



# TITLE VI NON-DISCRIMINATION POLICY

POLICY/GUIDELINES | ADMIN\_03.2023

NORTH  
**Dakota** | Water Resources  
Be Legendary.

Effective Date 07/01/2023

## STATEMENT FROM THE DIRECTOR

The North Dakota Department of Water Resources (Department) is a state government entity. It is the responsibility of the Department to ensure compliance with Title VI and all related statutes or regulations in all Department and State Water Commission activities.

As Director of the Department, I am committed to open access and transparency in all Department activities. As a part of that, the Department is committed to monitoring all programs, services, and Department-administered activities to ensure that no person or group is discriminated against on the basis of race, color, national origin, sex, age, disability, income, or English language proficiency.

The Title VI Coordinator is granted the authority to administer and monitor the Title VI Nondiscrimination Policy. The Department will review this policy annually to assure appropriate training and procedures are in place for Department team members and the public.



Andrea Travnicek,  
Director

Date: 07/01/2023

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## POLICY STATEMENT

The North Dakota Department of Water Resources (Department) is a recipient of federal financial assistance. Title VI of the Civil Rights Act of 1964 requires recipients to comply with various nondiscrimination laws and regulations. Title VI of the Civil Rights Act of 1964 bars discrimination against anyone in the United States because of race, color, or national origin by any agency receiving federal funds.

The broader application of nondiscrimination law is found in other statutes, regulations, and Executive Orders which, are detailed in this Title VI and Nondiscrimination Program. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination based on sex. Disability was added through Section 504 of the Rehabilitation Act of 1973, then again with the Americans with Disabilities Act of 1990. Age was subsequently added in 1975 under the Age Discrimination Act.

Additionally, the Civil Rights Restoration Act of 1987 defined “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance. Thus, sub-recipients are required to comply with Title VI and related nondiscrimination laws and regulations.

Title VI was further refined in the 1994 Executive Order 12898—Environmental Justice which directed federal agencies to identify and address the effects of all programs, policies, and activities on “minority populations and low-income populations.”

In 2000, Executive Order 13166—Limited English Proficiency (LEP), was also signed into effect requiring federal agencies to assess and address the needs of otherwise-eligible, limited-English-proficient persons seeking access to the programs and activities of recipients of federal financial assistance. See Appendix A (Limited English Proficiency Plan).

Title VI regulations are for the protection of the public regarding the Department’s activities and effects. The Department is the primary recipient of federal financial assistance. Sub-recipients may include subcontractors, suppliers, consultants, cities, local governments, or any other entity receiving funds directly from the Department.

The Department is required to protect the public interest by developing a Title VI and Nondiscrimination Program for their benefit. Title VI Assurances are the foundation of our commitment to nondiscrimination. This Title VI plan identifies the implementation, compliance, and enforcement policies and procedures the Department has developed to ensure compliance with Title VI at all levels.

The Department complies with all civil rights laws and is committed to providing all people with an equal opportunity to participate in and benefit from the Department’s programs, activities, and services.

### 1.1 POLICY AUTHORITY OR IMPLEMENTATION

This policy garners authority from the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Title IX of the Education Amendments Act of 1972
- Age Discrimination Act of 1975
- U.S. Department of Homeland Security Regulation 6 C.F.R. Part 19
- The Americans with Disabilities Act of 1990
- All other federal and state nondiscrimination laws or regulations

## 1.2 DEPARTMENT CONTACTS

### 1.2.1 TITLE VI COORDINATOR

Chris Kadrmas, the Department's Director of Administrative Services, has been designated the Department's Civil Rights Compliance Coordinator and is responsible for receiving and fulfilling requests for accommodation; receiving, tracking, investigating, and distributing the findings of discrimination complaints filed with the Department; and coordinating compliance reviews of the Department's sub-recipients.

**Contact Information:**

North Dakota Department of Water Resources  
Attn: Chris Kadrmas  
1200 Memorial Highway  
Bismarck, ND 58504

Phone: 701-328-1956

Email: [ckadrmas@nd.gov](mailto:ckadrmas@nd.gov)

### 1.2.2 TITLE VI SPECIALIST

Laura Horner, the Department's Water Resource Program Administrator, has been designated as the secondary contact to the Department's Civil Rights Compliance Coordinator and is responsible for receiving and fulfilling requests for accommodation; receiving, tracking, investigating, and distributing the findings of discrimination complaints filed with the Department; and coordinating compliance reviews of the Department's sub-recipients in the absence of the Department's Civil Rights Compliance Coordinator.

