct is more likely true than not true.
  - (e) Preliminary Findings of Fact and Conclusions of Law. Within 90 days of concluding an Investigation, an ANR Investigator shall provide the Parties with the ANR Investigator's Preliminary Findings of Fact and Conclusions of Law, which shall summarize the findings of the Investigation; make a determination, based on a preponderance of the evidence; whether discriminatory conduct occurred or whether the ANR program, services, or activities had a discriminatory or disparate impact on a class protected by this Procedure; and identify necessary actions to address the discriminatory conduct or disparate impact.
  - (f) Reply by Parties. Within 15 days of issuance of the Preliminary Findings of Fact and Conclusions of Law, a Party may:
    - (1) Request a formal hearing on the complaint; or
    - (2) Provide informal written comments on the Preliminary Findings of Fact and Conclusions of Law.
  - (g) Formal Hearing. If any Party requests a formal hearing, then ANR shall conduct such a hearing.
  - (h) Hearings under this Procedure shall be treated as contested cases pursuant to 3 V.S.A. § 809. Final Findings of Fact and Conclusions of Law. If no Party requests a formal hearing, then the ANR Investigator shall:

- (1) Review any informal written comments to the Preliminary Findings of Fact and Conclusions of Law; if appropriate, make changes to the decision based on those comments; and prepare a response to any informal comments.
  - (2) Provide the Report to the Secretary. The Secretary shall either accept the report, dismiss the allegations, or remand the matter back to the ANR Investigator with instructions for further investigation.
- (i) Complaints against an ANR Employee alleging misconduct in violation of Vermont Personnel Policy and Procedure Manual (and specifically Policy Section 8 and Section 17). The ANR Investigator shall be familiar with the Manual.<sup>1</sup> If the ANR Investigator **at any time** during the Investigation believes that there is credible evidence that indicates that a State Employee has engaged in misconduct in violation of state policy, resulting in potential discrimination during the course of employment, the ANR Investigator shall:
- (1) Contact and consult the Vermont Department of Human Resources. Upon recommendation of the Department of Human Resources, transfer all investigation materials to the Department of Human Resources;
  - (2) Notify the Commissioner of the Department where the conduct in question occurred that there is credible evidence that indicates that discrimination may have occurred, that the investigation has been referred to the Vermont Department of Human Resources, and that the Department is required to assign a different employee to conduct the action that was subject to the grievance as though no previous action occurred; and
  - (3) Notify the complainant that an allegation of discrimination has been filed, that the Investigation is continuing under the State's Human Resources policies.
- (j) The Basis for Dismissal of a Complaint. An ANR Investigator may dismiss a complaint at any time if the Investigator determines that:
- (1) The facts do not support a credible claim that discrimination took place;
  - (2) The complaint does not allege discriminatory conduct that is subject to this procedure;
  - (3) The complaint does not make allegations against ANR or one of its subrecipients;

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<sup>1</sup> The manual can be found here: <https://humanresources.vermont.gov/labor-relations/manual> The manual can be found here: <https://humanresources.vermont.gov/labor-relations/manual>  
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(Revised: October 8, 2024)

- (4) The complainant fails to respond to requests for additional information; and/or
- (5) The grievance is not timely and good cause does not exist for waiving the timing requirement.

## **§ 8. Recordkeeping**

The Nondiscrimination Coordinator shall enter each written complaint into a log or database including the date(s), facts, and basis of the alleged discriminatory action(s). The log or database will also include a written description of the outcome of the investigation. This log or database shall be available for public viewing. This log or database will be reviewed on an annual basis by the Nondiscrimination Coordinator and revised as necessary, to ensure prompt and fair resolution of discrimination complaints, and to identify patterns or systematic problems.

## Appendix 1.

ANR offers the following information regarding complaint avenues with other federal or state agencies.

The Office of the Vermont Attorney General has a [Civil Rights Unit](#) (CRU) which enforces Vermont state laws that (i) prohibit employment discrimination and other unfair employment practices, (ii) offer employees job-protected leave to care for themselves or their family members, and (iii) provide civil remedies for victims of hate crimes. The CRU also provides guidance to individuals and employers about their rights and obligations under these laws.

The [Vermont Human Rights Commission's](#) mission is to promote full civil and human rights in Vermont.

The U.S. Department of Homeland Security has an [Office for Civil Rights and Civil Liberties](#) (CRCL) supports the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. CRCL builds in civil rights and civil liberties practices into all of the Department's activities by:

- Promoting respect for civil rights and civil liberties in policy development and implementation by advising Department leadership and personnel, and state and local partners.
- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of remedy, and promoting appropriate attention within the Department to their experiences and concerns.
- Investigating civil rights and civil liberties complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel.
- Leading the Department's equal employment opportunity programs and promoting workforce diversity and merit system principles.

The U.S. Department of Interior has an [Office of Diversity, Inclusion and Civil Rights](#) which is the focal point for all civil rights, equal opportunity programs, and affirmative employment functions in the Department of the Interior. We work to develop and enforce civil rights and equal opportunity programs pursuant to existing laws, Executive Orders and regulations and to ensure equal opportunity for all Departmental employees and Federally assisted programs by the Department.

The U.S. Environmental Protection Agency has a [Civil Rights Office](#) which enforces federal civil rights laws, such as Title VII of the Civil Rights Act of 1964 that protect employees and applicants for employment from discrimination, as well as requests for



reasonable accommodation and violations that arise under the Americans with Disabilities Act. Here is a link to their webpage: [EPA Office of Civil Rights](#)