



## **POLICY AND GRIEVANCE PROCEDURE FOR NON-EMPLOYEE DISCRIMINATION COMPLAINTS**

### **Surry County Policy of Non-Employee Discrimination**

The County of Surry 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. The Non-Discrimination Compliance Coordinator, in consultation with the County Attorney, 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 and regulations, including, but not limited to, Section 13 of the Federal Water Pollution Control Act Amendments of 1972 and 40 C.F.R. Parts 5 & 7.

### **Complaints**

Surry County's Non-Discrimination Compliance Coordinator shall be responsible for the coordination and oversight of the complaint process. The Non-Discrimination Compliance Coordinator will receive, and in consultation and coordination with the County Attorney, 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 Surry County's obligations under nondiscrimination statutes.

Any person who believes he/she has been discriminated against with respect to a Surry County program or activity may file a complaint using the procedure outlined below. An appropriate, prompt, fair, and impartial investigation of allegations filed will be conducted intended to reach a prompt, equitable and fair resolution, 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 County of Surry 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.

## Procedure for Non-Employee Grievances

1. Any person who believes that he/she has been subjected to discrimination may file a written complaint with Surry County's Non-Discrimination Compliance Coordinator. Complaints must be filed within one-hundred eighty (180) calendar days of the last alleged incident.
  - a. Complainants also have the right to complain directly the appropriate federal agency; however, the complainant must do so within one-hundred eighty (180) calendar days of the last alleged incident – see page four for agency contacts.
2. The complainant may submit a complaint online at [www.surrycountyva.gov](http://www.surrycountyva.gov), download the complaint form from [www.surrycountyva.gov](http://www.surrycountyva.gov), or request the complaint form from the Non-Discrimination Compliance Coordinator. In lieu of the complaint form, the complainant may submit to the Non-Discrimination Compliance 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, 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 Compliance Coordinator:

Deseria Creighton-Barney  
Director of Human Resources and Non-Discrimination Compliance Coordinator  
Surry County Government Center  
45 School Street  
Surry, Virginia 23883  
Phone Number: (757) 294-5271  
E-mail Address: [compliance@surrycountyva.gov](mailto:compliance@surrycountyva.gov)

5. If the complainant is unable to submit a written complaint, the Surry County Non-Discrimination Compliance Coordinator should be contacted. Surry County will

- seek to identify those in need of interpretative services or provide them upon request.
- a. Surry County 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 limited to, using a relay service to communicate with a 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 Surry County Attorney will review the complaint and determine whether it has jurisdiction to investigate the issues presented. If Surry County has jurisdiction, the complainant will be issued an acceptance letter within (5) business days of said determination. If Surry County does not have jurisdiction, the complainant will be issued a no jurisdiction letter within five (5) business days of said determination.
  8. Surry County has up to one-hundred eighty (180) days to investigate the complaint. The investigation may include interviews of the complainant, employees, contractors, subcontractors, subgrantees, those named in the complaint, and witnesses to the alleged discrimination, as well as a review of any physical or written evidence.
  9. The Non-Discrimination Coordinator may attempt to conciliate and resolve the complaint through a mutually agreeable solution. Any such informal resolution must be signed by both the Non-Discrimination Coordinator and the complainant.
  10. If more information is needed to resolve the case, the Non-Discrimination Compliance Coordinator may contact the complainant. The complainant has thirty (30) days to send requested information to the investigator assigned to the case.
  11. If the Non-Discrimination Compliance Coordinator is not contacted by the complainant or does not receive the additional information within thirty (30) days, Surry County may administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue his/her case.
  12. After the County Attorney reviews the complaint, one of two letters will be issued to the complainant and delivered by electronic mail (if provided) or return receipt U.S. mail:
    - a. a closure letter, or
    - b. a letter of finding (LOF).
  13. A closure letter summarizes the allegations, states that there was not a violation of the law or regulation alleged, and states that the case will be closed. A LOF summarizes the allegations and any interviews conducted about the alleged incident, states what type of violation was found to have occurred, and explains whether any

corrective steps, additional training of staff involved, or other actions(s) have been recommended and will occur.

14. 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 Surry County Administrator (or her designee) and a written response to the appeal will be issued no later than 30 days after its filing.
15. Any claims of intimidation or retaliation related to the complaint process will be handled promptly and fairly pursuant this Procedure and in the same manner as other claims of discrimination.

These procedures for non-employee grievances will be reviewed annually by the Non-Discrimination Compliance Coordinator and County Attorney and revised as needed to ensure prompt, equitable and fair resolution of complaints.

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 Surry County program or activity may contact the appropriate federal agency listed below:

U.S. Environmental Protection Agency  
Office of External Civil Rights Compliance  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460  
(202) 564-8796

U.S. Department of Agriculture  
Director, Office of Adjudication  
1400 Independence Avenue, S.W.  
Washington, DC 20250  
(866) 632-9992

U.S. Department of Health and Human Services  
Centralized Case Management Operations  
200 Independence Avenue, S.W.  
Room 509F, HHH Building  
Washington, DC 20201  
[OCRComplaint@hhs.gov](mailto:OCRComplaint@hhs.gov)