

Policy on Nondiscrimination in Programs Receiving Federal Assistance from the U.S. Environmental Protection Agency

Introduction

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). It requires recipients of federal assistance from the U.S. EPA to:

- Collect, maintain, and provide information showing compliance with 40 CFR, Part 7;
- Designate a person to be the Nondiscrimination Compliance Coordinator (NCC) to coordinate efforts to comply with 40 CFR, Part 7;
- Adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 CFR, Part 7; and
- Provide continuing and prominent public notice of nondiscrimination on the basis of race, color, national origin, age, sex, or handicap, and of the identity and contact information for the NCC.

As set forth below, it is the City of Brunswick policy not to discriminate on the basis of several factors, including those in 40 CFR, Part 7. In addition, City of Brunswick adopts the following procedures to implement the requirements of 40 CFR, Part 7.

Procedures to Implement the Requirements of 40 CFR, Part 7

Compliance Information

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

City of Brunswick program or activity or to investigate a complaint alleging discrimination in a City of Brunswick program or activity;

When preparing compliance information, City of Brunswick shall use the racial classifications set forth in 40 CFR, Section 7.25, in determining categories of race, color, or national origin;

City of Brunswick shall keep records of the compliance information identified in paragraphs (1)(a) and (1)(b), above, for at least three years after completing a project for which City of Brunswick was a recipient of U.S. EPA assistance. When any complaint or other action for alleged failure by City of Brunswick to comply with 40 CFR, Part 7, is brought before the three- year period ends, City of Brunswick shall keep records until the complaint is resolved; and

City of Brunswick shall:

- 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;
- Make compliance information available to the public upon request; and
- Assist in obtaining other required information that is in the possession of other state agencies, institutions, or persons not under City of Brunswick's control. If such party refuses to release that information, City of Brunswick shall inform the OCR and explain its efforts to obtain the information.

Nondiscrimination Compliance Coordinator (NCC)

The City Manager of the City of Brunswick designates the person holding the position of Administrative Services / Human Resource Manager as the City of Brunswick's NCC responsible to coordinate the City of Brunswick's efforts to comply with its obligations under 40 CFR, Part 7.

Grievance Procedures

City of Brunswick adopts the following grievance procedures in order to assure the prompt and fair resolution of complaints that allege a violation by the City of Brunswick of 40 CFR, Part 7:

Step	Who	Does What
1	Complainant	<p data-bbox="469 247 763 283">Submittal of Complaint:</p> <p data-bbox="469 310 1399 415">In order to have a complaint submittal considered for investigation under this procedure, the complainant shall file the complaint no later than 180 calendar days after the date(s) of the alleged act(s) of discrimination.</p> <p data-bbox="469 443 1349 548">The complaint shall be in writing and signed by the complainant or the complainant's representative and shall include contact information for the complainant or their representative.</p> <p data-bbox="469 575 1174 611">The complaint shall specify with as much detail as possible:</p> <ul data-bbox="469 638 1377 966" style="list-style-type: none"> <li data-bbox="469 638 1377 709">• The actions or inactions by the City of Brunswick that support an alleged violation of 40 CFR, Part 7; <li data-bbox="469 737 1308 808">• The alleged discrimination that did or will result from such actions or inactions; <li data-bbox="469 835 1377 907">• The identity of the person(s) harmed or potentially harmed by the alleged discrimination; and <li data-bbox="469 934 1377 966">• The section of 40 CFR, Part 7, that the City of Brunswick allegedly violated.

The City of Brunswick may request additional information from the complainant if needed to assist with meeting the complaint requirements listed above. Appropriate assistance shall be provided to individuals with disabilities and individuals with limited English proficiency. Also, complaints in alternate formats shall be accepted from individuals with disabilities, for example, complaints filed on computer disks, on audio tape, or in Braille.