**Contact Information:**

North Dakota Department of Water Resources  
Attn: Laura Horner  
1200 Memorial Highway  
Bismarck, ND 58504

Phone: 701-328-2759

Email: [lmhorner@nd.gov](mailto:lmhorner@nd.gov)

## 2 GENERAL POLICY CONSIDERATIONS

### 2.1 ACCOMODATIONS FOR PERSONS WITH DISABILITIES

The Department will provide free aids and services for persons with disabilities, including qualified sign language interpreters and written information in additional formats (large print, audio, accessible electronic formats, etc.).

All notices of public hearings or meetings hosted by the Department will contain information regarding requesting an accommodation, and the Department will provide reasonable accommodations at any time upon request.

Individuals may request reasonable accommodations from the Department that they believe will enable them to have equal opportunity to participate in the Department's programs, activities, and services. Individuals who wish to request an accommodation for themselves or on behalf of someone else, including to request the information contained in this document in an accessible format, can do so by contacting the Department's Civil Rights Compliance Coordinator using the contact information listed in Section 1.2.

When an accommodation for persons with disabilities request is received by the Civil Rights Compliance Coordinator, it will be processed as follows:

- a. Acknowledge receipt of the accommodation request;
- b. Assess whether the requested accommodation will fundamentally alter the nature of a Department program or impose an undue financial or administrative burden on the Department, and if necessary, contact the requestor to discuss alternative accommodations the Department may be able to provide;
- c. Arrange the necessary accommodation and inform the requestor of the accommodation that will be provided; and
- d. Provide any requested documents in an accessible format and provide any additional documents or instructions necessary to inform the requestor of how to utilize the requestor's accommodation effectively.

### 2.2 LANGUAGE ACCESS PLAN FOR PERSONS WITH LEP

To ensure meaningful language access for LEP individuals, all notices of public hearings or meetings hosted by the Department will contain information regarding requesting relevant information in a language other than English, and the Department will provide translation of any publicly available document created or maintained by the Department, including this document, upon request to the Department's Civil Rights Compliance Coordinator.

## 2.3 COMPLAINTS

Complaints may be filed if a person believes the Department has failed to provide requested accommodations or has otherwise discriminated in any way based on race, color, national origin (including English language proficiency), disability, sex, age, or religion.

### 2.3.1 COMPLAINTS FILED TO THE DEPARTMENT

Complaints filed with the Department must be filed within 45 days of the alleged discrimination occurrence.

The complaint form can be found on the Department's website at [www.dwr.nd.gov](http://www.dwr.nd.gov). Complaints may also be filed with the Civil Rights Compliance Coordinator in person or by mail, fax, or email using the contact information in Section 1.2.

The Department will handle discrimination complaints filed by persons outside the Department in accordance with the following procedure:

1. Complaints will be filed with the Department's Civil Rights Compliance Coordinator.
2. The Department's Civil Rights Compliance Coordinator will contact the complainant within three business days of receipt of complaint receipt, confirm complaint receipt, inquire whether the complainant has already reported the same complaint to the Office for Civil Rights and Civil Liberties (CRCL) or another external agency, and inform the complainant that they may file the complaint directly with CRCL.
3. If the complainant wishes to pursue the complaint with the Department, the Department's Civil Rights Compliance Coordinator will investigate and resolve the complaint as the Civil Rights Compliance Coordinator determines is appropriate. This process contemplates informal but thorough investigations, affording all interested persons an opportunity to submit evidence related to a discrimination complaint.
4. A written determination of the complaint validity and a description of the resolution, if any, will be issued by the Civil Rights Compliance Coordinator, with a copy forwarded to the complainant, no later than 60 days after the filing of the complaint.
5. The Civil Rights Compliance Coordinator will maintain a file for each complaint, including all associated determinations and resolutions, and will maintain a spreadsheet to track all complaints.



Individuals with a disability or with LEP can obtain information about the complaint process in an alternative format or in a language other than English and can obtain assistance in filing a complaint by contacting the Department's Civil Rights Compliance Coordinator using the above contact information.

Any form of retaliation against any individual who has filed any complaint alleging discrimination by the Department based on any class or trait set out herein is prohibited by Department policy as well as by state and federal law.

