

NON-DISCRIMINATION GRIEVANCE POLICY AND PROCEDURE

LAST UPDATED: AUGUST 1, 2025

Introduction

Title 40 of the Code of Federal Regulations ("C.F.R."), Parts 5 and 7, Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency, prohibits discrimination based on race, color, national origin (including limited English proficiency), age, sex, or disability in programs or activities receiving financial assistance from the U.S. Environmental Protection Agency ("U.S. EPA"). It requires recipients of financial assistance from the U.S. EPA to:

- A. Designate a person to be the Non-Discrimination Coordinator to coordinate efforts to comply with 40 C.F.R., Parts 5 and 7;
- B. Collect, maintain, and provide information showing compliance with 40 C.F.R., Parts 5 and 7;
- C. Adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 C.F.R., Parts 5 and 7; and
- D. Provide continuing and prominent public notice of non-discrimination based on race, color, national origin, age, sex, or disability, and of the identity and contact information for the Non-Discrimination Coordinator.

As set forth below, it is the City of Madison ("City") policy not to discriminate based on several factors, including those in 40 C.F.R., Parts 5 and 7. For definitions of terms, please refer to "Definitions" in Section 7.25 of subpart A in 40 C.F.R., Part 7 and Section 5.105 of Subpart A, in 40 C.F.R. Part 5. In addition, the City adopts the following procedures to implement the requirements of 40 C.F.R., Parts 5 and 7.

Policy

The City does not discriminate based on race, color, national origin, age, sex, disability, sexual orientation, or marital status in administration of its programs or activities, and the City does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7 or to interfere with such rights.

The City 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.

- A. **Non-Discrimination Coordinator**
The City designated the following Non-Discrimination Coordinator on June 12, 2025:
Terry Harless, City Clerk
255 Washington Ave.
Madison, WV 25130
(304) 369-2762
tharless@madisonwv.org

B. Compliance Information

1. The City shall collect, maintain, and, on request of the U.S. EPA, External Civil Rights Compliance Office within the Office of General Counsel ("ECRCO"), provide the following information to show compliance with 40 C.F.R., Parts 5 and 7:

- a. A brief description of any lawsuits pending against the City that allege discrimination prohibited by 40 C.F.R., Parts 5 and 7.
- b. Racial/ethnic, national origin, age, sex, disability, and disability data, or EPA Form 4700-4 information submitted with the City applications for U.S. EPA financial assistance.
- c. A log of discrimination complaints that identifies the complaint, the date it was filed, the date the City's investigation was completed, the disposition, and the date of disposition.
- d. Reports of any compliance reviews conducted by any other agencies; and
- e. Data and information specific to particular City programs or activities to determine compliance where there is reason to believe that discrimination may exist in a City program or activity, or to investigate a complaint alleging discrimination in a City program or activity.

2. When preparing compliance information, the City shall use the racial classifications set forth in 40 C.F.R., Section 7.25, in determining categories of race, color, or national origin.

3. The City shall keep records of the compliance information identified in paragraphs (1)(a) through (1)(e), above, for at least three years after completing a project for which the City was a recipient of U.S. EPA financial assistance. When any complaint or other action for alleged failure by the City to comply with 40 C.F.R., Parts 5 and 7, is brought before the three years ends, the City shall keep records until the complaint is resolved; and

4. The City shall:

- a. Give ECRCO access during regular business hours to its books, records, accounts, and other sources of information, including its facilities, as may be pertinent to ascertain compliance with 40 C.F.R., Parts 5 and 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 different agencies, institutions, or persons not under the City's control. If such party refuses to release that information, the City shall inform the ECRCO and explain its efforts to obtain the information.

C. Grievance Procedures

Any person who believes someone has been subjected to discrimination may file a grievance under this procedure by contacting the Non-Discrimination Coordinator or filling out a Non-Discrimination Complaint form online. It is against the law for the City to retaliate against any person or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7 or to interfere with any such rights.

The City adopts the following grievance procedures to assure the prompt and fair resolution of complaints that allege a violation by the City of 40 C.F.R. Parts 5 and 7:

1. Grievances must be submitted to the City Non-Discrimination Coordinator within 90 days (consideration for a waiver beyond 90 days may be granted for good cause) of the date the person filing the grievance becomes aware of the alleged discriminatory action. Grievance submissions can be sent to Terry Harless, City Clerk, 255 Washington Ave., Madison, WV 25130, or emailed to: tharless@madisonwv.org.

2. A complaint must be in writing, containing the name and address of the person filing it and/or the identified representative. The complaint must state the date of the occurrence, the problem or action alleged to be discriminatory, and the remedy or relief sought. The complaint shall specify with as much detail as possible:

- a. The actions or inactions by the City that support an alleged violation of 40 C.F.R., Parts 5 and 7.
- b. The alleged discrimination that did or will result from such actions or inactions.
- c. The identity of the person harmed or potentially harmed by the alleged discrimination; and
- d. The basis for why the action is believed to be discriminatory, and if possible, identifying the sections of 40 C.F.R., Parts 5 and 7, that were allegedly violated.

