



NONDISCRIMINATION POLICY

Title VI of the Civil Rights Act of 1964 and Title 40 of the Code of Federal Regulations (CFR), Part 7, Nondiscrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency, prohibits discrimination on the basis of race, color, national origin, age, sex, or handicap in programs or activities receiving federal assistance from the U.S. Environmental Protection Agency (U.S. EPA). JXN Water is committed to providing persons with disabilities equal opportunity to participate in or benefit from its programs, services, and activities through its compliance with 40 CFR, Part 7, and Section 504 of the Rehabilitation Act of 1973. JXN Water also prohibits discrimination in employment, including based on disability.

JXN Water recognizes that persons with disabilities may need reasonable modifications to have equal opportunities to participate in or benefit from JXN Water's programs, services, and activities. It is JXN Water's policy that no otherwise qualified individual with a disability will be denied access to or participation in any program, service, or activity offered by JXN Water. JXN Water will administer programs, services, and activities in the most integrated setting appropriate to the needs of qualified persons with disabilities. JXN Water and any of its agents will not coerce, intimidate, retaliate against, or discriminate against any individual for exercising a right under Section 504, or for assisting or supporting another to exercise a right under Section 504.

As set forth below, it is JXN Water's policy not to discriminate on the basis of race, color, national origin, age, sex, or disability, including those in 40 CFR, Part 7. JXN Water will maintain demographic data on the race, color, national origin, sex, age, and disability status of the population it serves by pulling data annually from the U.S. Census Bureau website (<https://data.census.gov/>).

This Program and Policy applies to all JXN Water subrecipients, agents, and contractors.

Definitions

- A. Bilingual Staff Member is a staff member who has demonstrated proficiency in both English and at least one other language. A bilingual staff member may speak or write directly to an LEP individual in a language other than English.
- B. Contractor is any entity that performs work or provides services on behalf of JXN Water or its division under a contractual agreement with reimbursement. ("Contract" means a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them.)
- C. Disability means, with respect to an individual:
 - 1. a physical or mental impairment that substantially limits one or more of the person's major life activities;
 - 2. a history of such an impairment; or
 - 3. being regarded as having such an impairment.

The definition of "disability" shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of Section 504. The question of whether an individual meets the definition of "disability" should not demand extensive analysis

- D. Effective Communication is communication that is sufficient to provide the LEP individual with substantially the same level of access to services and information received by individuals who are not LEP. For example, if EPA creates a frequently asked questions document in English to help the general public understand its actions, then such information should be translated into the relevant languages to allow LEP individuals access to the same information.
- E. Interpretation is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- F. Interpreter is an individual who conveys meaning orally from one language (the source language) into another (the target language).
- G. Language Assistance Services are the oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered.
- H. Limited English Proficient (LEP) Individual(s) is an individual(s) who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other types of communication (e.g., reading or writing).
- I. Meaningful Access is language assistance that results in accurate, timely, and effective communication to the LEP individual. For LEP individuals, meaningful access denotes reasonable efforts to provide language assistance services to ensure that LEP individuals have substantially equal access to EPA programs and activities.
- J. Primary Language is an individual's primary language is the language in which an individual most effectively communicates.
- K. Program or Activity, both the term "program or activity" and the term "program," mean all of the operations of the Agency.
- L. Qualified Individual with a Disability is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by JXN Water.

Nondiscrimination Compliance Coordinator (NCC)

Edward "Ted" Henifin, Interim Third-Party Manager, is designated as the Nondiscrimination Compliance Coordinator (NCC) for JXN Water. The NCC will coordinate JXN Water's efforts to comply with Section 504, including ensuring the following:

- A. JXN Water will adopt and make readily available in suitable formats (e.g., enlarged, Braille, audio-taped):
 - 1. a procedure that allows an individual to request reasonable modifications or auxiliary aids or services needed to obtain equal access to and enable participation in JXN Water programs, services, and activities;
 - 2. a procedure for maintaining personal information in a manner that protects the privacy and

- independence of the individual; and
 - 3. a procedure for providing modifications and auxiliary aids or services.
- B. JXN Water will maintain data on the nature and extent of the services provided to persons with disabilities and develop data collection requirements as part of the operational guidelines for implementing this policy.
 - C. JXN Water will administer its programs, services, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
 - D. JXN Water will utilize the grievance procedures set forth in its nondiscrimination program and policy for providing prompt and equitable resolution of complaints alleging any action that would violate Section 504. These procedures should be applicable to any anticipated complaint, including an appeal of a denied request for reasonable modifications or auxiliary aids or services.
 - E. JXN Water will provide auxiliary aids or services that are required to comply with Section 504 free of charge.
 - F. JXN Water will provide periodic in-service training for faculty and staff to develop their awareness and understanding of the needs of persons with disabilities and legal compliance issues.