### 2.3.2 COMPLAINTS FILED TO THE U.S. DEPARTMENT OF HOMELAND SECURITY

Civil rights complaints may be filed directly with the United States Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) using the following contact information:

U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties Compliance Branch  
245 Murray Lane SW  
Building 410  
Mail Stop #0190  
Washington, D.C. 20528

E-mail: [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov) (fastest method to submit complaints)

Fax: 202-401-4708.

Additional information regarding filing a complaint directly with CRCL can be obtained online at [www.dhs.gov/crcl](http://www.dhs.gov/crcl), by phone at 202-401-1474, and toll-free at 1-866-644-8360.

## 2.4 SUBRECIPIENT COMPLIANCE

All subrecipients of any grant funding awarded to the Department may be subject to an audit every two years, conducted by the Department to ensure each subrecipient's compliance with the civil rights laws listed in this document. Subrecipients may be selected to be audited based on the programs offered by the subrecipient, the number of past civil rights complaints filed against the subrecipient, and the results of the most recent civil rights compliance review of that subrecipient. Subrecipients of funding granted to the Department can obtain more information regarding civil rights compliance audits by contacting the Department's Civil Rights Compliance Coordinator using the contact information in Section 1.2.

## 3 MONITOR AND REVIEW

### 3.1 PROGRAM AREAS

The Title VI Coordinator and Specialist will coordinate efforts to ensure equal participation in all Department programs and activities. This will include all levels of Department activities such as day-to-day activities and monitoring, communication with the public, and internal and external meetings. Specific program area reviews will be conducted annually within the Department by the Title VI Coordinator

### 3.2 REVIEWS

#### 3.2.1 INTERNAL REVIEWS

Each year, the Title VI Coordinator and Specialist will conduct a review of one of the Department's Divisions on a rotating basis. Refer to the Department's Goals section to see review schedule.

#### 3.2.2 SUBRECIPIENTS OF FEDERAL FUNDS

The Department may receive funds from the Federal government and pass them on to subrecipients as a part of a grant or cost-share program. The Title VI Specialist will conduct an annual review of a representative sample of subrecipients of federal funds from the Department. A representative sample is either 5% of the total number of subrecipients or 1, whichever is greater.

### 3.3 OPERATIONAL GUIDELINES

The Department's directives, policies, procedures, and operational guidelines provided to contractors, subrecipients, and internal programs are reviewed annually to ensure the required Title VI provisions, state law, and related requirements are included.

### 3.4 REMEDIAL ACTION

The Department actively pursues the prevention and corrective action of Title VI deficiencies and violations and takes the necessary steps to ensure compliance with all program requirements, both within the Department and with its subrecipients of federal funds. The Department will define a remedial action with agreement of FHWA to provide to the subrecipient within a period not to exceed 90 days.

## 4 TRAINING PROGRAM

The Title VI Coordinator and Specialist conduct Title VI training for Department staff and any other pertinent parties. Scheduled training will be conducted annually.

## 5 POLICY HISTORY

**Policy Adopted:** 6/1/2023

**Previous Revision(s):**

No Revisions Available

## APPENDIX A: LIMITED ENGLISH PROFICIENCY PLAN

### A.1 INTRODUCTION

This Limited English Proficiency (LEP) Plan has been prepared to address the North Dakota Department of Water Resources (DWR) responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all DWR divisions receiving federal grant funds.

#### Plan Summary

The DWR has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the DWR used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the DWR.
2. The frequency with which LEP persons come in contact with DWR services.
3. The nature and importance of services provided by the DWR to the LEP population.
4. The interpretation services available to the DWR and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

### A.2 MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

**The number or proportion of LEP persons in the service area who may be served or are likely to require DWR services.**

The DWR staff reviewed the 2021 United States Census Bureau 5-Year Estimates for North Dakota and determined that out of a population of 719,927 individuals 5 years old or older, 13,809 (1.9%) speak English less than “very well.” In North Dakota, of those persons with limited English proficiency, 3,958 (.5%) speaks Spanish, 4,192 (2.1%) speaks Indo-European Languages, 2,339 (.3%) speaks Asian and Pacific Island languages, and 3,320 (.5%) speaks all other languages.

### **Frequency With Which LEP Persons Come In Contact With DWR Services**

The DWR staff reviewed the frequency with which their Division staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the DWR has had no requests for interpreters and no requests for translated program documents.

