

**Grievance Procedures**  
**Technical Assistance Fact Sheet**  
**(December 28, 2022)**

EPA's nondiscrimination regulations require that applicants for and recipients of EPA financial assistance adopt grievance procedures that assure the prompt and fair resolution of complaints which allege a violation of federal civil rights laws and EPA's nondiscrimination regulations.<sup>1</sup> Below are criteria set forth in the [Procedural Safeguards Checklist for Recipients - Federal Non-Discrimination Obligations and Best Practices](#). These are also reflected in various Informal Resolution Agreements (IRAs) entered into between EPA and recipients. IRAs can be found on EPA's webpage at [External Civil Rights Case Resolutions](#). These criteria are for the purpose of assisting applicants for and recipients of EPA financial assistance in complying with federal civil rights laws and EPA's nondiscrimination regulation. They do not constitute legal advice, a determination of civil rights compliance, nor an endorsement of the effectiveness in practice of any grievance process. In the event of any conflict between the criteria and any statute, regulation or other legal requirement, those legal authorities, and not the criteria, are controlling. \*\*\*

Some requirements and best practices for grievance procedures that should be considered, when applicable, along with Department of Education's guidance on grievance procedures for complaints raising allegations of violation of Title IX of the Education Amendments of 1972<sup>2</sup> (Title IX), and its implementing regulations<sup>3</sup> include the following:

- prominent publication of the grievance procedures in print<sup>4</sup> and online;
- clear identification of the non-discrimination coordinator, including name and contact information;
- explanation of the role of the non-discrimination coordinator, including with respect to the coordination and oversight of the grievance procedures;
- description of who may file a complaint under the grievance procedures and the appropriate bases for filing a complaint;
- description of which grievance processes are available, if more than one (*e.g.*, those covering Title IX, as opposed to Title VI and other civil rights authorities) and the options for complainants in pursuing them;
- description of the investigation process(es) and timelines for:
  - the submission of a discrimination complaint;

---

<sup>1</sup> 40 C.F.R. § 7.90(a). Regarding EPA's Title IX implementing regulations, see 40 C.F.R. § 5.135(b) ("A recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by these Title IX regulations."). For consideration of who may file a complaint under Title IX, refer to U.S. Department of Education regulations. See 85 FR 30026.

<sup>2</sup> 20 U.S.C. §§ 1681 *et seq.*

<sup>3</sup> 34 C.F.R. Part 106

<sup>4</sup> 40 C.F.R. § 5.135(b).

- the investigation’s review, conclusion, or resolution process; and
  - making an appeal, if any, of any final decision;
- application of the preponderance of the evidence standard during the investigation and analysis of the complaint;
- assurance that intimidation and retaliation are prohibited<sup>5</sup> and that claims of intimidation and retaliation will be handled promptly and fairly pursuant to the recipient’s grievance procedures in the same manner as other claims of discrimination;
- provision of prompt written notice about the outcome of the investigation, including whether discrimination is found and the description of the investigation process<sup>6</sup>;
- annual review of grievance procedures (for both in-print and online materials), and revision as necessary, to ensure prompt and fair resolution of discrimination complaints.

---

<sup>5</sup> See 40 C.F.R. § 7.100.

<sup>6</sup> Whether OECRC would consider a recipient’s complaint investigation and resolution to be “prompt” will vary depending on the complexity of the investigation and the severity and extent of the alleged discrimination. For example, the investigation and resolution of a complaint involving multiple allegations and multiple complainants likely would take longer than one involving a single allegation of discrimination and a single complainant.