



Florida Division of Emergency Management



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13			
14			
15			
16			

Table of Contents

I. PURPOSE.....3

II. STATUTORY AUTHORITY .....3

III. SCOPE.....3

IV. DISTRIBUTION.....3

V. DEFINITIONS .....3

VI. GENERAL INFORMATION .....4

VII. PROCEDURES.....4

VIII.FORMS .....7

IX. ATTACHMENTS .....7

**I. PURPOSE**

This policy statement establishes a framework for taking reasonable steps to ensure access to all services provided by the Florida Division of Emergency Management (Division or FDEM) for all of Florida’s citizens and establishes procedures whereby FDEM will receive and investigate allegations of discrimination.

**II. STATUTORY AUTHORITY**

- A. Title VI of the Civil Rights Act of 1964**
- B. Title IX of the Education Amendments of 1972 (Title IX)**
- C. Section 504 of the Rehabilitation Act of 1973 (Section 504)**
- D. The Age Discrimination Act of 1975**
- E. Chapter 119, F.S.**
- F. FY 2023 DHS Standard Terms of Conditions**
- G. 44 C.F.R. Part 7, Nondiscrimination in Federally Assisted Programs.**

**III. SCOPE**

All employees of FDEM and individuals who receive or apply to receive services from FDEM.

**IV. DISTRIBUTION**

Individuals to be Notified of This Policy and Its Procedures	Method of Notification
All FDEM Employees	PowerDMS
FDEM Executive Leadership	Executive Leadership meetings

**V. DEFINITIONS**

**Disability** – A hearing, vision, cognitive, ambulatory, self-care, and/or independent living difficulty.

**Limited English Proficient (LEP) Person** – An individual who does not speak English as their primary language and who has limited ability to read, write, speak, or understand English.

**Nondiscrimination Program Coordinator** – FDEM representative within the Office of Human Resources who ensures compliance with federal nondiscrimination statutes.

## VI. GENERAL INFORMATION

FDEM is committed to ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program, activity, or service that it provides. FDEM will not tolerate intimidation, threats, coercion, or discrimination against any individual or group.

***Title VI of the Civil Rights Act of 1964*** is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service, or activity that receives federal assistance. Specifically, ***Title VI*** assures that “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Nondiscrimination prohibitions have been further broadened and supplemented by related statutes, regulations, and executive orders. FDEM is actively engaged in ***Title VI*** activities as a recipient of federal assistance from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS).

FDEM will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under any of its programs, regardless of the funding source for the program. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color, or national origin.

FDEM will not tolerate intimidation, threats, coercion, or discrimination against any individual or group, either (1) for the purpose of interfering with any right or privilege guaranteed under law or regulations or (2) because the individual has filed a complaint or has testified, assisted, or participated in any way in an investigation, proceeding, or hearing or has opposed any FDEM action or decision.

FDEM will take reasonable measures to provide access to Division services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities.

## VII. PROCEDURES

**A. Public Notice of FDEM’s Nondiscrimination Program:** Public notice of FDEM’s Nondiscrimination Program will be prominently posted:

1. In a common area of FDEM’s offices and on FDEM’s website.
2. FDEM’s public notices will include the following text:

“FDEM will take reasonable measures to provide access to Division services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for

disability accommodations must be made at least 72 hours in advance by contacting: [Division Contact Information]"

"FDEM tomará las medidas necesarias para brindar acceso a los servicios del departamento a personas que no dominan el idioma inglés y/o personas con discapacidades. Las solicitudes de servicios de interpretación de otro idioma o adaptaciones para discapacitados deben realizarse con al menos 72 horas de anticipación comunicándose con: [Departamento de Información de Contacto]"

"FDEM pral pran etap sa yo bay aksè a sèvis depatman ki pa Angle ak / oswa moun ki gen andikap. Demann pou sèvis entèpretasyon lang altènatif oswa akomodasyon pou andikape a dwe fèt omwen 72 èdtan davans pa kontakte: [Depatman Enfòmasyon pou Kontakte]"

#### **B. The Nondiscrimination Program Coordinator:**

1. Ensures information regarding FDEM's Nondiscrimination Program is internally and externally available;
2. Posts and maintains public notice of, and procedures for receipt and processing of complaints;
3. Tracks and reviews complaints received;
4. Maintains the confidentiality pursuant to **chapter 119.071, F.S.**;
5. Trains Division staff on FDEM's Nondiscrimination Program and procedures;
6. May consult with the Office of the Inspector General as necessary in conducting investigations pursuant to the policy;
7. Provides written updates to complainants on the progress of investigations; and
8. Periodically reviews the efficacy of FDEM's Nondiscrimination Program.

**C. Complaint Procedures:** If someone believes they have suffered from discrimination under an FDEM program, they may contact the FDEM Nondiscrimination Program Coordinator to seek informal resolution. If the matter cannot be resolved informally, the following steps will be followed:

1. Within 180 days of the alleged discrimination, complainants may submit a written or verbal complaint to the Nondiscrimination Program Coordinator. Complaints must include the complainant's name, the nature of the complaint, the dates of the alleged discrimination, requested action, and contact information.
2. The Nondiscrimination Program Coordinator will review the complaint and

may solicit additional information from the complainant as needed. If additional information is requested and not received, the case may be closed. The case may also be closed if the complainant no longer wishes to pursue their case.

3. A complaint log will be kept by FDEM containing the name and address of the complainant, nature of the complaint, date of submission, and results of the investigation.
4. If the complaint is outside the jurisdiction of FDEM, the complainant will be notified of the name and contact information for the appropriate agency with jurisdiction, if known.

**D. Complaint Processing:** If the complaint is within the jurisdiction of FDEM, and informal resolution was not possible, it will be promptly investigated. FDEM will attempt to address complaints within 180 days of receipt unless more time is needed to thoroughly investigate the nature and complexity of the complaint.

**E. Preliminary Inquiry:** FDEM will conduct a preliminary inquiry to determine the need for further investigation.

1. FDEM will notify the complainant in writing that a preliminary inquiry is underway to determine the need for further investigation.
2. If the preliminary inquiry by FDEM indicates that an investigation is warranted, the complainant will be notified in writing and an interview will be scheduled.
3. If the preliminary inquiry indicates an investigation is not warranted, the complainant will be notified in writing of the reasons why and factors considered.

**F. Complaint Investigation:**

1. Complaints warranting further investigation will be promptly processed by the FDEM Nondiscrimination Program Coordinator. The preponderance of evidence standard will be applied to all complaint investigations. The results of the investigation will be provided to the FDEM Office of General Counsel for review.
2. The complainant will be notified in writing of the results of the investigation and what actions will be/have been taken in response and a timeline to request review.
3. Records and investigative files will be kept for a minimum of five years.

**VIII. FORMS**

Complaint Forms

**IX. ATTACHMENTS**

Complaint Forms