

Georgia Environmental Finance Authority Nondiscrimination Grievance Procedure – (Non-Employee) Complaint Form ([click here](#))

This Nondiscrimination Grievance Procedure is available in the following languages:

- [Spanish - Procedimiento de quejas contra la discriminación](#)
- [French - Procédure de grief en matière de non-discrimination](#)
- [Chinese \(Simplified\) - 非歧视申诉程序](#)
- [Korean - 차별 금지 고충 처리 절차](#)
- [Vietnamese - Thủ tục khiếu nại chống phân biệt đối xử](#)

The Georgia Environmental Finance Authority (GEFA) prohibits discrimination, intimidation and/or retaliatory conduct on the basis of race, color, national origin, disability, age, or sex in the administration of its programs, services, or activities as required by applicable laws and regulations. GEFA will not tolerate intimidation, threats, coercion, or discrimination against any individuals or group. Our procedure establishes a framework for taking reasonable measures to ensure access to all services provided by GEFA for all citizens in the state of Georgia and establishes procedures whereby the agency will receive and investigate allegations of discrimination.

GEFA's nondiscrimination coordinator (Coordinator) shall be responsible for coordination and implementation of the complaint procedures outlined herein. The coordinator shall receive and review complaints, communicate with complainants, investigate complaints, or arrange for the investigation of complaints, issue letters and notices, and perform other actions necessary to fulfill GEFA's obligations under non-discrimination statutes. The purpose of the Nondiscrimination Grievance Procedure is to promptly and fairly resolve a conflict or dispute when an individual believes that GEFA is not in compliance with its requirements under applicable non-discrimination laws and regulations.

The complaint procedure is as follows:

Informal Non-Discrimination Grievance Procedure

GEFA encourages anyone with concerns about potential failure to provide services or discrimination in providing services to first discuss the matter with the coordinator. Individuals are not required to pursue the informal process first and may engage the formal Nondiscrimination Grievance Procedure as their first step if preferred. The complaint must be written on the **Complaint Form** and signed or authorized via electronic mail by the complainant or that person's representative before GEFA proceeds with its review.

The purpose of the informal complaint process is to make a good faith effort to resolve the issue quickly and efficiently. However, the individual may ask to implement the formal process at any time during the informal resolution. If you have concerns about services provided by GEFA or GEFA practices, or if you would like to relay your experiences to GEFA without making a formal complaint, please contact Glendale Jones at 404-584-1033 or ne_grievance@gefa.ga.gov.

Formal Nondiscrimination Grievance Procedures

1. **Submission of complaint:** A complaint regarding prohibited discrimination in GEFA's services, programs, and activities must be submitted by the complainant or his/her designee in writing as soon as possible but **no later than 180 calendar days** of the alleged act of discrimination to the coordinator below either by email or U.S. Postal Service below:

Glendale Jones
Nondiscrimination Coordinator
Georgia Environmental Finance Authority
47 Trinity Ave SW
Fifth Floor
Atlanta, GA 30334
404-584-1033
Email: ne_grievance@gefa.ga.gov

Anonymous complaints shall not be accepted or investigated.

2. **Contents of a complaint:** The complaint must be written on the **Complaint Form** and signed or authorized via electronic mail by the complainant or that person's representative before GEFA proceeds with its review. The document must include the following information:
 - A. Name, mailing address, and residential address of the complainant. The complainant's email address should also be provided if the complainant prefers to receive correspondence via email.
 - B. The name of the individual(s) or organization(s) responsible for the alleged discrimination (Respondent).
 - C. A description of the complainant's allegation(s) of discrimination, include the following:
 - a. Details to allow GEFA to determine if it has jurisdiction over the complaint and if the complaint was filed timely.
 - b. Specific prohibited bases of alleged discrimination, i.e., race, color, national origin, age, sex, disability, etc. The coordinator may request additional information from the complainant if needed to determine the basis for the complaint.
 - D. Whether a complaint has been filed with another agency or court, the agency or court where it was filed and relevant contact information.
 - E. Complainant's signature and date.
 - F. GEFA shall acknowledge its receipt of the complaint within **10 days** in writing to the complainant.
3. **Reasonable accommodations:** If the complainant is unable to submit a written complaint, the coordinator should be contacted to request reasonable accommodations to this procedure. Such accommodations may include, but are not limited to, using a relay service to communicate with a complainant who has a hearing impairment or arrange for interpretive services for those with limited English proficiency. GEFA shall work to ensure that individuals have full access to the complaint filing and investigative process. To request an auxiliary aid or service for effective communication, contact Glendale Jones at 404-584-1033 or ne_grievance@gefa.ga.gov as soon as possible but not later than **72 hours** before the activity or service is needed.
4. **Jurisdiction:** Upon receipt of a complaint, the coordinator shall review the complaint to determine whether GEFA has jurisdiction to investigate the issues presented. For GEFA to have jurisdiction, the following criteria must be met:

- A. The complaint must be in writing, unless the complainant received accommodations from the non-discrimination coordinator.
- B. The complaint must allege a discriminatory act that, if true, may violate Title VI of the 1964 Civil Rights Act, another applicable federal nondiscrimination law, e.g., Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; Section 13 of the Federal Water Pollution Control Act Amendments of 1972; and 40 C.F.R. Parts 5 and 7, or GEFA's nondiscrimination policy, such as an act or policy that subjects a person or persons to discriminatory treatment or results in discriminatory impact on a person or persons on the basis of a personal characteristic set forth in the nondiscrimination policy, e.g., race; or that, if true, may constitute intimidation or retaliation toward any person or persons 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**
- C. The complaint must allege a discriminatory act that, if true, may violate Title VI of the 1964 Civil Rights Act, another applicable federal nondiscrimination law in accordance with the U.S. Department of Energy (DOE) and National Energy Technology Laboratory (NETL) non-discrimination laws and regulations: Section 16 of the Federal Energy Administration Act of 1974 and Section 401 Energy Reorganization Act of 1974; Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972; as well as DOE's non-discrimination regulations at 10 C.F.R. Part 1040 Subpart B, D, E and 10 C.F.R. Part 1042.
- D. The complaint must identify a respondent that is a program, division, or agent of GEFA, including organizations that receive GEFA funding or operate on behalf of GEFA.

If GEFA does not have jurisdiction, a no-jurisdiction letter shall be issued within **30 calendar days** of said determination. A no-jurisdiction letter shall result in GEFA's closure of the complaint file. A no-jurisdiction letter may include a formal referral to another agency in instances where the referred agency's jurisdiction and/or ability to address the complaint is readily apparent to the non-discrimination coordinator.

- 5. **Notice:** Once a letter of acceptance has been issued, the coordinator shall:
 - A. Notify the respondent of the complaint and request the respondent provide a written response to the complaint within a reasonable time.
 - B. Conduct an appropriate, timely, and impartial investigation of the allegations, which may include interviews of the complainant, GEFA staff, any witnesses to the alleged discrimination, and other persons with relevant personal knowledge. The investigation may also include a review of any physical or written material provided by the complainant or respondent. A preponderance of the evidence standard shall be applied during the analysis of the complaint.
 - C. Attempt, if possible, to conciliate and resolve the complaint through a mutually agreeable solution. The focus of this informal resolution process should include improving agency procedures with the intent of preempting the need for future complaints. Upon informal resolution as contemplated here, the non-discrimination coordinator shall provide a letter of resolution summarizing the allegations and describing the informal resolution mutually agreed to by the complainant and the respondent. Such a letter of resolution shall result in GEFA's closure of the complaint file.
- 6. **Investigation:** Within 180 days of receiving the complaint, the coordinator shall issue a report and

determination on whether respondent was either:

- a. In compliance with applicable nondiscrimination laws or policy; or
- b. In violation with applicable nondiscrimination laws or policy.

The coordinator's report shall include a narrative of the incident, identification of individuals interviewed, and evidence reviewed, and shall contain findings and a determination. The report and determination shall be placed in the complaint file.

7. Upon a finding of violation, the coordinator shall prepare a letter of remediation summarizing the allegations and investigative process and explaining actions the respondent shall take in order to come into compliance. The letter shall prescribe a reasonable time for the respondent to complete the remedial actions set forth therein.
8. Upon a finding of compliance, the coordinator shall prepare a closure letter summarizing the allegations and investigative process and stating that the complaint file shall be closed and shall send copies thereof to complainant and respondent. A preliminary finding of compliance shall result in GEFA's closure of the complaint file.
9. The coordinator shall maintain copies of complaints and documentation related to the investigation and resolution thereof for a period of not less than two years.
10. The above procedures do not limit or deny the right of the complainant to file a complaint with state or federal agencies, or to seek private counsel for complaints alleging discrimination, intimidation, or retaliation of any kind that is prohibited by law. GEFA's decision to take actions to resolve a complaint should not be construed to constitute an admission that any discrimination has occurred, and any written documents prepared by GEFA in response to a complaint to constitute an offer of compromise to Federal Rule of Evidence 408 and equivalent state rules.
11. **Formal Grievance (Complaint) to External Agencies:** No individual is required to utilize GEFA's Nondiscrimination Grievance Procedure and may directly file a formal complaint with the respective enforcement agency as permitted under law. In lieu of filing a complaint with GEFA, complaints may be submitted to the appropriate agency below. Complainant should refer to each agency's requirements for complaint submissions:
U.S. Environmental Protection Agency
Office of External Civil Rights Compliant Office
Mail code 2310A
1200 Pennsylvania Ave NW
Washington, D.C. 20460
Email to: Title_VI_Complaints@epa.gov
Website: epa.gov/expternal-civil-rights
Office of Civil Rights, U.S. Department of Energy
Office of Economic Impact & Diversity
1000 Independence Ave SW
Washington, DC 20585
Telephone Number: 202.586.8383
Website: energy.gov/diversity/civil-rights