



Civil Rights Discrimination **RIOER Complaint Procedure**

Any individual or class of individuals who believe they have been discriminated against in violation of any of the federal non-discrimination laws may file a written complaint. Accommodations will be made for those who cannot provide a complaint in writing or receive written notice.

Intimidation or retaliation by RIOER staff towards the complainant is strictly prohibited. Prompt action will be taken to address this concern. Such claims will be handled promptly and fairly following the complaint process.

Complaint Process

If you need assistance or accommodations to access this complaint process, you may contact the Non-Discrimination Coordinator.

1. A written complaint must be filed with RIOER's Non-Discrimination Coordinator within one hundred and eighty (180) days of the alleged occurrence. The complaint should contain the name and address of the person filing the complaint, a description of the situation giving rise to the discrimination (awarding of federal funds to a recipient from RIOER; employment by a recipient of federal funding from RIOER; program or services offered by RIOER; program or services offered by a recipient of federal funding from RIOER), the date the discrimination occurred (month, day, year), that agency or organization involved, the nature(s) of discrimination (age, gender, gender identity, sexual orientation, marital status, familial status, religion, race/ethnicity, national origin – including Limited English Proficiency, color, or disability) and description of the alleged discrimination. The complaint should contain a signature and date.
2. Complaints must be submitted to RIOER's Non-Discrimination Coordinator using one of the following methods:
 - Via US Mail:
David M. Augustyn, Esq.
Non-Discrimination Coordinator
Rhode Island Office of Energy Resources
1 Capitol Hill, 4th Floor
Providence, RI 02908

- Via hand delivery:
 - Rhode Island Office of Energy Resources
1 Capitol Hill
Providence, RI 02908
 - Via email:
 - David.Augustyn@energy.ri.gov
3. Upon request, alternative means of filing a complaint shall be made available for persons seeking such accommodation on the basis of a disability. Complaints filed by alternative means must include the name, address, telephone number, email address, and brief description of the alleged violation, including the date(s) and parties involved.
 4. Complaints by RIOER employees or applicants for state employment should refer to the process set forth in the [Division of Equity, Diversity & Inclusion](#) procedure.

Complaint Resolution Process

1. Formal complaints will be reviewed by the Non-Discrimination Coordinator, who will provide written acknowledgment of the complaint within ten (10) calendar days by first-class mail. The written acknowledgment will be sent to the address provided on the submitted complaint form. Accommodations will be provided if a complainant cannot receive written notice throughout the complaint process. Additionally, these complaint procedures do not impede the complainant's right to file a complaint with any other State or Federal agencies or the right to retain an attorney.
2. The Non-Discrimination Coordinator may determine whether additional information is required. In this event, the complainant will be notified in writing of the information needed. The complainant will have thirty (30) calendar days to provide the requested information.
3. Once the additional information is received, if any, the Non-Discrimination Coordinator will determine if the complaint will be investigated. This will be determined within fifteen (15) calendar days of receiving the requested information, if any. The complaint will be assessed using the preponderance of evidence standard. This means that, based on the information provided, it is more likely than not that the complaint warrants an investigation. The Non-Discrimination Coordinator will notify the complainant in writing of the decision within five (5) calendar days after determining that a complaint does or does not warrant investigation. Additionally:

- If the decision is to not investigate the complaint, the notification shall specify the reason(s) of the decision; or
 - If the complaint is to be investigated, the notification shall state the grounds for the investigation and inform the parties that full cooperation will be required.
4. If it is determined that a complete investigation is warranted, the investigation will be conducted by the Non-Discrimination Coordinator, or his/her designee, in consultation with other RIOER personnel, as warranted. This procedure contemplates an informal but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. The investigation may include interviews of the complainant, employees, contractors, subcontractors, subgrantees, those named in the complaint, and witnesses to the alleged discrimination, as well as a review of any physical or written evidence. If more information is needed to resolve the case, the Non-Discrimination Coordinator may contact the complainant. The complainant has thirty (30) calendar days to send requested information to the investigator assigned to the case.
 5. At the conclusion of the investigation, the Non-Discrimination Coordinator shall prepare a report that will make a written determination as to the validity of the complaint and include findings and recommendations of the investigation, if any. The report, among other information, shall contain the findings of the investigation, information regarding whether discrimination or retaliation was found, a summary of the investigation process, and information regarding any corrective actions that will be implemented (if applicable).
 6. The Non-Discrimination Coordinator shall have up to one hundred eighty (180) calendar days, from the date of the investigation notification, to conduct an investigation and complete a report. A copy of the report will be forwarded to the complainant. If additional time is needed by the Non-Discrimination Coordinator, he/she shall advise all parties accordingly.

Mediation and Informal Complaint Resolution

At any time during the complaint review and/or investigation process, the complainant may request mediation. Both parties must consent to the mediation. If the parties consent to mediation, the complaint review and investigation process will be stayed while the parties work to mediate the complaint.

Additionally, the parties are encouraged to consider how they might be willing to resolve the matter through informal means, as appropriate. Either party may take informal measures as necessary to resolve the complaint. If an agreement is reached, the complaint will be resolved and the matter will be closed out.

Complaint Dismissal

A complaint may be dismissed under any of the following circumstances:

1. The complainant dismisses or withdraws the complaint;
2. The complaint is not timely and good cause does not exist for waving the timing requirement;
3. The complainant does not respond to correspondence requesting additional information within the timeframes requested;
4. The complainant cannot be located;
5. The complaint does not make allegations against RIOER or one of its subrecipients;
6. A complaint may be dismissed after a review if it has been determined there is not a substantive claim of discrimination.

Appeals

A person who submitted a complaint may appeal the decision of the Non-Discrimination Coordinator by writing to the Acting Commissioner of RIOER within fifteen (15) calendar days of the date of the written decision. The Acting Commissioner shall issue a final written decision in response to the appeal no later than thirty (30) calendar days after its filing.

Alternate Complaint Methods

These procedures do not limit or deny the complainant's right to file a formal complaint with an outside enforcement agency. In addition to the procedures above, any person who feels that they have been discriminated against with respect to a RIOER program or activity may contact the appropriate federal agency listed below:

U.S. Environmental Protection Agency
Office of External Civil Rights Compliance
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Title_VI_Complaints@epa.gov

Record Keeping

Complaints, including the nature of the complainant and other pertinent information, will be recorded by RIOER. This may include but is not limited to: the demographics of the complainant, the date the complaint was filed; and the dates of investigation. Records of complaints may be requested by federal agencies. If requested, this information will be forwarded to the requesting federal agency. To maintain confidentiality, no personal identifying information of the complainant will be disclosed in the record. The Non-Discrimination Coordinator will maintain the files and records relating to complaints filed.