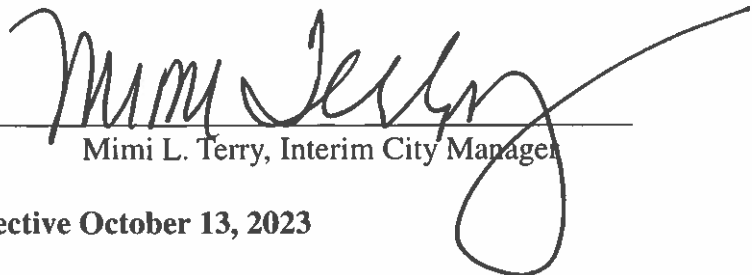

Nondiscrimination Policies and Procedures

CITY OF PORTSMOUTH, VIRGINIA

Approved by: _____

A handwritten signature in black ink, appearing to read "Mimi Terry", written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Mimi L. Terry, Interim City Manager

Effective October 13, 2023

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I. Purpose and Applicability

The purpose of these Nondiscrimination Policies and Procedures is to ensure that no person is excluded from participation in, or denied the benefits of, or is subjected to illegal discrimination on the basis of race, color, national origin, familial status, sex, sexual orientation, gender identity, gender expression, disability, age, and/or any other characteristic protected by applicable law under any program, service, or activity of the City of Portsmouth.

To the extent individual Departments of the City which work closely with state and federal agencies (such as the Social Services Department, the Behavioral Healthcare Services Department, and the Planning and Community Development Administrator) and have existing written nondiscrimination policies and procedures that comply with the requirements of the federal and state entities providing funding for their programs, services, and activities, the existing policies and procedures shall govern the applicable Department.

These Nondiscrimination Policies and Procedures apply to all programs, activities, and services conducted or operated by the City of Portsmouth. These Nondiscrimination Policies and Procedures do not apply to employment with the City of Portsmouth. While the City does prohibit discrimination in the employment context, those policies are set forth in City of Portsmouth Administrative Policies 20 and 21, available on the City's website at the following link: <https://humanresources.portsmouthva.gov/154/Administrative-Manual>

II. Notice of Nondiscrimination

The City of Portsmouth operates and provides and performs its programs, services, and activities in a nondiscriminatory manner with respect to race, color, national origin, religion, familial status, age, sexual orientation, gender identity, gender expression, disability, age, and/or any other characteristic protected by applicable law. No person shall be excluded from participation in, or denied the benefits of, or subjected to discrimination on the basis of a characteristic protected by applicable law, in accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975, applicable and related civil rights regulations implemented by various federal agencies, state law to the extent applicable, and the Portsmouth City Code.

- The City makes every effort to prevent discrimination in its programs, services, and activities.
- The City will investigate civil rights (including disability access and Limited English Proficiency) complaints and take any appropriate responsive actions.
- The City prohibits intimidation or retaliation against those who exercise their right to file a complaint.
- The City will take reasonable and appropriate steps to provide meaningful access to services, programs, services, and activities for persons with disabilities and persons with limited English proficiency.

IF:

- English is not your primary language and you need an interpreter, or you need City documents translated into your primary language to better understand city services, programs, and activities; or
- You believe you have been discriminated against with respect to a City program, service, or activity within the past 180 days and want to file a formal complaint of discrimination; or
- You have any questions about this notice or any of the City's nondiscrimination programs, policies, or procedures;

THEN please contact:

Bernadette Hogge, Nondiscrimination Coordinator
City of Portsmouth
801 Crawford Street
Portsmouth, VA 23704
(757) 393-5143 extension 4129
hoggeb@portsmouthva.gov

III. Authority

Title VI of the 1964 Civil Rights Act provides 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 benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in federally assisted programs. Title II of the Americans with Disabilities Act of 1990 requires state and local governments to give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities. The Age Discrimination Act of 1975 prohibits discrimination based on age in programs and activities receiving federal financial assistance. Section 13 of the Federal Water Pollution Control Act Amendments of 1972 provides that no person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under the said Act, the Federal Water Pollution Control Act, or the Environmental Financing Act.

Federal agencies have adopted regulations implementing the requirements of the above-referenced and other laws prohibiting discrimination, including without limitation the Department of Justice regulations at Title 28 of the CFR (including CFR Part 42, Subpart F (“Coordination of Enforcement of Nondiscrimination in Federally-Assisted programs”)); U.S. DOT regulations at Title 49 of the CFR (including 49 CFR Part 21 (“Nondiscrimination in Federally-Assisted Programs of the Department of Transportation”)); joint FTA/FHWA regulations at Title 23 of the CFR (including 23 CFR Part 771 (“Environmental Impact and Related Procedures”) and 23 CFR Part 450 and 49 CFR Part 613 (“Planning Assistance and Standards”)); U.S. DOT Order 5610.2 (“U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations”); U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency Persons (December 14, 2005); EPA regulations at Title 40 of the CFR (including 40 CFR Parts 5 (“Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Assistance”) and 7 (“Nondiscrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency”)); HUD regulations at Title 24 of the CFR (including 24 CFR Part 200 (“Title VI Program and Related Statutes – Implementation and Review Procedures”) and 24 CFR Part 8 (“Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development”)); DHS regulations at Title 6 of CFR (including 6 CFR Part 21 (“Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance from the Department of Homeland Security”) and 6 CFR Part 15 (“Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Homeland Security”)); and HHS regulations at Title 45 of the CFR (including 45 CFR Part 80 (“Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of

1964”) ad 45 CFR Part 84 (“Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance”).

