



Procedure for Non-Employee Discrimination Complaints

The City of Harrisonburg Department of Public Utilities (Public Utilities) does not discriminate on the basis of race, color, national origin, disability, age, or sex in the administration of its programs or activities, as required by applicable laws and regulations. Public Utilities is responsible for coordination of compliance efforts and receipt of inquiries concerning the non-discrimination requirements of 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; Title II of the Americans with Disabilities Act of 1990; and other applicable federal non-discrimination laws, including, but not limited to, Section 13 of the Federal Water Pollution Control Act Amendments of 1972 and 40 C.F.R. Part 7.

This document outlines complaint procedures relating to Public Utilities' provision of programs and services. Public Utilities' Non-Discrimination Coordinator shall be responsible for the coordination and oversight of said procedures. The Non-Discrimination Coordinator will receive and review complaints, communicate with complainants, investigate complaints or arrange for the investigation of complaints, issue letters and notices, and perform other actions necessary to fulfill Public Utilities' obligations under nondiscrimination statutes.

Any person who believes he/she has been discriminated against with respect to a City program or activity may file a complaint using the below procedures. An appropriate, prompt, and impartial investigation of allegations filed will be conducted, and a preponderance of the evidence standard will be applied during the analysis of the complaint.

Any individual who files a complaint or testifies, assists, or participates in a non-discrimination investigation, proceeding, or hearing may not be intimidated or retaliated against by the Department for the purpose of interfering with any right or privilege guaranteed by the Civil Rights Act of 1964, Section 504, or other civil rights statutes.

Public Utilities' procedures for non-employee discrimination complaints and retaliation complaints are as follows:

1. Any person who believes that he/she has been subjected to discrimination may file a written complaint with Public Utilities' Non-Discrimination Coordinator. Federal and State law requires complaints be filed within one-hundred eighty (180) calendar days of the last alleged incident.
 - a. Complainants also have the right to complain directly to the appropriate federal agency; however, the complainant must do so within one-hundred eighty (180) calendar days of the last alleged incident.



2. The complainant may submit a complaint online at <https://www.harrisonburgva.gov/public-utilities>, download the complaint form <https://www.harrisonburgva.gov/public-utilities>, or request the complaint form from the Non-Discrimination Coordinator. In lieu of the complaint form, the complainant may submit to the Non-Discrimination Coordinator a written statement that contains all of the information identified in Sections 3a through 3f below.
3. The complaint must include the following information:
 - a. Name, address, and telephone number of the complainant.
 - b. The basis of the alleged discrimination (i.e., race, color, national origin, sex, age, or disability).
 - c. The date or dates on which the alleged discriminatory event or events occurred.
 - d. Description of the alleged incident, including what led complainant to feel discrimination was a factor.
 - e. Names, addresses, and telephone numbers of persons who may have knowledge of the event.
 - f. If a complaint has been filed with another agency or court, the agency or court where it was filed and contact name.
 - g. Complainant's signature and date.
4. The complaint must be delivered to the Non-Discrimination Coordinator:

Micaela Smith
Non-Discrimination Coordinator
2155 Beery Road
Harrisonburg, Virginia 22801
Phone Number: (540) 434-9959
E-mail Address: Micaela.Smith@harrisonburgva.gov

5. If the complainant is unable to submit a written complaint, Public Utilities' Non-Discrimination Coordinator should be contacted. Through the procedures outlined in its Language Access Plan, Public Utilities will seek to identify those in need of interpreter services or provide them upon request.
 - a. Public Utilities will make reasonable accommodations in its policies and procedures which are necessary to allow a person with disabilities full access to the complaint filing and investigative process. Such accommodations may include, but not be limited to, using a relay service to communicate with a complainant who has a hearing impairment or assisting the complainant in preparing his or her written complaint.
6. Once a complaint is filed, an acknowledgement letter will be issued to the complainant within five (5) business days.



7. The City of Harrisonburg Attorney will review the complaint and determine whether it has jurisdiction to investigate the issues presented. If Public Utilities does have jurisdiction, the complainant will be issued an acceptance letter within five (5) business days of said determination. If Public Utilities does not have jurisdiction, the complainant will be issued a no jurisdiction letter within five (5) business days of said determination.
8. Public Utilities has up to one-hundred eighty (180) days to investigate the complaint. If more information is needed to resolve the case, the Non-Discrimination Coordinator may contact the complainant. The complainant has thirty (30) days to send requested information to the investigator assigned to the case.
9. If the Non-Discrimination Coordinator is not contacted by the complainant or does not receive the additional information within thirty (30) days, Public Utilities may administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue his/her case.
10. After City of Harrisonburg Attorney reviews the complaint, one of two letters will be issued to the complainant:
 - a.) a closure letter, or
 - b.) a letter of finding (LOF).
11. A closure letter summarizes the allegations, states that there was not a Title VI violation, and states that the case will be closed. A LOF summarizes the allegations and the interviews regarding the alleged incident, states what type of violation was found to have occurred, and explains whether any disciplinary action, additional training of staff involved, or other action(s) will occur.
12. If the complainant wishes to appeal the decision, he/she has ten (10) days after the date of the closure letter or the LOF to do so. Appeals will be decided by Public Utilities' Director of Human Resources.

These procedures do not limit or deny the complainant's right to file a formal complaint with an outside enforcement agency. In addition to the procedures above, any person who feels that he/she has been discriminated against with respect to a Public Utilities program or activity may contact the appropriate federal agency listed below:

U.S. Environmental Protection Agency
Office of Civil Rights (1201A)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460