

Corporation of Harpers Ferry
Non-Discrimination
Assurances and Policy

Date Adopted: September 11, 2025

Notice of Non-Discrimination

The Corporation of Harpers Ferry (Harpers Ferry) does not discriminate on the basis of race, color, national origin, disability, age, or sex in the administration of its programs or activities, and, Harpers Ferry does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

Race, color or national origin provided by the Title VI of Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259),

Disability provided by the Section 504 of the Rehabilitation Act of 1973,

Sex provided by the Title IX of the Education Act Amendments of 1972, (also see 40 C.F.R. Part 5 - Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (18 pp, 259 K)) and Section 13 of the Federal Water Pollution Control Act Amendments of 1972, and

Age provided by the Age Discrimination Act of 1975.

The Harpers Ferry Mayor, or his/her designee, serves as the Harpers Ferry Non-Discrimination Program Coordinator and is responsible for coordination of compliance efforts, initiating and monitoring federal civil rights activities, preparing reports, and other responsibilities as required by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency).

Corporation of Harpers Ferry
Mayor Gregory Vaughn
PO Box 217
1000 Washington Street
Harpers Ferry, WV 25425
Phone - (304) 535-1138
Email – mayor@harpersferrywv.us

If you have any questions about this notice or any of Harpers Ferry's non-discrimination programs, policies or procedures, you may contact the Non-Discrimination Program Coordinator listed above. Harpers Ferry will make reasonable accommodations in its policies and procedures which are necessary to allow persons with disabilities full access to the complaint filing and investigative process. If you believe that you have been discriminated against with respect to a Harpers Ferry program or activity, you may contact the Non-Discrimination Program Coordinator, or visit our website at www.harpersferrywv.us to learn how and where to file a complaint of discrimination.

Harpers Ferry further assures every effort will be made to ensure non-discrimination in all of its services, programs and activities, whether those programs and activities are federally funded or

not. The Civil Rights Restoration Act of 1987, broadened the scope of coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.) In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include federal civil rights requirements language in all written agreements and will monitor subrecipients for compliance with the same.

Non-Discrimination Assurances

The Corporation of Harpers Ferry (Harpers Ferry) ("Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance, it will comply with Title VI of the Civil Rights Act of 1964, and all requirements imposed by or pursuant to 40CFR Parts 5 and 7 to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances regarding its federal aid assisted programs:

1. That the Recipient agrees that each "program" and each "facility", as defined in the Regulations, will be (with regard to a "program") conducted or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with federal aid assisted programs, and in adapted form in all proposals for negotiated agreements:

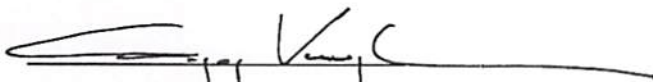
"The Corporation of Harpers Ferry, in accordance with the Civil Rights Act of 1964 hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex or national origin in consideration for an award."
3. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
4. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
5. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or

interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

6. The Recipient shall provide for such methods of administration for the program, as are found by the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.

7. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of, and for the purpose of obtaining, any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient and is binding on it, other recipients, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.



Mayor Gregory Vaughn

09/18/2020

Date



Recording Officer

18 SEP 2025

Date

Non-Discrimination Grievance Procedures

Any person or group of persons who feel they have been subjected to discrimination that is protected by federal civil rights laws may file a grievance with Harpers Ferry Non-Discrimination Program Coordinator for prompt and fair resolution.

Filing a Grievance

If you believe you have been excluded from participation in, been denied the benefits of, or been subjected to discrimination under civil rights laws, you may file a written complaint to Harpers Ferry Non-Discrimination Program Coordinator.

A formal grievance must be filed within 90 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The formal grievance form can be found on the Harpers Ferry website (www.harpersferrywv.us) under the Harpers Ferry Non-Discrimination Program Section or at the Harpers Ferry Town Hall. The grievance must meet the following requirements:

- Grievances must be in writing and signed by the complainant(s).
- Grievances must include the date of the alleged act(s) of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which the conduct was discontinued or the latest instance of the conduct).
- Grievances must present a detailed description of the issues, including names, job titles, and addresses of those individuals perceived as parties in the action complained against.

If the complainant is unable to write a complaint or if the complainant requires an accommodation in engaging in the grievance procedure process, the Harpers Ferry Non-Discrimination Coordinator should be contacted for assistance. Harpers Ferry will make reasonable accommodations in its policies and procedures which are necessary to allow persons with disabilities full access to the complaint filing and investigative process. Harpers Ferry is also committed to providing open access to its services to persons with limited ability to speak or understand English; if requested by the complainant, the Coordinator will arrange language translation services.

