

Standard Operating Procedures Manual

City of Poquoson Fire and Rescue



City of Poquoson Fire and Rescue

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Poquoson, VA 23662
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FIRE SUPPRESSION

SOP#: GA 2.10

Title: NON-DISCRIMINATION

Effective Date: 09/18/2023

Revised Date:

Fire Chief's Signature

City Manager's Signature

NON-DISCRIMINATION

I. PURPOSE

The City of Poquoson Fire/Rescue (PFR) 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 Poquoson Fire/Rescue will not tolerate intimidation, threats, coercion, or discrimination against any individual or group.

This policy establishes a framework for taking reasonable steps to ensure access to all services provided by PFR for all citizens and establishes procedures whereby City of Poquoson Fire/Rescue will receive and investigate allegations of discrimination.

II. SCOPE

This Policy applies to all staff or members affiliated with the City of Poquoson Fire/Rescue in any manner. (Career or Volunteer)

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service, or activity that receives federal assistance. Specifically, Title VI assures that "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance."

Nondiscrimination prohibitions have been further broadened and supplemented by related statutes, regulations, and executive orders.

- Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in any education or training program receiving federal financial assistance, with a limited number of defined exceptions;
- Section 504 of the Rehabilitation Act of 1973 (Section 504), which forbids discrimination on the basis of an individual's disability by all federal agencies and in all federally funded activities;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination in federally supported activities on the basis of age.

The City of Poquoson Fire/Rescue is actively engaged in Title VI activities as a recipient of federal assistance from the U.S. Department of Homeland Security (DHS).

III. GENERAL (OR POLICY)

The City of Poquoson Fire/Rescue Fire Department (PFR) follows a strict non-discrimination policy in providing care and services. PFR does not discriminate based on race, color, national origin, ancestry, religion, sex, age, disability, political affiliation, military service, sexual orientation, limited English proficiency, or any other protected class. PFR complies with the Virginia Human Rights Act provisions

(Code of Virginia § 2.2-3900) and all applicable federal civil rights laws and is committed to providing its programs and services without discrimination in accordance with, but not limited to: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment Act of 1972, Age Discrimination Act of 1975, and U.S. Department of Homeland Security Regulation 6 C.F.R. Part 19.

The City of Poquoson Fire/Rescue will not tolerate intimidation, 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 Poquoson Fire/Rescue actions or decisions.

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

The City of Poquoson Fire/Rescue's Nondiscrimination Program Policy may be found on our website at <https://www.ci.poquoson.va.us/177/Fire-Rescue>, by contacting us at (757)868-3510, or via email at Emily.Norwood@poquoson-va.gov.

IV. PROCEDURES

Filing a Complaint

If someone believes they have suffered from or been witness to discrimination involving a City of Poquoson Fire/Rescue program, they may contact the City of Poquoson Fire/Rescue Non-discrimination Program Coordinator to seek informal resolution. If the matter cannot be resolved informally, the following steps will be followed:

- Within 180 days of the alleged discrimination, complainants may submit a written or verbal complaint to the Nondiscrimination Program Coordinator. Complaints must include the complainant's name, the nature of the complaint, the dates of alleged

discrimination, requested action, and contact information.

- The Nondiscrimination Program 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 is outside the jurisdiction of PFR, the complainant will be notified of the name and contact information for the appropriate agency with jurisdiction, if known.

Complaint Processing

If the complaint is within the jurisdiction of PFR, and informal resolution was not possible, it will be promptly and impartially investigated. The City of Poquoson Fire/Rescue'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 complexity of the issue.

Preliminary Inquiry:

The City of Poquoson Fire/Rescue will conduct a preliminary inquiry to determine the need for further investigation.

- The City of Poquoson Fire/Rescue 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 Poquoson Fire/Rescue indicates that an investigation is warranted, the complainant will be notified in writing and 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 Nondiscrimination Program Coordinator or their designee. The results of the investigation will be classified in one of the four following categories and provided to the Fire Chief and Assistant City Manager for review.

Upon completion of an investigation, its findings shall be classified as follows:

1. Unfounded – Based on the preponderance of credible evidence, the alleged behavior did not occur.
2. Not sustained – There is insufficient evidence to either prove or disprove the allegation of misconduct by a preponderance of the evidence.
3. Sustained – Violation of law, ordinance, rule, regulation or other misconduct is established by a preponderance of credible evidence.
4. Exonerated – The incident complained of occurred, but was lawful and proper.

The complainant will be notified in writing of the results of the investigation and what actions will be/have been taken in response, in accordance with local, state, and federal laws and regulations.

A file containing all allegations of civil rights violations and their disposition shall be maintained at Fire Administration.

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

- The City of Poquoson Fire/Rescue will take reasonable steps ensure access to all people, and that accommodation is available to facilitate the participation of those persons with English language proficiency and/or disability.
- The City of Poquoson Fire/Rescue will seek to provide at no cost appropriate auxiliary aids and services to LEP persons, to disabled persons who are deaf or hard of hearing, and other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the decision-making process.