**Non-Employee Discrimination Complaint Procedures**

These procedures provide guidance for all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Section 13 of the Federal Water Pollution Control Act of 1972, and Title IX of the Education Amendments of 1972, 40 C.F.R. 7.100 (Prohibition on Intimidation and Retaliation), and any other applicable federal or state law, as they relate to any program or activity that is administered by the HDOA, or its consultants, contractors and vendors. In addition to these procedures, complainants have the right to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination.

1. Any person who believes she or he has been discriminated against by the HDOA, on the basis of race, color, national origin, age, disability, or sex, or any other class as protected under applicable federal or state law, or intimidated or retaliated against for exercising his or her rights, may submit a written complaint to the HDOA Acting Non-Discrimination Coordinator Morris Atta, at 1428 S. King St., Honolulu, HI 96814. A Title VI Complaint Form is available on-line at: <https://hdoa.hawaii.gov/wp-content/uploads/2018/05/HDOA-Title-VI-Discrimination-Complaint-Form-9-16-19.pdf>
2. Formal complaints must be filed within one-hundred eighty (180) calendar days of the latest incident of alleged discrimination, or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.
3. Complaints must be in writing and signed by the complainant(s). The complaint must identify the complainant, including the complainant’s name, address and telephone number. The complaint shall be delivered by mail or in person to the HDOA Administrative Office at 1428 S. King St., Honolulu, HI 96814 or email at: hdoa.titlevi@hawaii.gov
4. Allegations received by fax or email shall be followed up by a hard copy of the fax or email complaint with original signature(s). Fax or email copies of a complaint will be acknowledged but will not be processed until the original of the fax or email transmittal of the complaint with original signature(s) has been received by the HDOA Administrative Office.
5. Allegations received by telephone will be reduced to writing and forwarded to the complainant(s) for confirmation or revision, signature and return for processing.
6. The HDOA Non-Discrimination Coordinator will review the complaint form to determine jurisdiction and verify the complainant(s) intent to proceed with the complaint. All complainants will receive an acknowledgement letter informing the complainant of whether the complaint will be investigated by the HDOA or submitted to another State or Federal authority for processing as required by EPA regulations.
7. The HDOA does not intimidate, threaten, coerce, or discriminate against any individual or group for the purpose of interfering with any right or privilege guaranteed under federal anti-discrimination laws, or because an individual has filed a complaint or has testified, assisted, or participated in any way in an investigation, proceeding, or hearing related to federal anti-discrimination laws, or has opposed any practice made unlawful by federal anti-discrimination laws.
8. To request language or accessibility for completing the complaint form please contact the Office of the Chairperson at (808) 973-9560 or email: hdoa.info@hawaii.gov Please allow sufficient time for HDOA to meet accommodation requests.
9. For Hawai‘i Department of Agriculture employee complaints, please contact: HDOA Human Resources Office at (808)973-9481 or email hdoa.hr@hawaii.gov.
10. PROCEDURE FOR INVESTIGATION OF TITLE VI COMPLAINTS INVOLVING HDOA
11. The HDOA will notify the Director of the EPA External Civil Rights Compliance Office of **all** discrimination complaints within seventy-two (72) hours via email at Title\_VI\_Complaints@epa.gov followed by written verification sent to U.S. EPA, Mail code 230A, 1200 Pennsylvania Ave., NW, Washington, DC 20460.