Receipt and Acceptance

Upon receipt of the grievance, the Harpers Ferry Non-Discrimination Program Coordinator will determine its jurisdiction, and need for additional information. Harpers Ferry will notify the complainant, in writing, within five (5) calendar days of receipt of the grievance.

In order to be accepted, a grievance/complaint must meet the following criteria:

- The grievance must be filed within 90 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. Harpers Ferry may waive the filing requirement at 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 filed more than 90 days after an alleged violation.

- The allegation(s) must involve a covered basis such as age, sex, disability, race, color, or national origin.
- The allegation(s) must involve a program or activity that receives federal financial assistance.

If the grievance is outside of the jurisdiction of Harpers Ferry, within ten (10) business days after receipt of the grievance, the Non-Discrimination Program Coordinator will notify the Complainant of Harpers Ferry's lack of jurisdiction to address the complaint. The Complainant will be notified of the name and contact information of an appropriate agency with jurisdiction, if known.

Investigation and Resolution of Non-Discrimination Grievances

In cases where Harpers Ferry has accepted a grievance for investigation, grievances will be addressed promptly, fairly, and impartially; a preponderance of the evidence standard will be applied during the grievance investigation. Reasonable measures will be taken to preserve any information that is confidential.

Harpers Ferry encourages and will work towards informal resolution between parties to non-discrimination grievances within the first 60 days after submission of any grievance. Informal resolution may include open dialogue, discussion using a staff member as an intermediary, or other process that results in an acceptable solution. Any such informal resolution agreement must be signed by both the Non-Discrimination Coordinator and the complainant. If a resolution is not met within the first 60 days, the Harpers Ferry Non-Discrimination Coordinator will designate an investigative team including but not limited to the Non-Discrimination Program Coordinator, to evaluate the grievance, develop an investigative plan, conduct interviews, collect and analyze evidence, and prepare an investigative report. The investigative team will provide the respondent with the opportunity to respond to the allegations in writing within 60 days. The investigative team may also solicit additional information from the Complainant. If the additional information is requested and not received within sixty (60) days, the case may be closed. The case may also be closed if the Complainant no longer wishes to pursue the matter.

At a minimum, the investigation will:

- Identify and review all relevant documents, practices, and procedures.
- Identify and interview persons with knowledge of the alleged discrimination—for example, the person making the grievance, witnesses, or anyone identified by the complainant, anyone who may have been subjected to similar activity, or anyone with relevant information.

The Harpers Ferry Non-Discrimination Coordinator will issue a final written report no later than 180 days after receipt and acceptance of complaint and provide a copy to the Complainant. Should extenuating circumstances occur showing justifiable cause to extend any of these deadlines while ensuring fairness without undue hardship to either party, the Harpers Ferry Non-Discrimination Coordinator will notify the complainant and respondent appropriately.

The written report shall include:

- The findings of the investigation;
- Whether discrimination or retaliation was found;
- A summary of the investigation process;
- Any corrective actions that will be implemented (if applicable)

Harpers Ferry will not tolerate retaliation or intimidation during investigation of a grievance nor after issuance of the final grievance report. Complaints regarding alleged retaliation or intimidation shall be directed to the Harpers Ferry Non-Discrimination Coordinator and will be handled promptly and fairly pursuant to the above procedure and in the same manner as other claims of discrimination.

Appeal

The Complainant may appeal the decision of the Non-Discrimination Program Coordinator by writing to the Town Council within 15 calendar days of the date of the written decision. The Town Council shall issue a final written decision in response to the appeal no later than 30 calendar days after its filing.

Corporation of Harpers Ferry
Harpers Ferry Town Council: Gregory Vaughn, Storm DiCostanzo, Chris Craig, David Simmons, Jesse Melton, Christian Pechuekonis, Kevin Carden
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1000 Washington Street
Harpers Ferry, WV 25425
Phone - (304) 535-2206
Email – towncouncil@harpersferrywv.us

Annual Review

Harpers Ferry's Nondiscrimination Policy and Assurances are reviewed on an annual basis, and revised as necessary, to ensure prompt and fair resolution of discrimination complaints and ongoing compliance with 40 C.F.R. Parts 5 and 7.

Dismissal of Grievances

A grievance may be recommended for dismissal for the following reasons:

- The complainant requests withdrawal of the grievance.
- The complainant fails to respond to repeated requests for additional information needed to process the grievance.
- The complainant cannot be located after reasonable attempts to contact the complainant.

Harpers Ferry Non-Discrimination Coordinator

Contact information for the Harpers Ferry Non-Discrimination Coordinator is below.

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