



ADMINISTRATIVE PROCEDURE

SECTION: 200 – General Administration	PROCEDURE #: 212-A
TITLE: Washington County Fair Treatment, Equal Protection, and Nondiscrimination Procedures	IMPLEMENTS POLICY #: 212 Washington County Fair Treatment, Equal Protection, and Nondiscrimination Policy
SPONSORING DEPARTMENT/DIV: County Administrative Office, Office of Access and Opportunity	
EFFECTIVE DATE: 6/27/2023	REVIEWED:

OBJECTIVE: The purpose of this policy is to establish standards for the fair treatment and equal protection of all people in accessing Washington County programs, activities, benefits and services.

PROCEDURES:

Implementation:

All County Departments and Offices, in collaboration with the Office of Access and Opportunity and consistent with any and all guidance materials, shall implement this policy through:

- (A) Public communication about how complaints related to this policy will be investigated and that complaints can also be filed with the relevant state or federal agencies, as appropriate.
- (B) Ongoing data collection and monitoring of programs and activities sufficient to conduct comprehensive analysis and reporting consistent with legal and administrative obligations;
- (C) Periodic comprehensive analysis and reporting to ensure compliance consistent with legal and administrative obligations;
- (D) Supporting manager and relevant program staff training to sufficiently administer programs, services and activities in a nondiscriminatory manner; and
- (E) Cooperate with the review and resolution of any complaint processes pursuant to this policy.

Client and Community Complaint and Resolution Process

Washington County's Office of Access and Opportunity Chief Equity Officer or designee is authorized to coordinate, review and address all client and community complaints pursuant to this policy, except for as provided below.

Any individual may make a complaint if they believe that Washington County has discriminated against them in the provision of any service or benefit or exclusion from any program or activity provided by the County directly or through a contractor, service provider or grantee because of their race, color, national origin, disability, religion, age, sex/gender, sexual orientation, gender identity and personal representation, marital status, veteran status, source of income, or any other basis prohibited by federal, state, or local law. Washington County also prohibits retaliation against any person who complains or participates in any investigation of discrimination.

Complaints arising out of County employment or based on allegations of workplace discrimination, harassment and retaliation will be handled in accordance with Washington County Human Resources Policy 301. All other allegations of Civil Rights violations or discrimination in accessing County services will be handled by the Office of Access and Opportunity, pursuant to collaborative agreements with the respective County department or program team.

Complaints should be made as soon after the alleged discrimination as is practicable, and within six months (180 calendar days) after the alleged discrimination, unless good cause exists to warrant any delay. Complaints can be made in person, by email or by written mail to the Washington County's Office of Access and Opportunity Chief Equity Officer or designee.

Free interpretation and translation services, as well as disability accommodations, including alternate complaint request format, are available upon request.

In most cases, after a complaint is filed, the Chief Equity Officer or designee will make every effort to meet with the complainant and respondent within fifteen (15) business days of receipt to discuss the details of the complaint and explore options for resolution.

If the complainant is open to informal resolution, the Chief Equity Officer or designee will facilitate a resolution process as appropriate. If the complainant wishes to proceed with a formal complaint, Washington County may conduct an investigation on the basis of the complaint. Washington County will make every effort to investigate all such complaints within a reasonable time, subject to the availability of staff and technical analysis required.

Civil Rights Investigatory Standards

All investigations shall be conducted in compliance with the standards established by the United States Department of Justice. See U.S. Department of Justice, Civil Rights Division, *Title VI Legal Manual*, §§ VI – VIII. Although the manual addresses violations of Title VI of the Civil Rights Act, it provides useful guidance for investigation of complaints under Title IX and section 504.