12. The HDOA Non-Discrimination Coordinator has ninety (90) days to investigate the complaint. If more information is needed to resolve the case, the HDOA Non-Discrimination Coordinator may contact the complainant(s). The complainant(s) has no later than one-hundred ten (110) business days from the date of contact to send any requested information to the HDOA Non-Discrimination Coordinator assigned to the case. If the HDOA Non-Discrimination Coordinator is not contacted by the complainant(s) or does not receive the additional information from the complainant(s) within one-hundred ten (110) business days, the HDOA Non-Discrimination Coordinator may administratively close the case. A case may also be administratively closed if the complainant(s) no longer wishes to pursue her or his case.
13. After the investigation is completed, an investigative report will be drafted, and the parties will be notified of the outcome. A letter shall be issued summarizing the investigative findings, and whether or not there was a violation of the HDOA’s nondiscrimination policy. In instances where there was no finding, the parties will be informed of such and that the case is closed. In cases where there appeared to be a violation, the parties shall be informed that appropriate action shall be taken to ensure that the alleged act(s) of discrimination stops. Complainants shall be notified of her or his right to pursue other avenues of recourse.
14. A copy of the investigative report and the notification letter shall be submitted to Director of the EPA External Civil Rights Compliance Office within seventy-two (72) hours of being issued to the parties via email at Title\_VI\_Complaints@epa.gov followed by written verification sent to U.S. EPA, Mail code 230A, 1200 Pennsylvania Ave., NW, Washington, DC 20460.
15. A complainant who is dissatisfied with the decision of the HDOA Non-Discrimination Coordinator may file a complaint with the Hawai‘i Civil Rights Commission at (808) 586-8636, or via email at DLIR.HCRC.INFOR@hawaii.gov. Additionally, a complaint may be filed with the EPA Civil Rights Compliance Office at U.S. EPA Office of General Counsel, Mail Code (2310A), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460, or email information to Title\_VI\_Complaints@epa.gov.
16. PROCEDURE FOR INVESTIGATION OF TITLE VI COMPLAINTS INVOLVING HDOA SUBRECIPIENTS/VENDORS
17. The HDOA will investigate discrimination complaints against its subrecipients. At HDOA’s discretion, discrimination complaints against HDOA may be sent to the Hawai‘i Attorney General’s office (AGO)for investigation.
18. The HDOA Non-Discrimination Coordinatorwill notify the AGO of the discrimination complaint being filed against HDOA within seventy-two (72) hours or three (3) calendar days of receipt of the complaint. The complaint will be logged with the AGO identifying its basis of discrimination, the status, and the next steps. AGO will assume jurisdiction and follow AGO’s complaint procedures for investigating the complaint.
19. For discrimination complaints filed against the HDOA subrecipients (i.e., consultants, vendors, and contractors) the HDOA will assume jurisdiction and will investigate and adjudicate the case.
20. For discrimination complaints filed against the HDOA that have been referred to the AGO, the AGO has ninety (90) days to investigate the complaint. If more information is needed to resolve the case, the AGO investigator may contact the complainant(s). The complainant(s) has no later than one-hundred ten (110) business days from the date of contact to send any requested information to the AGO investigator assigned to the case. If the AGO investigator is not contacted by the complainant(s) or does not receive the additional information from the complainant(s) within one-hundred ten (110) business days, the AGO investigator may administratively close the case. A case may also be administratively closed if the complainant(s) no longer wishes to pursue her or his case.
21. After the investigation is completed, an investigative report will be drafted, and the parties will be notified of the outcome. A letter shall be issued summarizing the investigative findings, and whether or not there was a violation of the HDOA’s nondiscrimination policy. In instances where there was no finding, the parties will be informed of such and that the case is closed. In cases where there appeared to be a violation, the parties shall be informed that appropriate action shall be taken to ensure that the alleged act(s) of discrimination stops. Complainants shall be notified of her or his right to pursue other avenues of recourse.

