



KANNAPOLIS

Grievance Procedure Policy for Non-Employee Discrimination Complaints

The City of Kannapolis (COK) 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 COK Non-Discrimination Coordinator is responsible for coordination of compliance efforts and receipt of inquiries concerning the non-discrimination requirements implemented by Title 40 of the Code of Federal (“40 C.F.R. Parts 5 and 7” – Non-discrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Assistance and 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; Title II of the Americans with Disabilities Act of 1990; and other applicable federal non-discrimination laws; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. (hereinafter referred to as “Civil Rights Laws”).

This document outlines complaint procedures relating to the COK’s provision of programs and services. COK’s 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 COK’s obligations under nondiscrimination statutes.

Any person who believes he/she has been discriminated against with respect to a COK program or activity may file a complaint using the below procedures. An appropriate, prompt, and fair 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 COK for the purpose of interfering with any right or privilege guaranteed by the Civil Rights Laws, or other civil rights statutes. Any claims of intimidation or retaliation will be handled promptly and fairly pursuant to COK’s grievance procedures in the same manner as other claims of discrimination.

The COK’s 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 the COK’s Non-Discrimination Coordinator within ninety (90) calendar days of the last alleged incident.
 - a. Complainants also have the right to complain directly to an appropriate federal agency.
 - b. COK may be willing to consider a waiver of the 90 day requirement if the complainant shows good cause and/or under reasonable circumstances.
2. The complainant may submit a complaint online at kannapolisnc.gov, download the complaint form from kannapolisnc.gov, 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 3g below.

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, disability, retaliation/intimidation).
- 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.

3. The complaint must be delivered to the Non-Discrimination Coordinator:

Daniel Jenkins
Non-Discrimination Coordinator
401 Laureate Way
Kannapolis, NC 28081
Phone Number: (704) 920-4312
E-mail Address: DJenkins@kannapolisnc.gov

4. If the complainant is unable to submit a written complaint, the COK Non-Discrimination Coordinator should be contacted and the

COK will make reasonable accommodations in its policies and procedures, which are necessary to allow a person with disabilities or limited English proficiency, 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, including those with limited English proficiency.

5. Once a complaint is filed, an acknowledgement letter will be issued to the complainant within five (5) business days.
6. The COK Non-Discrimination Coordinator, with the assistance of the City Attorney, will review the complaint and determine whether it has jurisdiction to investigate the issues presented. If the COK does have jurisdiction, the complainant will be issued an acceptance letter within five (5) business days of said determination. If the COK does not have jurisdiction, the complainant will be issued a “no jurisdiction” letter within five (5) business days of said determination.
7. The COK Non-Discrimination Coordinator may reach out for additional information to work towards informal resolution of the complaint through direct communication with the complainant or their representative. Informal resolution may include open dialogue, discussion using a COK staff member as an intermediary, or other process that results in an acceptable solution within ten (10) business days from the acceptance of the complaint. Any such informal resolution must be signed by both the Non-Discrimination Coordinator and the complainant.
8. The COK 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. 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, the COK may administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue the case.
10. After the COK Non-Discrimination Coordinator completes their review of 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 Civil Rights 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, they have ten (10) days after the date of the closure letter or the LOF to do so. Appeals should be submitted to the Non-Discrimination Coordinator and will be decided by the COK's Assistant City Manager, Tina Cline, who supervises the Department 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 they have been discriminated against with respect to a COK program or activity may contact the appropriate federal agency listed below:

U.S. Environmental Protection Agency
The Office of External Civil Rights Compliance
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

U.S. Department of Agriculture
Director, Office of Adjudication
1400 Independence Avenue, S.W.
Washington, DC 20250

U.S. Department of Health and Human Services
Centralized Case Management Operations
200 Independence Avenue, S.W.
Room 509F, HHH Building
Washington, DC 20201

This policy will be reviewed annually for compliance with all applicable Federal and State Non-Discrimination Laws.

Adopted this 28th day of October 2024.