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NEIWPCC Non-Discrimination Grievance Procedure

Purpose

New England Interstate Water Pollution Control Commission (NEIWPCC) is dedicated to ensuring equitable access to our programs and services for all individuals. NEIWPCC does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by federal non-discrimination laws, or for the purpose of interfering with such rights.

NEIWPCC's Non-Discrimination Coordinators are responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by federal non-discrimination laws, including 40 C.F.R. Parts 5 and 7, Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972.

The purpose of this Grievance Procedure is to ensure NEIWPCC provides a fair, prompt, and accessible process for addressing complaints of discrimination in our programs or services.

Scope

This policy applies to all applicants, beneficiaries, employees, contractors, subcontractors, and other participants in NEIWPCC-administered programs or activities. Complaints may be filed by an individual or group who believes they have been subjected to discrimination on the basis of:

- Race
- Color
- National origin
- Sex
- Disability
- Age
- Any other protected status as required by applicable law

Filing a Grievance

- **Who May File:** Any person, or their authorized representative, who believes they have been subjected to discrimination or retaliation/intimidation.
- **How to File:** Complaints may be submitted via email, mail, or telephone. Assistance will be provided to individuals with limited English proficiency or disabilities in preparing and submitting grievances.
- **Where to File:** Please contact **Brian Scovel, NEIWPCC Staff Attorney**, via one of the following methods:



- Email (bscovel@neiwpc.org) utilizing the subject line “Discrimination Complaint”
- Physical mail (NEIWPCC, 650 Suffolk Drive, Suite 410, Lowell, MA, 01854)
- Phone (978-349-2506)
- **What Information to File:** Complete the [Grievance Form](#) or provide the following information:
 - Name, address, and contact information of the complainant (or representative)
 - Name of relevant NEIWPCC program, activity, or service
 - A description of the discriminatory act(s) (what occurred, when, where)
 - The basis for the alleged discrimination (race, color, national origin, etc.)
 - Names of any witnesses or other persons with relevant information
 - Any documentation or evidence (if available)
- **Time to File:** Complaints should be filed within 180 days of the alleged discriminatory act.
- **If assistance is needed:** Appropriate assistance shall be provided to individuals with disabilities and individuals with limited English proficiency. Furthermore, complaints in alternative formats shall be accepted from individuals with disabilities. Please reach out to the Staff Attorney listed above for assistance.

Grievance Procedure Once a Complaint is Filed

- i. Acknowledgment – NEIWPCC will acknowledge receipt of the grievance within 10 business days.
- ii. Preliminary Review – The NEIWPCC Staff Attorney will determine whether the grievance falls within the scope of this policy and notify the complainant of acceptance or referral within 30 business days.
- iii. Investigation – An investigation should include interviews of the complainant, any witnesses identified by the complainant, relevant staff of the subject of the investigation, and any witnesses identified by the subject of the investigation. An investigation should also include review of relevant documents, inspection of relevant premises and, if necessary, consultation with technical experts, including legal advisors. Staff may review facilities or any other documentation that may be provided.

The preponderance of the evidence standard will be applied during the analysis of each complaint.
- iv. Resolution/Determination – Within 60 calendar days from date of acknowledgement, NEIWPCC will issue written findings and, if applicable,

propose remedial actions, unless NEIWPCC determines additional time is needed. The complainant will receive a written notice detailing:

- a. The findings of the investigation
 - b. Whether discrimination or retaliation was found
 - c. A summary of the investigation process
 - d. Any remedial actions that will be implemented (if applicable)
- v. Appeal – If the complainant disagrees with the resolution, they may file a written appeal within 15 calendar days. The written appeal should be addressed to Christina Stringer, NEIWPCC Deputy Director, via email (cstringer@neiwpc.org) or physical mail (650 Suffolk Street, Suite 410, Lowell, MA 01854). The Deputy Director will issue a final decision within 30 calendar days of receiving the appeal.

Confidentiality

All information related to grievance will be maintained as confidential to the extent possible, consistent with the need to conduct a fair and thorough investigation.

Recordkeeping

NEIWPCC will maintain records of all grievances, investigations, and resolutions for a minimum of three (3) years. When any complaint or other action is brought before the three-year period ends, NEIWPCC shall continue to keep the records beyond the three-year period until the complaint or action is resolved.

NEIWPCC will also collect, maintain, and on request from any funding entity, provide the following:

- A brief description of any lawsuits pending against the recipient that allege discrimination which federal non-discrimination laws prohibit.
- Racial/ethnic, national origin, age, sex, and disability data for NEIWPCC's service area (i.e., Seven NEIWPCC member states: Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont).
- A log of discrimination complaints which identify the complaint, the date it was filed, the date the recipient's investigation was completed, the disposition, and the date of disposition, and the date of disposition.
- Reports on any compliance reviews conducted by other agencies.

NEIWPCC Notice of Nondiscrimination and Grievance Procedures are reviewed on an annual basis and revised as necessary, to ensure prompt and fair resolution of discrimination complaints and ongoing compliance with federal non-discrimination laws.