



## Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance

Note: Read Instructions before completing form.

### I. A. Applicant/Recipient (Name, Address, City, State, Zip Code)

Name:

Address:

City:

State:  Zip Code:

### B. Unique Entity Identifier (UEI):

### C. Applicant/Recipient Point of Contact

Name:

Phone:

Email:

Title:

II. Is the applicant currently receiving EPA Assistance? ☐ Yes ☒ No

III. List all pending civil rights lawsuits and administrative complaints filed under federal law against the applicant/recipient that allege discrimination based on race, color, national origin, sex, age, or disability. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7.)

No.
Court/Agency
Case or Matter No.
Basis for Complaint
1.
EEOC
540-2022-02125
RETALIATION, RACE, NATIONAL ORIGIN
2.
OCR
8/21/2017
Sex
3.
EEOC
540-2023-06242
AGE, DISABILITY
4.
EEOC
540-2021-00494
SEX, AGE, RETALIATION
5.
EEOC
35A-2021-00426
DISABILITY
6.
OCR
#08-24-2082
DISABILITY
7.
EEOC
540-2023-03305
AGE, SEX, RETALIATION
8.
EEOC
540-2023-01241
RACE, SEX, RETALIATION
9.
EEOC

35A-2023-00603  
NATIONAL ORIGIN, RETALIATION  
10.  
EEOC  
540-2024-01601  
RACE, COLOR, NATIONAL ORIGIN, RETALIATION  
11.  
EEOC  
35A-2024-00171  
RACE, AGE  
12.  
EEOC  
35A-2023-00558  
RELIGION, RETALIATION  
13.  
EEOC  
540-2024-00097  
RACE, COLOR, RETALIATION  
14.  
EEOC  
540-2024-02528  
AGE  
15.  
EEOC  
540-2022-04450  
DISABILITY, RETALIATION  
16.  
EEOC  
540-2022-02447  
DISABILITY, RETALIATION  
17.  
EEOC  
540-2023-06622  
SEX, RETALIATION  
18.  
EEOC  
35A-2024-00132  
SEX, DISABILITY, RETALIATION  
19.  
EEOC  
480-2023-02122  
RETALIATION  
20.  
EEOC  
540-2020-02256  
RACE, NATIONAL ORIGIN  
21.  
EEOC  
540-2024-00884  
SEX/GENDER  
22.  
EEOC  
35A-2023-00318  
RACE, COLOR  
23.  
EEOC  
540-2023-05214  
DISABILITY  
24.  
OCR  
#08-24-2120  
DISABILITY  
25.  
EEOC  
540-2024-00696  
RETALIATION  
26.  
EEOC  
35A-2022-00390  
DISABILITY  
27.  
LAWSUIT  
23-CV-01845  
RACE

28.  
LAWSUIT  
CV-23-00557-TUC-AMM  
RETALIATION

29.  
LAWSUIT  
n/a  
RETALIATION

30.  
LAWSUIT  
CGC-23-604544  
SEX/PREGNANCY

31.  
LAWSUIT  
20-CV-00011-JR; 23-16147  
SEXUAL ORIENTATION, RETALIATION

32.  
LAWSUIT  
22-15332; 18-CV-0455-TUC-RCC  
DISABILITY, RETALIATION

33.  
LAWSUIT  
2:24-CV-00341-ROS  
RACE, SEX

34.  
LAWSUIT  
22-CV-00269  
DISABILITY, RETALIATION

35.  
LAWSUIT  
2:23-CV-02574-ROS  
SEX

36.  
LAWSUIT  
CV-20-02165-PHX-GMS  
GENDER

37.  
LAWSUIT  
22-CV-1583-PHX-SPL  
RACE, NATIONAL ORIGIN, DISABILITY, RETALIATION

38.  
LAWSUIT  
CV2022-009424  
DISABILITY

39.  
LAWSUIT  
CGC-23-604544  
DISABILITY, SEX

40.  
LAWSUIT  
23-CV-01845-SRB  
NATIONAL ORIGIN, RACE

41.  
LAWSUIT  
21-CV-01178  
SEX

42.  
LAWSUIT  
22-CV-00190-JJT  
DISABILITY

43.  
LAWSUIT  
2:23-CV-07282  
RACE, COLOR

44.  
LAWSUIT  
N/A  
DISABILITY

45.  
LAWSUIT  
CV23012810  
AGE HARASSMENT

- IV. List all civil rights lawsuits and administrative complaints decided against the applicant/recipient within the last year that alleged discrimination based on race, color, national origin, sex, age, or disability and enclose a copy of all decisions. Please describe all corrective actions taken. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7.)

n/a

- V. List all civil rights compliance reviews of the applicant/recipient conducted under federal nondiscrimination laws by any federal agency within the last two years and enclose a copy of the review and any decisions, orders, or agreements based on the review. Please describe any corrective action taken. (40 C.F.R. § 7.80(c)(3))

No.  
Court/agency  
Case or Matter No.  
Basis for complaint  
Status  
1.  
USDA-FAS  
n/a  
TITLE VI-ROUTINE REVIEW  
PENDING

- VI. Is the applicant requesting EPA assistance for new construction? If no, proceed to VII; if yes, answer (a) and/or (b) below.

