



## **CITY OF NEWPORT**

### **NONDISCRIMINATION GRIEVANCE PROCEDURES**

The City of Newport (City) adopts the following procedures to allow any person or group to submit a complaint alleging discrimination of any kind by the City, including discrimination that may constitute a violation of any state or federal statute or regulation that the City enforces, and in order to ensure prompt and fair resolution of any such discrimination complaints.

The procedures do not provide an avenue for relief for complainants seeking individual remedies, including punitive damages or compensatory remuneration, nor prohibit complainants from filing complaints with other state or federal agencies, nor deny complainants the right to seek private counsel to address acts of alleged discrimination. The procedures described in this document apply to the City, its sub-recipients, contractors, and subcontractors in their administration of federally funded programs and activities.

Any person requiring assistance with filing a complaint or requiring accommodation for a disability may contact the Nondiscrimination Compliance Coordinator (NCC). Interpreter services are also available at no cost upon request.

**Erin Murdock**  
**Affirmative Action Officer**  
**43 Broadway**  
**Newport, RI 02840**  
**Email: [EMurdock@cityofnewport.com](mailto:EMurdock@cityofnewport.com)**  
**Phone: (401) 845-5397**

#### **A. FILING A COMPLAINT**

1. In order to have a complaint submittal considered for investigation under this procedure, the complainant shall file the complaint using the [\*Discrimination Complaint Form\*](#), no later than **180 calendar days** after the date(s) of the alleged act(s) of discrimination.
2. Complaints 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. Appropriate assistance shall be provided to individuals with disabilities and individuals with limited English proficiency.
3. Complaint shall specify with as much detail as possible:
  - a. The actions or inactions by the City that support an alleged violation.
  - 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.
  - d. The state or federal statutes or regulation that the City allegedly violated (if known).
4. All complaint submittals shall be mailed, emailed or faxed to the Nondiscrimination Compliance Coordinator (NCC):

**Mailing Address:** City of Newport  
ATTN: Affirmative Action Officer  
43 Broadway  
Newport, RI 02840

**Email Address:** EMurdock@CityofNewport.com

**Fax Number:** (401) 845-9364

## **B. COMPLAINT HANDLING AND INITIAL REVIEW PROCESS**

1. All complaint submissions that meet the requirements outlined in Section A will be logged, date-stamped, and saved electronically, including all related documents (such as attachments and envelopes). The NCC will create a case file containing all relevant documents and information and retain these records in accordance with the designated retention schedule.
2. The following are examples of what will **not** be logged as a complaint submittal:
  - a. Anonymous submissions.
  - b. Submissions too vague to reasonably determine the allegations of discriminatory conduct.
  - c. Submissions 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. Newspaper articles.
  - g. Web-based media sources such as YouTube videos, email strings, blog posts, comment threads, or web pages.
  - h. Courtesy copies of internal grievances.
  - i. Voice mail messages, telephone calls, or in-person conversations.
3. During the initial review, the NCC shall determine whether the City has jurisdiction to pursue the matter, and whether the complaint contains sufficient merit to warrant further investigation. A complaint shall warrant further investigation **unless**:
  - a. It lacks an identifiable path to resolution or does not provide enough clarity to warrant next steps.
  - b. Within the time allotted for making the determination of jurisdiction and investigative merit, the City 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.
  - d. The complaint was not submitted within the time limits established in Section A.

4. Within **14 business days** of receiving the complaint, the NCC will contact the complainant to determine whether they prefer to resolve the matter formally or informally. The steps for each process are outlined below.

### C. INFORMAL COMPLAINT PROCESS<sup>1</sup>

1. In most cases, the parties may participate in an informal resolution process as an alternative to any formal process. All parties must voluntarily consent in writing to the informal resolution process. Additionally, all parties must agree to treat information obtained in the course of the informal resolution process as **confidential**, which means it should not be disclosed to third parties except as may be required by law, nor can it be used in a formal grievance procedure at the City, should the matter not be informally resolved. Once the parties agree to a particular outcome as part of the informal resolution process, the matter will be deemed resolved and the parties will be precluded from taking the resolved matter to the formal grievance process. These options are available until a formal decision-making process (post investigation) begins.
2. The parties must also agree to comply with the City's non-retaliation provisions and must review and sign the [\*Privacy and Non-Retaliation Acknowledgement\*](#). Either party can withdraw consent to the informal resolution process at any time. If that happens, the complaint may be resolved through the formal hearing procedure.
3. During the informal complaint process, the NCC shall contact the respondent (person alleged to have discriminated against the complainant) for a conversation. The NCC shall report back to the complainant about the conversation with the respondent. Informal remedies can include coaching, counseling conversation, targeted training, mediation, or other potential remedies as appropriate.
4. If the complainant is satisfied with the outcome, a closing letter will be mailed to the complainant.

**NOTICE:** The NCC retains the right to either end the informal resolution process and/or initiate the formal hearing process. Because informal findings are not subject to personnel records, the NCC's informal decision cannot be appealed.

### D. FORMAL COMPLAINT PROCESS

1. If the complainant chooses a formal complaint process, the NCC will share the complaint with the respondent, who will submit a written response to be shared with the complainant. However, the NCC will maintain the confidentiality of all complaints, ensuring that the complainant's identity is not disclosed to the respondent unless (a) such disclosure is essential for conducting a preliminary investigation, and (b) the complainant has submitted a [\*Complainant Consent/Release Form\*](#) authorizing the disclosure.
2. The NCC shall review the alleged facts to determine the course of the investigation. The investigation may include interviews with the complainant, respondents, and/or any witnesses. Relevant City employees shall make themselves available as necessary. The NCC shall issue a fact-finding report with a determination on whether the respondent violated any nondiscrimination laws, regulations, or directives. The report shall include all pertinent information including a narrative of the incident, identification of individuals

interviewed, evidence reviewed, and whether a violation occurred. The report will be shared with the formal parties, reports may be redacted for confidentiality / privacy.

3. Parties have an opportunity to submit an appeal or a rebuttal. The NCC reviews any final due process information the parties may submit at this stage. If no further investigation is required, the NCC will make a final decision as to whether there was a violation found or not based on a preponderance of evidence, taking the rebuttal information into consideration.
4. The NCC issues an outcome letter with copy to appropriate decision-makers. This letter includes the violation if found and any other relevant information to be referred to the appropriate decision-maker for action consistent with the findings.

## **E. APPEALS**

1. If the complaint is unsatisfied with the NCC's determination, they may appeal the decision within **10 business days** to the City Solicitor.

Christopher Behan  
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Phone: (401) 845-5423

2. The City Solicitor shall issue a written decision in response to the appeal no later than **30 business days** after its receipt.