

**Cecil County, Maryland Grievance Procedure and Policy on Nondiscrimination in Programs Receiving Federal Assistance from the U.S. Environmental Protection Agency**

The purpose of this policy is to collect, maintain, and provide information showing compliance with 40 CFR, Part 7; to designate a person to be the Nondiscrimination Coordinator (NDC) to coordinate efforts to comply with 40 CFR, Part 7; to adopt grievance procedures that assures the prompt and fair resolution of discrimination complaints alleging violations of 40 CFR, Part 7; and to provide continuing and prominent public notice of nondiscrimination on the basis of race, color, national origin, age, sex, sexual orientation, or disability, and of the identity and contact information for the NDC.

As set forth below, it is the Cecil County, Maryland's policy not to discriminate on the basis of several factors, including those covered by 40 CFR Parts 5 and 7. In addition, Cecil County, Maryland adopts the following procedures to implement the requirements of 40 CFR Parts 5 and 7.

**Requirements**

The County 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. A brief description of any lawsuits pending against Cecil County, Maryland that allege discrimination which 40 CFR Part 7 prohibits;
- b. A log of discrimination complaints that identifies the complaint, the date it was filed, the date Cecil County, Maryland's investigation was completed, the disposition, and the date of disposition;
- c. Reports of any similar compliance reviews conducted by any other agencies;
- d. Additional data and information specific to certain Cecil County, Maryland programs or activities to determine compliance where there is reason to believe that discrimination may exist in a program or activity or to investigate a complaint alleging discrimination in a Cecil County, Maryland program or activity;

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

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

- e. 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;
- f. Prominently display a Notice of Nondiscrimination and present this policy on the official Cecil County, Maryland website; and
- g. Make compliance information available to the public upon request; and
- h. Assist in obtaining other required information that is in the possession of other state agencies, institutions, or persons not under the Cecil County, Maryland's control. If such party refuses to release that information, Cecil County, Maryland shall inform the OCR and explain its efforts to obtain the information.

### **General Policy**

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

- 1. 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. The County may be willing to waive the 180 calendar day requirement if the complainant shows good cause and/or under severe circumstances.

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.

The complaint shall specify with as much detail as possible:

- a. The actions or inactions by Cecil County, Maryland that support an alleged violation of 40 CFR Part 7;
- b. The alleged discrimination that did or will result from such actions or inactions;
- c. The identity of the person(s) harmed or potentially harmed by the alleged discrimination; and
- d. The identity of any witnesses to the alleged action; and
- e. The section of 40 CFR Part 7, that Cecil County, Maryland allegedly violated.

Cecil County, Maryland may request additional information from the complainant if needed to assist with meeting the complaint requirements listed above. Cecil County, Maryland is committed to taking reasonable steps to provide meaningful access to its grievance process for individuals with limited English proficiency and provide individuals with disabilities the right to request reasonable modifications or auxiliary aids or services needed to obtain equal access to and enable participation in Cecil County, Maryland's grievance process. Auxiliary aids and services may include qualified interpreters to individuals who are deaf or hard of hearing and must be provided in a timely manner and in such a way as to protect the privacy and independence of the individual. Additionally, complaints in alternate formats shall be accepted from individuals with disabilities (i.e.: complaints filed on audio tape or in Braille).

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

Caitlyn Reeves  
Cecil County, Maryland  
200 Chesapeake Blvd.  
Suite 2100  
Elkton, MD 21921  
410-996-8300  
creeves@cecilcountymd.gov

2. All complaint submittals are to be logged. The NDC shall retain a copy of all documents on file in accordance with the records retention schedule. The NDC shall also notify the relevant program manager(s).

The following are examples of what will not be logged as a complaint submittal:

- a. Anonymous submittals;
- b. Submittals too vague to reasonably determine the allegations of discriminatory conduct;
- c. Submittals not sufficiently identifying the person(s) harmed or potentially harmed by the alleged discrimination;
- d. Inquiries seeking advice or information;
- e. Courtesy copies of court pleadings;
- f. Courtesy copies of complaints addressed to other local, state, or federal agencies;
- g. Newspaper articles;
- h. Web-based media sources such as YouTube videos, e-mail strings, blogposts, comments strings, or Web pages;
- i. Courtesy copies of internal grievances; and
- j. Voice mail messages, phone calls, or in-person conversations.

3. 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.
4. The NDC, based on information in the complaint submittal and other information available, shall determine if:
  - a. Cecil County, Maryland has jurisdiction to pursue the matter; and
  - b. The complaint submittal contains sufficient merit to warrant further investigation.

A complaint shall warrant further investigation unless:

- a. It clearly appears on its face to be frivolous or trivial;
- b. Cecil County, Maryland reaches an agreed resolution with the complainant;
- c. Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or
- d. The complaint was not submitted within the time limit established in Step 1.

Within 14 calendar days of receipt of the complaint submittal, the NDC 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.

5. If the NDC determines the complaint submittal warrants further investigation, the NDC shall review the alleged facts to determine the course of the investigation. The investigation may include interviews of employees, other relevant witnesses, or others named in the complaint. Relevant employees shall make themselves available as necessary.
6. The NDC shall issue a report and determination on whether there is a violation of 40 CFR Parts 5 and/or 7. The NDC shall prepare a written report of the investigation that shall include a narrative of the incident, an identification of individuals interviewed, evidence reviewed, and findings and a determination. The preponderance of the evidence standard will be applied during the analysis of the complaint. The report and determination shall be placed in the complaint file.

Within 180 calendar days of receiving the complaint that warranted investigation, the NDC shall notify the complainant in writing of the findings of the investigation and the recommendations for resolution.

8. Nothing in this procedure prohibits any of the parties from attempting to informally resolve the issue. If any party elects to or attempts to resolve the issue

informally, it does not waive or postpone any of the above referenced deadlines unless written consent by both parties.

### **Assurances**

Cecil County, Maryland endeavors to keep the complainant's identity confidential during this procedure, but there is no guarantee of confidentiality.

No Cecil County, Maryland representative or any other entity or person contracted by Cecil County, Maryland shall intimidate, threaten, coerce, or discriminate against any individual or group because the individual has filed a complaint or has testified, assisted, or participated in any way in an investigation, or proceeding under this procure, or has opposed any practice made unlawful by this policy.

### **Review & Questions**

These procedures are subject to annual review and revision as necessary to ensure prompt and fair resolution of discrimination complaint.

Questions on the application of this policy should be addressed to the Nondiscrimination Coordinator.