All complaint submittals should be mailed (or e-mailed) to the NCC at the following address:

Administrative Services
4095 Center Road,
Brunswick, Ohio 44212

E-mail: gdamico@brunswick.oh.us

Step	Who	Does What
2	NCC	<p data-bbox="472 310 867 336">Logging of Complaint Submittals:</p> <p data-bbox="472 369 1401 478">All complaint submittals are to be logged. The NCC shall retain a copy of all documents on file in accordance with the records retention schedule. The NCC shall also notify the relevant program manager(s).</p> <p data-bbox="472 506 1414 531">The following are examples of what will not be logged as a complaint submittal:</p> <ul data-bbox="472 548 1401 1266" style="list-style-type: none"> <li data-bbox="472 548 769 573">• Anonymous submittals; <li data-bbox="472 604 1252 674">• Submittals too vague to reasonably determine the allegations of discriminatory conduct; <li data-bbox="472 705 1369 774">• Submittals not sufficiently identifying the person(s) harmed or potentially harmed by the alleged discrimination; <li data-bbox="472 806 959 831">• Inquiries seeking advice or information; <li data-bbox="472 863 906 888">• Courtesy copies of court pleadings; <li data-bbox="472 919 1344 989">• Courtesy copies of complaints addressed to other local, state, or federal agencies; <li data-bbox="472 1020 727 1045">• Newspaper articles; <li data-bbox="472 1077 1401 1146">• Web-based media sources such as YouTube videos, e-mail strings, blogposts, comments strings, or Web pages; <li data-bbox="472 1178 1008 1203">• Courtesy copies of internal grievances; and <li data-bbox="472 1234 1219 1260">• Voice mail messages, phone calls, or in-person conversations.
3	NCC	<p data-bbox="472 1297 948 1323">Initial Review of Complaint Submittals:</p> <p data-bbox="472 1356 1390 1488">Upon receipt of a complaint and any additional information supporting or otherwise associated with the complaint, a case file shall be established containing all documents and information pertaining to the complaint and an initial review of the case shall be conducted.</p>

Step	Who	Does What
4	NCC	<p>Determination if Complaint Warrants Further Investigation: The NCC, based on information in the complaint submittal and other information available, shall determine if:</p> <ul style="list-style-type: none"> • The City of Brunswick has jurisdiction to pursue the matter; and • The complaint submittal contains sufficient merit to warrant further investigation. <p>A complaint shall warrant further investigation unless:</p> <ul style="list-style-type: none"> • It clearly appears on its face to be frivolous or trivial; • Within the time allotted for making the determination of jurisdiction and investigative merit, City of Brunswick reaches an agreed resolution with the complainant; • Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or • The complaint was not submitted within the time limit established in Step 1. <p>Within 14 calendar days of receipt of the complaint submittal, the NCC shall inform the complainant if the complaint has or has not been accepted for further investigation. If it is determined that further investigation is not warranted, the reason for such determination shall be recorded in the case file.</p>
5	NCC	<p>Further Investigation of Complaint: If the NCC determines the complaint submittal warrants further investigation, the NCC shall review the alleged facts to determine the course of the investigation. The investigation may include interviews of the City of Brunswick employees, other relevant witnesses, or others named in the complaint. Relevant City of Brunswick employees shall make themselves available as necessary.</p>
6	NCC	<p>Report and Determination: The NCC shall issue a report and determination on whether the City of Brunswick violated 40 CFR, Part 7. The NCC shall prepare a written report of the investigation that shall include a narrative of the incident, an identification of individuals interviewed and evidence reviewed, and findings and a determination. The report and determination shall be placed in the complaint file.</p> <p>Within 180 calendar days of receiving the complaint that warranted investigation, the NCC shall notify the complainant in writing of the findings of the investigation and the recommendations for resolution.</p>

**Step
7**

**Who
Complainant**

**Does What
Appeal:**

The person submitting the complaint may appeal the decision of the NCC by writing to the City of Brunswick's City Manager within 30 calendar days of receiving the NCC's decision. The City of Brunswick City Manager shall issue a written decision in response to the appeal no later than 30 calendar days after its filing.