



# CITY OF EASTON

## PENNSYLVANIA

### **Non-discrimination Policy**

#### **Policy Statement**

The City of Easton places immense value on accountability and transparency. The City's commitment extends to ensuring that every resident, employee, or visitor feels heard and respected. By having non-discrimination policy, the City can address concerns, resolve issues, and improve services. These policies empower individuals to voice their complaints, report misconduct, and seek resolution. The City seeks to establish a safe and inclusive environment by preventing discrimination based on protected characteristics including but not limited to race, color, national origin, religion, disability, gender, and sexual orientation. The complaint process will be managed promptly and fairly pursuant to the procedure below and in the same manner as other claims of discrimination.

#### **Policy**

##### **A. Process**

The City of Easton will manage all complaints confidentially to the extent possible considering the need to take appropriate corrective action. The City of Easton will not retaliate against the person who filed the complaint. The City of Easton strongly urges to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

##### **Notice of Non-Discrimination**

City of Easton does not discriminate on the basis of race, color, national origin, disability, age, or sex in administration of its programs or activities, and, City of Easton does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

Estelle Gehringer, Non-Discrimination Coordinator is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7 (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; and Section 13 of the Federal Water Pollution Control

Act Amendments of 1972 (hereinafter referred to collectively as the federal non-discrimination laws).

If you have any questions about this notice or any of City of Easton's non-discrimination programs, policies, or procedures, you may contact:

Estelle Gehringer  
123 S. 3<sup>rd</sup> Street  
Easton Pa, 18042  
(610) 250-6747  
[egehringer@easton-pa.gov](mailto:egehringer@easton-pa.gov)

If you believe that you have been discriminated against with respect to a City of Easton program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at [www.easton-pa.com](http://www.easton-pa.com).

## **B. Procedure**

The City of Easton has established the following procedure for lodging a complaint of harassment, discrimination, or retaliation/intimidation. The City will treat all aspects of the procedure confidentially to the extent reasonably possible. Any claims of intimidation or retaliation related to the complaint process will be managed following the procedure below and in the same manner as other claims of discrimination.

1. An individual who feels harassed, discriminated against, or retaliated/intimidated against may initiate the complaint process by filing a complaint in writing with the City of Easton's Non-Discrimination Coordinator within 30-calendar days from that day in which the individual feels they were harassed, discriminated against or retaliated/intimidated against.
2. No formal action will be taken against any person under this policy unless the Non-Discrimination Coordinator receives a written and signed complaint containing sufficient details to determine if the policy may have been violated. The complainant (the person making the complaint) may obtain the complaint form from the city website [www.easton-pa.com](http://www.easton-pa.com).
3. Appropriate assistance shall be provided to individuals with disabilities and individuals with limited English proficiency. Also, complaints in alternative formats shall be accepted from individuals with disabilities.

If you require accessibility or disability-related accommodations, language assistance, language translation, or interpretive services access the Nondiscrimination Policy, please contact the Non-Discrimination Coordinator using the methods listed below.

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4. The city of Easton may be willing to waive the 30-calendar day requirement if the complainant shows good cause and/or under severe circumstances.
  - a. Any individual who has a complaint against the Mayor, City Administrator, or a member of City Council based on a perceived violation of this Policy should immediately report it to the Non-Discrimination Coordinator or City Solicitor.
  - b. If an individual has a complaint against the Non-Discrimination Coordinator, the complaint may be filed with the City Administrator or City Solicitor.
5. The Non-Discrimination Coordinator may attempt to reconcile 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.
6. Upon receiving a complaint that a violation of this policy may be occurring, the Non-Discrimination Coordinator will notify the City Administrator and review the complaint with the City's legal counsel within 30- calendar days of receiving the complaint.
7. The Non-Discrimination Coordinator will notify the person(s) charged [hereafter referred to as "respondent(s)"] of a complaint and initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred within 15-calendar days following the City Administrator and City legal counsel reviews the complaint.
8. 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. If more information is needed to resolve the case, the Non-Discrimination Coordinator may contact the complainant. The complainant has thirty-30-calendar days to send requested information to the investigator assigned to the case.
10. The preponderance of the evidence standard will be applied during the analysis of each complaint.
11. The Non-Discrimination Coordinator or any other person conducting the investigation will conclude the investigation and submit a written report of his or her findings to the City Administrator within 180 days.
12. If discrimination is determined in violation of this policy has occurred, the Non-Discrimination Coordinator will recommend suitable action.
13. Suitable action will depend on the following factors:
  - a. The severity, frequency, and pervasiveness of conduct.
  - b. Prior complaints made by the complainant.
  - c. Prior complaints were made against the respondent.

