



NONDISCRIMINATION GRIEVANCE PROCEDURE

The purpose of this Directive is to establish written guidance for the Department of Environmental Protection (DEP) employees to follow when they receive a complaint alleging discrimination or retaliation by a DEP employee, contractor, program, or activity.

Neither DEP or its employees or contractors may discriminate against any person on the basis of the person's race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status; nor, consistent with [DEP 436, Discrimination, Harassment and Sexual Harassment Directive](#), shall DEP retaliate or intimidate against anyone who exercises their rights or privileges guaranteed by state or federal nondiscrimination laws or opposes an action prohibited under state or federal nondiscrimination laws. This prohibition includes programs for which DEP is receiving or administering appropriated funds.

By virtue of receiving funding, DEP, including its employees and contractors must comply with the following civil rights laws and regulations:

- [Title VI of the Civil Rights Act of 1964](#) as amended (prohibiting discrimination in federally assisted programs on the basis of race, color, or national origin in the delivery of services or benefits);
- [Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act](#) (prohibiting discrimination on the basis of sex in the delivery of services or benefits under the Federal Water Pollution Control Act as amended);
- [Section 504 of the Rehabilitation Act of 1973](#) (prohibiting discrimination in federally assisted programs on the basis of disability, both in employment and in the delivery of services and benefits);
- [Age Discrimination Act of 1975](#) (prohibiting discrimination in federally assisted programs on the basis of age in the delivery of services or benefits);
- [40 C.F.R. Part 7](#) (implementing Title VI of the Civil Rights Act of 1964, Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act, and Section 504 of the Rehabilitation Act of 1973); and
- [Part I, Chapter 760, F.S.](#) (prohibiting discrimination on the basis of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status).

FILING A COMPLAINT

1. A person who thinks they have been discriminated against by an employee or contractor of DEP on the basis of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status, or thinks they have been retaliated against for having engaged in protected activity, may file a complaint with the DEP's Inspector General using the Complaint of Discrimination form. This form is available in [English](#), [Spanish](#) and [Haitian Creole](#). Complaints may also be made by using the contact information for the Inspector General listed below.

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Contact Information for the DEP's Inspector General is:

Candie M. Fuller, Inspector General
Office of Inspector General
3800 Commonwealth Blvd.
MS #40
Tallahassee, FL 32399
Email: Candie.Fuller@floridadep.gov
Phone: (850) 245-3151

2. Pursuant to Section 20.055, Florida Statutes, the Inspector General serves as DEP's "central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government." The DEP Inspector General Office is charged with, among other things:

- Providing direction for, supervising, and coordinating audits, investigations, and management reviews relating to DEP programs and operations for the purpose of detecting, deterring, preventing, and eradicating misconduct and other abuses within DEP; and
- Reviewing rules and policies relating to DEP programs and operations and making recommendations concerning their impact.

See [Section 20.055\(2\) & \(7\), F.S.](#)

3. In carrying out these duties, the DEP Inspector General must comply with the General Principles and [Standards for Offices of Inspector General](#) as published and revised by the Association of Inspectors General; and the DEP Inspector General is protected from any actual or perceived impairment to their independence including the freedom from any interference with investigations and timely access to records and other sources of information. See Section 20.055(2)(j) & (7)(d), Fla. Stat.

5. The General Principles and [Standards for Offices of Inspector General](#) ensure, among other things, that the DEP Inspector General provides his or her staff with direction, guidance, oversight, and training and follows the basic principles of integrity, objectivity, independence, confidentiality, professionalism, competence, courage, trust, honesty, fairness, forthrightness, public accountability and respect for others and themselves when conducting investigations, reporting, and carrying out their additional duties.

RESPONSE

1. An employee, or contractor of DEP who receives a complaint that an employee, or contractor, of DEP has allegedly participated in discriminatory or retaliatory conduct shall notify the Inspector General as soon as practical.
2. Upon receipt of a complaint, the Inspector General shall adhere to the investigatory process and responsibilities enumerated in [DEP 290, Internal Investigations Directive](#), which includes a process for timely, thorough and fair investigations, that are free from impairment, and related procedures for documentation, tracking, and reporting.

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EXTERNAL COGNIZENT AGENCY

DEP encourages individuals to file complaints of the kind discussed in this directive with the Inspector General. However, this directive is not intended to prevent individuals from seeking remedy under state or federal law.

If an individual feels he or she has been discriminated against on the basis of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status, or alleges retaliation for having engaged in protected activity, a complaint may be submitted to:

U.S. Environmental Protection Agency
Office of External Civil Rights
Mail Code 2310A
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
Email: Title VI Complaints@epa.gov

AGREEMENTS

DEP will not enter into agreements nor continue existing agreements with any organization that knowingly discriminates against any person on the basis of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status or that retaliates or intimidates against anyone who exercises their rights or privileges guaranteed by state or federal nondiscrimination laws or opposes an action prohibited under state or federal nondiscrimination laws.

DISTRIBUTION

A copy of this directive will be made available to all DEP employees or contractors. A copy will also be provided in orientation materials provided to new employees of DEP. This directive will also be posted on DEP's website, <https://floridadep.gov/sec/sec/content/equal-opportunity-nondiscrimination>. The directive will be reviewed by the DEP Inspector General's Office on a continuous basis and updated as necessary.