

## **Nondiscrimination Policy and Procedures**

The City of Fairmont is committed to ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program, activity, or service that it provides. The City of Fairmont will not tolerate intimidation, threats, coercion, or discrimination against any individual or group. The City of Fairmont will take reasonable steps to ensure Fairmont residents and other members of the community have access to all services provided by the City of Fairmont and will receive and have investigated any allegations of discrimination. The City of Fairmont further states its commitment to compliance with Federal civil rights laws and is committed to providing its programs and services without discrimination in accordance with:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin (including language).
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability.
- Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs or activities.
- Age Discrimination Act of 1975, which prohibits discrimination based on age.
- U.S. Department of Homeland Security regulation 6 C.F.R. Part 19, which prohibits discrimination based on religion in social service programs.

The City of Fairmont will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefits under any of its programs, regardless of the funding source for the program. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of any protected classification or have the effect of defeating or substantially impairing the accomplishment of the objectives of the program because of any protected classification.

The City of Fairmont will not tolerate intimidation or retaliation, threats, coercion, or discrimination against any individual or group for the purpose of interfering with any right or privilege guaranteed under law or regulations, or because the individual has filed a complaint or has testified, assisted, or participated in any way in an investigation, proceeding, or hearing or has opposed any City of Fairmont action or decision.

The City of Fairmont will take reasonable measures to provide access to services for individuals with limited ability to speak, write, or understand English and/or for those with disabilities.

If you have any questions about this notice or any of the City of Fairmont's Nondiscrimination Policy and Procedures, you may contact the ADA and Nondiscrimination Coordinator for the City of Fairmont:

Shae Strait, Director of Planning and Development  
[sstrait@fairmontwv.gov](mailto:sstrait@fairmontwv.gov)  
(304) 366-6212 x249

If you feel you have been discriminated against by a party other than the City of Fairmont, then such complaint is not covered under this policy. More information or assistance with discrimination complaints against other parties should be directed to the West Virginia Human Rights Commission at <https://hrc.wv.gov>

## **Accessibility Statement**

The City of Fairmont is committed to providing electronic communication that is accessible to the widest possible audience, regardless of technology or ability. We are actively working to increase the accessibility and usability of our website and make our website more user-friendly for all visitors. Please be patient as we upgrade older pages and documents (including old meeting minutes) of our website to conform to the highest possible standard.

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website interferes with your ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and your contact information. All attempts will be made by staff to reasonably accommodate accessibility needs.

If you find any accessibility issues on our website, please let us know so we can begin the process of correcting it.

## **Reasonable Accommodations for Individuals with Disabilities**

The City of Fairmont is committed to providing individuals with disabilities an equal opportunity to participate in and benefit from the City of Fairmont's programs, activities, and services.

Individuals may request reasonable accommodations from the City of Fairmont that they believe will enable them to have such equal opportunity to participate in our programs, activities, and services.

To request reasonable accommodations, contact the ADA and Nondiscrimination Coordinator for the City of Fairmont, Shae Strait, at [sstrait@fairmontwv.gov](mailto:sstrait@fairmontwv.gov) or by calling 304-366-6212 x249. The request will be reviewed and a response will be provided in a timely manner. The City of Fairmont reserves the right to determine whether a request for accommodations is reasonable, or to provide an equivalent alternative.

## **Access to Persons with Limited English Proficiency (LEP) or Disability**

The City of Fairmont will take reasonable steps to ensure access to all people and that accommodation is available to facilitate the participation of those persons with limited English language proficiency and/or disability.

According to census data results from July 1, 2022, the City of Fairmont has an estimated population of 18,242, with an estimated 2.13 percent of the population speaking languages other than English. To ensure effective communication or an equal opportunity to participate fully, the City of Fairmont's protocol for translation and interpretation will include:

- Professional translation of public-facing documents and online content
- Translation available on the City of Fairmont website and social media platforms
- When needed, assistive technology can be accessed using a smartphone or computer to help with translation, including American Sign Language

## **ADA Compliance**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Fairmont will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities.

**Employment:** The City of Fairmont does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

**Effective Communication:** The City of Fairmont will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the programs, services, and activities.

**Modifications to Policies and Procedures:** The City of Fairmont will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the City of Fairmont offices, even where pets are generally prohibited.

The ADA does not require the City of Fairmont to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the City of Fairmont is not accessible to persons with disabilities may be filed online by completing a Discrimination Complaint Form (see more detailed description under Discrimination Complaint Process). Grievances may also be informally directed by telephone or in-person to the ADA and Nondiscrimination Coordinator.

The City of Fairmont will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

## **Discrimination Complaint Process**

### **Filing a Complaint**

If someone believes they have suffered from discrimination under a City of Fairmont sponsored program, activity, service, or benefit, they may contact the ADA and Nondiscrimination Coordinator to address the issue and seek an informal resolution. If the matter cannot be resolved informally, the following steps will be followed:

- Within 60 days of the alleged discrimination, complainants may submit a written or verbal complaint to the ADA and Nondiscrimination Coordinator. Complaints must include the complainant's name, the nature of the complaint, the dates of the complaint, the requested action, and contact information.
- The Discrimination Complaint Form can be found online [\[LINK\]](#) or as a paper version at City Hall. Upon request the form can be made available in any language using readily available translation technology such as Google Translate.
- The ADA and Nondiscrimination Coordinator will review the complaint and may solicit additional information from the complainant as needed. If additional information is requested and not received, the case may be closed. The case may also be closed if the complainant no longer wishes to pursue their case.
- If the complaint results from alleged discrimination which occurred outside the jurisdiction of the City of Fairmont, the complainant will be notified of the lack of jurisdiction.

### **Complaint Processing**

If the complaint is within the jurisdiction of the City of Fairmont, and an informal resolution was not possible, it will be promptly and impartially investigated. The City of Fairmont's goal is to address complaints within 60 days of receipt, though the time to carefully investigate complaints may be longer depending on the nature of the complaint and the complexity of the issue.

### **Preliminary Inquiry:**

The City of Fairmont will conduct a preliminary inquiry to determine the need for further investigation.

- The City of Fairmont will notify the complainant in writing that a preliminary inquiry is underway to determine the need for further investigation.
- If the preliminary inquiry by the City of Fairmont indicates that an investigation is warranted, the complainant will be notified in writing and if the complainant so chooses, an interview will be scheduled.
- If the preliminary inquiry indicates an investigation is not warranted, the complainant will be notified in writing of the reasons why and factors considered.

### **Complaint Investigation:**

- Complaints warranting further investigation will be promptly and impartially processed by the ADA and Nondiscrimination Coordinator.
- The complainant will be notified in writing of the results of the investigation and what actions will be/have been taken in response and to request further review.

**Appeal Process:**

If the complainant is dissatisfied with the results at any point in the complaint process, the complainant can make an appeal to the West Virginia Human Rights Commission in accordance with West Virginia state code §5-11-1 et seq. **Any complaint is required to be filed with the West Virginia HRC within 365 days of the alleged incident of discrimination.**

**File Maintenance and Policy Review**

The City of Fairmont shall maintain all Discrimination Complaint files for a period of three years.

The City of Fairmont shall review this policy on a yearly basis.