☐ Yes ☒ No

- a. If the grant is for new construction, will all new facilities or alterations to existing facilities be designed and constructed to be readily accessible to and usable by persons with disabilities? If yes, proceed to VII; if no, proceed to VI(b).

☐ Yes ☐ No

- b. If the grant is for new construction and the new facilities or alterations to existing facilities will not be readily accessible to and usable by persons with disabilities, explain how a regulatory exception (40 C.F.R. 7.70) applies.

- VII. Does the applicant/recipient provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, sex, age, or disability in its program or activities? (40 C.F.R. 5.140 and 7.95)

☒ Yes ☐ No

- a. Do the methods of notice accommodate those with impaired vision or hearing?

☒ Yes ☐ No

- b. Is the notice posted in a prominent place in the applicant's/recipient's website, in the offices or facilities or, for education programs and activities, in appropriate periodicals and other written communications?

☒ Yes ☐ No

- c. Does the notice identify a designated civil rights coordinator?

☒ Yes ☐ No

- VIII. Does the applicant/recipient maintain demographic data on the race, color, national origin, sex, age, or disability status of the population it serves? (40 C.F.R. 7.85(a))

☒ Yes ☐ No

- IX. Does the applicant/recipient have a policy/procedure for providing meaningful access to services for persons with limited English proficiency? (Title VI, 40 C.F.R. Part 7, *Lau v Nichols* 414 U.S. (1974))

☒ Yes ☐ No

- X. If the applicant is an education program or activity, or has 15 or more employees, has it designated an employee to coordinate its compliance with 40 C.F.R. Parts 5 and 7? Provide the name, title, position, mailing address, e-mail address, fax number, and telephone number of the designated coordinator.

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Associate VP, Admin and Program Operations  
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- XI. If the applicant is an education program or activity, or has 15 or more employees, has it adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7? Provide a legal citation or applicant's/recipient's website address for, or a copy of, the procedures.

1-119 Nondiscrimination and Anti-Harassment  
<https://public.powerdms.com/ABOR/documents/1491526>  
ASU ACD 401: Prohibition Against Discrimination, Harassment, and Retaliation <https://public.powerdms.com/ASU/documents/1541854>  
NAU Nondiscrimination and Anti-Harassment Policy <https://nau.edu/wp-content/uploads/sites/26/Nondiscrimination-and-Anti-Harassment-INTERIM.pdf>  
University of AZ NONDISCRIMINATION AND ANTI-HARASSMENT POLICY <https://policy.arizona.edu/human-resources/nondiscrimination-and-anti-harassment-policy>

**For the Applicant/Recipient**

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. I assure that I will fully comply with all applicable civil rights statutes and EPA regulations.

A. Signature of Authorized Official

Bradley Kendrex

B. Title of Authorized Official

VP, Finance and Administration

C. Date

04/01/2024

**For the U.S. Environmental Protection Agency**

I have reviewed the information provided by the applicant/recipient and hereby certify that the applicant/recipient has submitted all preaward compliance information required by 40 C.F.R. Parts 5 and 7; that based on the information submitted, this application satisfies the preaward provisions of 40 C.F.R. Parts 5 and 7; and that the applicant has given assurance that it will fully comply with all applicable civil rights statutes and EPA regulations.

A. \*Signature of Authorized EPA Official

B. Title of Authorized Official

C. Date

Instructions for EPA FORM 4700-4 (Rev. 04/2021)

General. Recipients of Federal financial assistance from the U.S. Environmental Protection Agency must comply with the following statutes and regulations.

Title VI of the Civil Rights Acts of 1964 provides 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 benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Act goes on to explain that the statute shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where the primary objective of the Federal financial assistance is to provide employment). Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities. Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability in the United States shall solely by reason of disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination on the basis of disability is prohibited in all such programs or activities. The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation under any program or activity receiving Federal financial assistance. Employment discrimination is not covered. Age discrimination in employment is prohibited by the Age Discrimination in Employment Act administered by the Equal Employment Opportunity Commission. Title IX of the Education Amendments of 1972 provides that no person in the United States on the basis of sex shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal institution. 40 C.F.R. Part 5 implements Title IX of the Education Amendments of 1972. 40 C.F.R. Part 7 implements 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.

Items "Applicant" means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance. 40 C.F.R. §§ 5.105, 7.25. "Recipient" means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organizations, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. 40 C.F.R. §§ 5.105, 7.25. "Civil rights lawsuits and administrative complaints" means any lawsuit or administrative complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability pending or decided against the applicant and/or entity which actually benefits from the grant, but excluding employment complaints not covered by 40 C.F.R. Parts 5 and 7. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, civil rights lawsuits involving both the city and the Department of Sewage should be listed. "Civil rights compliance review" means: any federal agency-initiated investigation of a particular aspect of the applicant's and/or recipient's programs or activities to determine compliance with the federal non-discrimination laws. Submit this form with the original and required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission. If any item is not relevant to the project for which assistance is requested, write "NA" for "Not Applicable." In the event applicant is uncertain about how to answer any questions, EPA program officials should be contacted for clarification.