Investigations shall generally follow the following steps:

1. Review the initial complaint to identify whether the basis of the claim applies to Title VI, Title IX, or Section 504, Oregon laws or Washington County policy related to discrimination, harassment or retaliation.
2. Review the initial complaint to identify the appropriate jurisdiction for investigation and response. If Washington County is not the appropriate jurisdiction, the complaint will be forwarded to that jurisdiction and the complainant will be notified within 15 business days.
3. Prepare a written investigation plan.
 - a. Plan and analytical framework should be tailored to whether the complaint alleges intentional discrimination, disparate impact or retaliation.
4. Interview the complainant.
 - a. Obtain all documents, videos or other evidence supporting the claim from the claimant.
 - b. Identify other sources of evidence, including witnesses, data, policies, procedures, documents and video.
 - c. Draft a written summary of the claim based on the complainant's statements and information provided.
5. Create a list of all potential witnesses.
6. Create a list of all potential evidence.
7. Interview all potential witnesses.
 - a. Draft a summary of each interview.
8. Collect all potential evidence.
 - a. Summarize all evidence.
9. Draft investigation report.
 - a. The report should include the following:
 - i. An executive summary of no more than one page stating the nature of the claim, the relevant facts, the legal basis for the allegation and the investigator's recommended conclusions.
 - ii. A statement of the relevant facts with timeline and references to the source for each fact.
 - iii. A discussion of the legal basis for the claims.
 - iv. A recommended finding of substantiated or unsubstantiated including the facts and legal authorities supporting the conclusion.
 - b. Consult with Legal Counsel to assist with determining whether the evidence supports a civil rights violation.
10. Provide the Report with all supporting documentation to the Chief Equity Officer.
11. Upon receipt of the report the Chief Equity Officer shall consult with the Director of Human Resources and the County Counsel before deciding whether to accept or reject the recommendation. If the Chief Equity Officer, the Director of Human Resources and the County Counsel cannot reach agreement regarding whether to accept or reject the recommendation, the final decision will be made by the County Administrator. The Chief Equity Officer, Director of Human Resources and the County Counsel may designate a qualified subordinate to assume these duties.
12. Upon such investigation, the Chief Equity Officer or designee will respond to the complainant and the respondent in writing to explain the findings and the County's decision, along with any appropriate options for resolution, if any. Violation of the policy by County

employees, interns or volunteers may result in disciplinary action (up to and including termination).

13. If the complainant or respondent is not satisfied with the proposed resolution, they may appeal this decision by notifying the Chief Equity Officer, or designee, within fifteen (15) business days of receiving this response.

Contractor, Service Provider, and Grantee Compliance

The County will work cooperatively with contractors, service providers, and grantees to support compliance with the Washington County Fair Treatment, Equal Protection, and Nondiscrimination Policy. Noncompliance means that Contractor has failed to meet the prescribed requirements and has shown an apparent lack of good faith effort in implementing all policy provisions requirements. Compliance means that Contractors have effectively implemented all policy requirements or can demonstrate that every good faith effort toward achieving this end has been made.

If a provider of services, contractor, or grantee is found to be noncompliant with Title VI, Title IX or Section 504 regulations, an agreement will be developed between the County and the provider, contractor, or grantee to assure that compliance occurs. If an agreement with time frames has been reached, compliance has not occurred, and appeal processes have been exhausted, the following will occur:

(1) Providers of Services: The County will purchase no further services from the provider and will notify other affected agencies of the action. Service providers may be reinstated after assurance of compliance has been reached.

(2) Contractors and Grantees: The County will notify the contractor or grantee that a breach of contract exists, or the conditions of the grant have been violated. The grant or contract will be terminated, and other affected agencies will be notified. Contractors and grantees may be reinstated after assurance of compliance has been reached.

Demonstration of Title VI, Title IX, and Section 504 compliance shall be a factor considered when determining awards of future Washington County grants and contracts.

Appeal Process

An appeal shall be heard directly by Washington County's Administrator or designee within a reasonable time after receiving the request for appeal. The appeals process will include a de novo review of any and all investigatory findings and will conclude with a final resolution of the complaint.