



CITY OF DUNKIRK

Grievance Policy and Procedure for Nondiscrimination

In compliance with 40 C.F.R., Parts 5 and 7, Section 7.90(a), the City of Dunkirk has established a grievance procedure to ensure prompt and fair resolution of complaints alleging violations of Title VI, Section 601 of the 1964 Civil Rights Act and/or the EAC's non-discrimination policy, in the administration of the City of Dunkirk's programs and activities.

The grievance procedure is intended to address allegations of discrimination on the basis of:

- Race;
- Color;
- National origin;
- Religion;
- Disability;
- Income;
- Age;
- Gender

The grievance procedure provides a process for filing a timely complaint to the proper authority and describes the process that will be used to investigate and resolve the complaint. However, the procedures do not apply to administrative actions that are being pursued in another forum.

Submission of a Complaint

1. Filing of Complaint

A person (or the authorized representative of a person) who believes that they or a class of persons have been discriminated against may file a complaint with the City of Dunkirk. Any complaints should:

- A. Be submitted in writing;
- B. Be filed within 60 days of an alleged violation (except as otherwise indicated in the following paragraph);
- C. Describe with specificity the action(s) by the City of Dunkirk that allegedly resulted in discrimination in violation of 40 C.F. R Parts 5 and 7;
- D. Describe with specificity the discrimination that allegedly occurred or will occur as the result of such action(s);
- E. Identify the parties impacted or potentially impacted by the alleged discrimination.

The City of Dunkirk may request additional information from the complainant if this information is needed to meet the complaint requirements described above. The City of Dunkirk may waive requirement 1.b. in its discretion in order to address allegations of potential discrimination caused by pending actions at the

earliest appropriate and feasible juncture, or, for good cause, to address complaints failed more than 60 days after an alleged violation.

All written complains shall be addressed to:

City of Dunkirk
Attn: Roger Heyden
342 Central Avenue
Dunkirk, New York 14048

Within 10 days of receiving a written complain, the City of Dunkirk will provide the complainant with written notice of receipt. At this time, the City of Dunkirk may request any additional information needed to meet the complaint requirements above. Within 10 days of receiving any additional information, the City of Dunkirk will provide the complainant with written notice that the complaint filing is complete.

2. Determination of Jurisdiction and Investigative Merit

The City of Dunkirk, based on information in the complaint and other information available, will determine if it has jurisdiction to pursue the matter and whether the complaint has sufficient merit to warrant an investigation. A complaint shall be regarded as meriting investigation unless:

- A. It clearly appears to on its face to be frivolous or trivial;
- B. Within the time allotted for making the determination of jurisdiction and investigative merit, the City of Dunkirk voluntarily concedes noncompliance and agrees to take appropriate remedial action or reaches an informal resolution with the complainant;
- C. Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint;
- D. It is not timely and good cause does not exist for waiving the timing requirement under section 1.b.

Disposition of Complaints

Within 120 days of accepting a written complaint, the City of Dunkirk will respond in writing to the complainant with resolution.