Program Accessibility

Consistent with JXN Water’s self-assessment, JXN Water will consider the extent to which any JXN Water facilities are “public facilities” or will be used by the public. JXN Water will operate its programs and activities out of those facilities consistent with 40 C.F.R. § 7.65 so that, when each program or activity is viewed in its entirety, it is readily accessible to and usable by persons with disabilities.

A. Existing Facilities:

- 1. Structural changes in existing facilities are not required when other methods provide program accessibility. Such methods include:
 - a. Redesigning equipment or the facility after case review.
 - b. Providing appropriate signage directing people to accessible features.
 - c. Reassigning staff, or services to accessible sites.
- 2. Evacuation procedures will be developed by JXN Water for persons with disabilities.

B. New Construction and Alterations:

Each facility or part of a facility constructed by, on behalf of, or for the use of JXN Water must be designed and constructed in such a manner that the facility is readily accessible to and usable by persons with disabilities. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by persons with disabilities.

C. Off Campus:

Contractual or lease agreements for the use of non- JXN Water facilities should ensure that any program, service, or activity of JXN Water in that facility is accessible. If a program, service, or activity is not wholly operated by JXN Water, JXN Water will attempt to assure that these programs, services, or activities, as a whole, provide an equal opportunity for the participation of persons with disabilities.

Reasonable Modifications and Auxiliary Aids and Services

JXN Water will provide at no cost appropriate auxiliary aids and services, where necessary, to afford people with disabilities an equal opportunity to participate in and benefit from the programs, services, and activities provided by JXN Water. Auxiliary aids and services may include qualified interpreters to individuals who are deaf or hard of hearing and must be provided in a timely manner and in such a way as to protect the privacy and independence of the individual. Persons with disabilities have a right to request reasonable modifications to allow them to participate in or benefit from JXN Water's services and activities.

In determining reasonable modifications or appropriate auxiliary aids or services, JXN Water considers the wishes of the individual. JXN Water does not need to provide a reasonable modification or auxiliary or service that would fundamentally alter the nature of the program, service, or activity, for example, requiring waiver of essential program or licensure requirements; violating accreditation requirements; or posing an undue administrative burden on JXN Water. JXN Water will not require an individual with a disability to accept a modification, aid, service, opportunity, or benefit under any circumstances.

Each individual is responsible for making requests regarding reasonable modifications or auxiliary aids or services to meet their particular needs to enable JXN Water to provide an appropriate response to the request. However, the failure to request a reasonable modification or auxiliary aid or service does not always excuse the JXN Water from providing a reasonable modification or auxiliary aid or service, as long as it does not result in a fundamental alteration or undue burden.

All auxiliary aids, services used by persons with disabilities to provide access to JXN Water programs, services, and activities need not be on hand or present at all times.

Meaningful Access to Services for Persons with Limited English Proficiency (LEP)

JXN Water will take reasonable steps to provide Limited English Proficiency (LEP) individuals with meaningful access to all of its programs, activities, and services in accordance with Title VI, 40 C.F.R. Part 7, *Lau v Nichols* 414 U.S. (1974) and Executive Order 13166:

JXN Water has developed methods for identifying LEP individuals who contact JXN Water through correspondence (via U.S. mail, fax, e-mail, or Website inquiry), telephonically or in person, and who may need language assistance. Upon determining the need for language assistance services, JXN Water will take reasonable steps to ensure that all communication is conducted with the use of a qualified contract interpreter or translator, through telephonic or video interpretation with qualified interpreters, or with the use of a bilingual staff member. JXN Water will take reasonable steps to ensure that vital documents related to JXN Water's services, programs, and activities are translated into the most frequently encountered languages of those LEP individuals affected by the services, programs, and activities or are interpreted for the LEP individual(s). JXN Water staff who interact with the public will be trained on language access policies and procedures, including how to access policies and procedures, how to access language assistance services and how to identify and work with LEP individuals, interpreters, and translators. JXN Water staff who encounter and identify LEP individuals should maintain a record of their contact and the primary languages spoken.