- d. The quality of the evidence (e.g., first-hand knowledge, credible corroboration).
14. If the investigation is inconclusive or if it is determined that there has been no violation of policy, but potentially problematic conduct may have occurred, the Non-Discrimination Coordinator may recommend appropriate preventive action.
15. The Non-Discrimination Coordinator will communicate with the complainant and the respondent separately within 15-calendar days after the City Administrator has reviewed the written report.
16. The complainant will receive a written notice detailing:
  - a. The findings of the investigation
  - b. Whether discrimination or retaliation was found
  - c. A summary of the investigation process
  - d. Any corrective actions that will be implemented (if applicable)
17. The complainant and the respondent may submit statements to the Non-Discrimination Coordinator challenging the factual basis of the findings within 5 days.
18. The Non-Discrimination Coordinator will communicate with the complainant and respondents(s) and will review the investigative report, and any statements submitted by the complainant or respondent, discuss the results of the investigation with the City Administrator, and decide what action, if any, will be taken within 30 calendar days. The Non-Discrimination Coordinator will report the decision to the complainant, the respondent, and the appropriate management. The decision will be in writing and will include findings of fact and a statement for or against disciplinary action. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

## **C. Confidentiality**

During the complaint process, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining person will be protected to as great a degree as is legally possible. The expressed wishes of the person complaining about confidentiality will be considered in the context of the City's legal obligation to act on the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the City and those involved in the investigation. In addition, any notes or documents written by or received by the person conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.

## **D. Regulatory Authorities**

- **40 C.F.R. Parts 5 and 7, [42 U.S.C. 2000d](#) to 2000d-7 and 6101 *et seq.*; [29 U.S.C. 794](#); [33 U.S.C. 1251nt](#).** generally, applies to Nondiscrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency, including:

- **Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*, 40 C.F.R. Part 7.** Under Title VI, OECRC has jurisdiction to investigate complaints alleging discrimination by applicants and recipients based on **race, color, or national origin**, including limited English proficiency.
- **Title IX of the Education Amendments of 1972**, as amended, 20 U.S.C. §§ 1681 *et seq.*, 40 C.F.R. Part 5. Under Title IX, OECRC has jurisdiction to investigate complaints alleging discrimination on the basis of **sex** in any education program or activity receiving financial assistance from the EPA.
- **Section 504 of the Rehabilitation Act of 1973**, as amended, 29 U.S.C. § 794, 40 C.F.R. Part 7. Under Section 504, OECRC has jurisdiction to investigate complaints alleging discrimination on the basis of **disability** in a program or activity receiving financial assistance from the EPA.
- **Age Discrimination Act of 1975**, 42 U.S.C. §§ 6101 *et seq.*, 40 C.F.R. Part 7, Subpart F. Under the Age Discrimination Act, OECRC has jurisdiction to investigate complaints alleging discrimination based on **age** in a program or activity receiving financial assistance from the EPA. Accepted complaints of this nature are subject to mandatory referral for mediation to the Federal Mediation and Conciliation Service (FMCS) before investigation.
- **Section 13 of the Federal Water Pollution Control Act Amendments of 1972**, Pub. L. 92-500 § 13, 86 Stat. 903 (codified as amended at 33 U.S.C. § 1251 *et seq.* (1972)), 40 C.F.R. Part 7. Under Section 13 of the Federal Water Pollution Control Act Amendments, OECRC has jurisdiction to investigate complaints alleging discrimination based on **sex** involving a program or activity receiving financial assistance under the Clean Water Act.



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## Complaint Form

### Filer's Information

Name of the person making the complaint: \_\_\_\_\_

Date complaint form completed: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Contact Number: \_\_\_\_\_

Email: \_\_\_\_\_

### **Anonymous Complaints are not accepted**

If you require accessibility or disability-related accommodation, language assistance, language translation, or interpretive services access the Nondiscrimination Policy, please contact the Non-Discrimination Coordinator using the methods listed below.

Estelle Gehringer

123 S. 3<sup>rd</sup> Street

Easton Pa, 18042

(610) 250-6747

[egehringer@easton-pa.gov](mailto:egehringer@easton-pa.gov)

### Filing Deadline

The City of Easton may be willing to waive the 30-calendar day requirement if the complainant shows good cause and/or under severe circumstances.

Describe accurately the details of your complaint:

Additional space needed please use separate pieces of paper

#### Witness Details: (If applicable)

Witness: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Number:

Email:

Signature:

Date: \_\_\_\_\_

**Office Use Only**

Date received: \_\_\_\_\_

Received by: \_\_\_\_\_

Results of Investigation:

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Action taken by City:

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Response to Complainant:

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Response by:

\_\_\_\_\_ Email        \_\_\_\_\_ Phone        \_\_\_\_\_ Letter

Date of Response: \_\_\_\_\_ Signature: \_\_\_\_\_