1. A copy of the investigative report and the notification letter shall be submitted to HDOA by the AGO within seventy-two (72) hours of being issued to the parties. HDOA shall submit a copy of the investigative report and the notification letter to Director of the EPA External Civil Rights Compliance Office within seventy-two (72) hours of being issued to the parties via email at Title\_VI\_Complaints@epa.gov followed by written verification sent to U.S. EPA, Mail code 230A, 1200 Pennsylvania Ave., NW, Washington, DC 20460.
2. A complainant dissatisfied with the AGO decision may file a complaint with the Hawai‘i Civil Rights Commission at (808) 586-8636, or via email at DLIR.HCRC.INFOR@hawaii.gov. Additionally, a complaint may be filed with the EPA Civil Rights Compliance Office at U.S. EPA Office of General Counsel, Mail Code (2310A), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460, or email information to Title\_VI\_Complaints@epa.gov.

If you require special assistance or language interpretation services, please contact the HDOA Office of the Chairperson at (808) 973-9560 or email hdoa.info@hawaii.gov. Please allow sufficient time for HDOA to meet accommodation requests.

To request language interpretation for this document, please contact: LEP Coordinator located at 1428 South King Street, Honolulu, HI 96813 (Phone: 808-973-9469 Email: hdoa.hr@hawaii.gov). Individuals may request oral interpretation services in order to request a written translation of this document.

 Hawaii Department of Agriculture

 1428 S. King Street

 Honolulu, Hawaii 96814

 Phone: (808) 973-9560 • FAX: (808) 973-9418

 Email: hdoa.titleVI@hawaii.gov

# **Non-Employee Discrimination Complaint Form**

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| **Section I:** |
| Name:  |
| Address: |
| Telephone (Home): | Telephone (Work): |
| Electronic Mail Address: |
| Accessible Format Requirements? |  Large Print ☐ | Audio Tape ☐ |
|  TDD ☐ | Other ☐ |
| **Section II:** |
| Are you filing this complaint on your own behalf? |  Yes\* ☐ | No ☐ |
| *\*If you answered “yes” to this question, go to* ***Section III****.* |
| If not, please supply the name and relationship of the person for whom you are complaining. |  |
| Please explain why you have filed for a third party: |
| Please confirm that you have obtained the permission of theaggrieved party if you are filing on behalf of a third party. | ☐ Yes | ☐ No |
| **Section III:** |
| I believe the discrimination I experienced was based on (check all that apply): Race ☐ Color ☐ National Origin ☐ Sex ☐ Age ☐ Disability ☐ Income Status ☐ Retaliation ☐ Other ☐  Date of Alleged Discrimination (Month, Day, Year): Click or tap here to enter text.Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is need, please use the back of this form. |
| **Section IV:** |
| Have you previously filed a discrimination complaint with this agency? | ☐ Yes | ☐ No |

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| If yes, please provide any reference information regarding your previous complaint.  |
| **Section V:** |
| Have you filed this complaint with any other Federal, State, or local agency, or with any Federalor State court? ☐ Yes ☐ NoIf yes, name all that apply:Federal Agency: Federal Court: State Court:State Agency:Local Agency:  |
| Please provide information about a contact person at the agency/court where the complaintwas filed. |
| Name:  |
| Title: |
| Agency: |
| Address: |
| Telephone: |
| **Section VI:** |
| Name of agency complaint is against: |
| Name of person complaint is against: |
| Title: |
| Location: |
| Telephone Number (if available): |

You may attach any written materials or other information that you think is relevant to your

Complaint. Your signature and date are required below.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Date

Please submit this form in person at the address below, or mail this form to:

Hawai‘i Department of Agriculture

1428 S. King Street, Honolulu, HI 96814

Acting Non-Discrimination Coordinator Morris Atta, (808) 973-9560, hdoa.titleVI@hawaii.gov

A complaint form can also be found online at:

 <https://hdoa.hawaii.gov/wp-content/uploads/2018/05/HDOA-Title-VI-Discrimination-Complaint-Form-9-16-19.pdf>

For Hawai‘i Department of Agriculture employee complaints, please contact: HDOA Human Resources Office at (808)973-9481 or email hdoa.hr@hawaii.gov.

To request language interpretation for this document, please contact: LEP Coordinator located at 1428 South King Street, Honolulu, HI 96813 (Phone: 808-973-9469 Email: hdoa.hr@hawaii.gov). Individuals may request oral interpretation services in order to request a written translation of this document.