### **Nature And Importance Of Services Provided By DWR To The LEP Population**

There is no large geographic concentration of any type of LEP individuals in the DWR service area. The majority of the population, 92.9%, speak only English. As a result, there are few social, service, or professional and leadership organizations within the DWR service area that focus on outreach to LEP individuals. The DWR staff are most likely to encounter LEP individuals through office visits, phone conversations, notifications from DWR staff of impacts on service area services and attendance at meetings.

### **Resources Available To The DWR And Overall Costs To Provide LEP Assistance**

The DWR reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise, and has funding available for Spanish translation if needed within a reasonable time period. Other language translation if needed would be provided through bilingual staff or a telephone interpreter line for which the DWR would pay a fee.

## **A.3 LANGUAGE ASSISTANCE**

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be an LEP person and may be entitled to language assistance with respect to DWR services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How the DWR staff may identify an LEP person who needs language assistance:

- Post notice of the LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- All DWR staff will be provided with language identification cards or use Google translator to assist in identifying the language interpretation needed if the occasion arises.
- All DWR staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.

- When the DWR sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

#### A.4 LANGUAGE ASSISTANCE MEASURES

Although there is a very low percentage of LEP individuals in the DWR service area, that is, persons who speak English less than "very well" or "not at all", DWR will strive to offer the following measures:

1. The DWR staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English.
2. The following resources will be available to accommodate LEP persons:
  - a. Volunteer language interpreters are available throughout the state and will be provided within a reasonable time and request period.
  - b. Language interpretation will be accessed for all other languages through a telephone interpretation service.

#### A.5 STAFF TRAINING

The following training will be offered to staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of interpreter service provider's language identification cards and/or Google Translator.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

**All contractors or subcontractors performing work for the DWR will be required to follow the Title VI/LEP guidelines.**

#### A.6 TRANSLATION OF DOCUMENTS

The DWR weighed the costs and benefits of translating documents for potential LEP groups. Considering the expense of translating documents, and the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary cost to have any documents translated.

Due to the very small local LEP population, the DWR does not have a formal outreach procedure in place, as of 2023. Translation resources have been identified and are limited in this region. However, when and if the need arises for LEP outreach, the DWR will consider the following options:

- When staff prepares a document, or schedules a meeting for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.
- DWR will assess requests for translation of documents based on the possible impacts and known LEP population.

### A.7 MONITORING AND UPDATING THE LEP PLAN

The DWR will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the next U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the DWR service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the DWR financial resources are sufficient to fund language assistance resources needed.
- Determine whether the DWR fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

### A.8 DISSEMINATION OF THE DWR LEP PLAN

- Post signs in DWR service area notifying LEP persons of the LEP Plan and how to access language services.
- Post the LEP Plan on the DWR website and intranet, including information relate to accessing language services.



## APPENDIX B: DISCRIMINATION COMPLAINT FORM

If you have had an interaction with a North Dakota Department of Water Resources (Department) representative that you believe constituted discrimination on the basis of race, color, national origin (including English language proficiency), religion, age, sex, or disability and wish to file a complaint with the Department, please provide and submit the information requested on page 2 of this form. Complaints must be filed within 45 days of the occurrence of the alleged discrimination. Any form of retaliation against you as a result of filing this complaint is prohibited by Department Policy ADMIN\_03 and by state and federal law.

To obtain this form or other information about the complaint process in an alternative format or in a language other than English, please contact:

North Dakota Department of Water Resources  
Attn: Chris Kadrmas  
1200 Memorial Highway  
Bismarck, ND 58504

Phone: 701-328-1956  
Email: ckadrmas@nd.gov

Civil rights complaints can also be filed with the United States Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) using the following contact information:

U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop #0190  
Washington, D.C. 20528

E-mail: CRCLCompliance@hq.dhs.gov (fastest method to submit your complaint)  
Fax: 202-401-4708

Additional information can be obtained online at [www.dhs.gov/crcl](http://www.dhs.gov/crcl). Information is also available by phone at 202-401-1474 and toll-free at 1-866-644-8360.

To avoid duplicative investigations, do not submit this form to DWR if you choose to file your complaint with CRCL.

Provide your contact information, including:

Name: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Date of the occurrence: \_\_\_\_\_

Indicate the trait or factor that you believe was the basis for the alleged discrimination (check all that apply):

- Race
- Color
- National origin (including English language proficiency)
- Religion
- Age
- Sex
- Disability

Provide a brief statement of the facts surrounding the alleged discrimination:

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The Department will investigate your complaint and may contact you for further information during the course of the investigation. The Department will provide you with the results of the investigation, in writing, within 60 days of the filing of this complaint.