3. The City Non-Discrimination Coordinator (or designee) will acknowledge receipt of the grievance within 5 days and shall investigate the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The City Non-Discrimination Coordinator will maintain the files and records of the City relating to such grievances. To the extent possible, and in accordance with applicable law, the City Non-Discrimination Coordinator will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who need to know.

- a. The City's Non-Discrimination Coordinator is responsible for making information available to non-employees regarding rights to services, aids, benefits, and participation without regard to race, color, national origin, age, sex, disability, sexual orientation, or marital status. The City's Non-Discrimination Coordinator will periodically evaluate the effectiveness of the City's efforts to offer such services, aids, benefits, and participation opportunities when feasible.
- b. The City's Non-Discrimination Coordinator is responsible for ensuring that intimidation and retaliation against any person or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7, or to interfere with any such rights, is prohibited and that claims of intimidation and retaliation will be handled promptly if they occur.
- c. The City's Non-Discrimination Coordinator will coordinate or facilitate training efforts for the City staff regarding the Department's obligations to comply with non-discrimination statutes, policies, and procedures.
- d. The City's Non-Discrimination Coordinator will track all complaints filed against the City under this policy or with the EPA and shall review all complaints on a

semi- annual basis to identify and address any patterns or systemic problems. The City's Non-Discrimination Coordinator will also ensure that complainants are updated on the progress of their discrimination complaints filed with the City, if requested. The City's Non-Discrimination Coordinator will promptly inform the complainant as to any determinations made.

- e. The City's Non-Discrimination Coordinator is responsible for providing notice of this policy and carrying out the process, as prescribed by this policy, of the investigation of non-employee complaints. The City's Non-Discrimination Coordinator may delegate an investigation to another investigator or designee, if necessary, on a case-by-case basis.

4. The City Non-Discrimination Coordinator will issue a written decision on the grievance, based on a preponderance of the evidence, no later than 30 days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies. The written decision will include whether discrimination is found and the description of the investigation process.

5. The City assures that intimidation and retaliation are prohibited and that claims of intimidation and retaliation will be handled promptly and fairly pursuant to the City Non-Discrimination Grievance Policy and Procedures in the same manner as other claims of discrimination.

6. The person filing the grievance may appeal against the decision of the City Non-Discrimination Coordinator by writing to the City Manager within 15 days of receiving the City Non-Discrimination Coordinator's decision. The City Manager shall issue a written decision in response to the appeal no later than 60 days after its filing.

7. The availability and use of this grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination based on race, color, national origin, disability, age, sex, or retaliation, in court or with the U.S. Environmental Protection Agency, External Civil Rights Compliance Office. A person can file a complaint of discrimination electronically by writing to:

[Title VI Complaints@epa.gov](mailto:TitleVIComplaints@epa.gov) or by mail or phone at:
U.S. EPA External Civil Rights Compliance Office
Office of General Counsel (Mail Code 2310A)
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460
PHONE: (202) 564-3316

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination to the extent permitted by State law.

The City will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing qualified interpreters, providing taped cassettes of material for individuals with low vision, or assuring a barrier-free location for the proceedings. The City Non-Discrimination Coordinator will be responsible for such arrangements.

D. Notice of Non-discrimination

The City shall provide continuing notice that it does not discriminate based on race, color,

national origin, age, sex, disability, sexual orientation, or marital status in any of its programs or activities. Methods of notice shall accommodate those with impaired vision or hearing. At a minimum, this notice shall be posted in a prominent place in the City's offices or facilities and on the City's internet website. Methods of notice may also include publishing in newspapers and magazines and placing notices in the City's publications. Where appropriate or upon request, such notice shall be in a language or languages other than English. The notice shall identify the current City Non-Discrimination Coordinator as the responsible City employee designated to coordinate the City's efforts to comply with its obligations under 40 C.F.R., Parts 5 and 7. The text of the notice to be provided under this policy shall read as follows:

It is the policy of the City not to discriminate based on race, color, national origin, age, sex, disability, sexual orientation, or marital status in administration of its programs or activities, and the City does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7 or to interfere with such rights.

The City is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implanted 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 1973, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the federal non-discrimination statutes).

If you have any questions about this notice or any of the City's non-discrimination programs, policies, or procedures, you may contact:

Terry Harless, City Clerk, 255 Washington Ave, Madison, WV 25130, (304) 369-2762, tharless@madisonwv.org.

The City's Non-discrimination Policy and Procedures are reviewed on an annual basis (for both in-print and online materials), and revised as necessary, to ensure prompt and fair resolution of discrimination complaints.

Anyone who wishes to file an appeal may do so by contacting the Madison City Council at: 255 Washington Ave, Madison, WV 25130. Questions regarding the appeal can be addressed by calling (304) 369-2762; however, all appeals must be in writing.