The LEP individuals that JXN Water encounters include communities, individuals, businesses, and tribal governments. The majority of these LEP individuals speak Spanish. However, JXN Water will sometimes have interactions with individuals who speak other languages.

A. Point of First Contact—Identification of LEP Individuals:

At the first point of contact with an LEP individual, JXN Water staff will make an initial assessment of the need for language assistance services, and contact the appropriate office, if different from the first point of contact, to arrange for such services if they are needed to effectively communicate with the individual. Each office will determine the most effective way to identify and document an individual's primary language and country of origin.

In most instances the first contact is likely to be by telephone or via e-mail. To identify the individual's primary language by telephone, staff may rely on self-identification by the LEP individual. If there is confusion about the LEP individual's primary language, staff can use bilingual staff members to attempt to identify the individual's language. To identify the individual's primary language by e-mail, staff may rely on self-identification by the LEP individual if that was provided by the individual. Otherwise, staff can use bilingual staff members.

During telephone or in-person individual contact, if relatives, friends, acquaintances, neighbors, or children are present with the individual, staff may rely on these individuals to conduct a first inquiry as to the primary language of the LEP individual. However, staff generally should not rely on these individuals to provide interpretation services because this could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation.

B. Monitoring the Plan

The NCC at JXN Water will be responsible for the oversight, training, performance, coordination, and implementation of all aspects of JXN Water's language assistance services to LEP individuals, including, but not limited to, overseeing JXN Water's Language Access Plan. Comments and concerns received regarding the provision of language assistance services are reviewed by the NCC. The NCC is responsible for assessing complaints; resolving them, if possible; and responding to the complaining party.

Compliance Information

JXN Water shall collect, maintain, and on request of the U.S. EPA, Office of Civil Rights (OCR), provide the following information to show compliance with 40 CFR, Part 7:

- A. A brief description of any lawsuits pending against JXN Water that allege discrimination which 40 CFR, Part 7, prohibits;
- B. Racial/ethnic, national origin, age, sex, handicap, and disability data, or EPA Form 4700-4 information submitted with JXN Water applications for U.S. EPA assistance;
- C. A log of discrimination complaints that identifies the complaint, the date it was filed, the date JXN Water's investigation was completed, the disposition, and the date of disposition;
- D. Reports of any compliance reviews conducted by any other agencies;
- E. Additional data and information specific to certain JXN Water programs or activities to determine compliance where there is reason to believe that discrimination may exist in a JXN Water program or activity or to investigate a complaint alleging discrimination in a JXN Water program or activity.

When preparing compliance information, JXN Water shall use the racial classifications set forth in 40 CFR, Section 7.25, in determining categories of race, color, or national origin. JXN Water shall keep records of the compliance information identified for at least three years after completing a project for which JXN Water was a recipient of U.S. EPA assistance. When any complaint or other action for alleged failure by JXN Water to comply with 40 CFR, Part 7, is brought before the three-year period ends, JXN

Water shall keep records until the complaint is resolved; and JXN Water shall:

- A. Give OCR access during normal business hours to its books, records, accounts, and other sources of information, including its facilities, as may be pertinent to ascertain compliance with 40 CFR, Part 7;
- B. Make compliance information available to the public upon request; and
- C. Assist in obtaining other required information that is in the possession of other state agencies, institutions, or persons not under JXN Water's control. If such party refuses to release that information, JXN Water shall inform the OCR and explain its efforts to obtain the information.

ATTACHMENT – NOTICE OF NON-DISCRIMINATION

JXN Water does not discriminate on the basis of race, color, national origin, disability, age, or sex in administration of its programs or activities, and JXN Water 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 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

Ted Henifin, Interim Third-Party Manager, is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including 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 (hereinafter referred to collectively as the federal non-discrimination laws).

If you have any questions about this notice or any of JXN Water’s non-discrimination programs, policies, or procedures, you may contact:

Ted Henifin, Interim Third-Party Manager
JXN Water
Phone: 757-274-7904
Email: ted@jxnwater.com

If you believe that you have been discriminated against with respect to a JXN Water program or activity, you may contact the Interim Third-Party Manager identified above or visit our website at www.jxnwtr.com to learn how and where to file a complaint of discrimination.