IV. Title VI and Related Laws Nondiscrimination Policy Statement

1. **Title VI and Related Laws:** Title VI of the Civil Rights Act of 1964 is a federal law that prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Other related laws and regulations similarly prohibit discrimination on the basis of familial status, sex, disability, and age. To the extent other federal or state laws and regulations applicable to the City of Portsmouth are adopted in the future prohibiting discrimination on the basis of other characteristics, this Nondiscrimination Policy shall also be deemed to apply with respect to such characteristics.

2. **Nondiscrimination Statement:** The City of Portsmouth will not discriminate on the basis of race, color, national origin, religion, familial status, age, sexual orientation, gender identity, gender expression, disability, age, and/or any other characteristic protected by applicable law in the provision of its programs, services, and activities, and it is further the intent, goal, and policy of the City to comply fully with the requirements of Title VI and all other applicable laws and regulations prohibiting discrimination in its programs, services, and activities.

3. **Definitions:** Terms such as “race”, “color”, “national origin”, “familial status”, “sex”, “disability”, and “age” shall have the definitions provided under applicable federal law.

4. **Implementation:** In furtherance of the policy stated above, the City shall implement the measures set forth in the Implementation Plan included in these Nondiscrimination Policies and Procedures.

V. Disability Nondiscrimination Policy Statement

1. **Section 504 of the Rehabilitation Act of 1973.** Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in federally-assisted programs.

2. **Nondiscrimination Statement:** The City of Portsmouth is committed to providing persons with disabilities equal opportunity to participate in or benefit from its programs, services, and activities through its compliance with Section 504 of the Rehabilitation Act of 1973.

The City recognizes that persons with disabilities may need reasonable modifications to have equal opportunities to participate in or benefit from its programs, services, and activities.

It is the City's policy that no otherwise qualified individual with a disability will be denied access to or participation in or benefit from its programs, services, and activities. The City will administer programs, services, and activities in the most integrated setting appropriate to the needs of qualified persons with disabilities.

No participant with a disability will be denied the benefits of, be excluded from participation in, or be otherwise discriminated against in the provision of services available to all individuals in general. Persons with disabilities have a right to request reasonable modifications to allow them to participate in or benefit from the City's services and activities.

Neither the City nor its agents will coerce, intimidate, retaliate against, or discriminate against any individual for exercising a right under Section 504, or for assisting or supporting another to exercise a right under Section 504.

This Policy also applies to all the City of Portsmouth's subrecipients, agents, and contractors.

3. **Definitions:** For purposes of these Nondiscrimination Policies and Procedures, the following definitions apply:

A. Disability means, with respect to an individual:

- i. a physical or mental impairment that substantially limits one or more life activities;
- ii. a history of such an impairment; or
- iii. being regarded as having such an impairment.

The definition of "disability" shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of Section 504. The question of whether an individual meets the definition of "disability" should not demand extensive analysis.

B. **Qualified Individual with a Disability** is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids

and services, meets the essential eligibility requirements for the receipt of a specific service or the participation in a specific program or activity provided by the City.

4. Implementation: In furtherance of the policy stated above, the City shall implement the measures set forth in the Implementation Plan included in these Nondiscrimination Policies and Procedures.

VI. Implementation Plan

To implement the policies set forth in these Nondiscrimination Policies and Procedures, the City adopts the following plan.

1. Administration and Responsibilities:

A. Nondiscrimination Coordinator.

i. The City's Nondiscrimination Coordinator shall be designated by the City Manager. The City Manager may change the identity of the Nondiscrimination Coordinator from time to time, but shall ensure that all applicable materials provided to or for the benefit of the public are modified so as to identify the new Nondiscrimination Coordinator.

ii. The current Nondiscrimination Coordinator is:

Bernadette Hogge, Nondiscrimination Coordinator
City of Portsmouth
801 Crawford Street
Portsmouth, VA 23704
(757) 393-5143 extension 4129
hoggeb@portsmouthva.gov

iii. The Nondiscrimination Coordinator, in consultation with the City Manager, the Human Resources Director, the Marketing and Communications Director, the General Services Director, the City Engineer, the City Attorney, and other Department Heads, as necessary, shall coordinate the City's overall compliance with these Nondiscrimination Policies and Procedures.

iv. The Nondiscrimination Coordinator shall have primary responsibility for receiving complaints and ensuring the timely processing of complaints.

v. The Nondiscrimination Coordinator shall coordinate the posting and publication of these Nondiscrimination Policies and Procedures and related notices to ensure public awareness, and shall be the primary contact for questions from the public regarding these Nondiscrimination Policies and Procedures.

vi. The Nondiscrimination Coordinator shall coordinate the City's response to requests for reasonable modifications or auxiliary aids to meet the needs of a disabled person seeking to participate in a program, service, or activity of the City.

B. City Manager.

i. The City Manager shall ensure that the City has a designated Nondiscrimination Coordinator at all times.

ii. The City Manager shall communicate with City Council as necessary regarding the implementation and effectiveness of the City's Nondiscrimination Policies and Procedures.

C. Human Resources Director.

The Human Resources Director shall coordinate any employee training required under these Nondiscrimination Policies and Procedures.

D. Marketing and Communication Director.

The Marketing and Communications Director shall place these Policies and Procedures and applicable notices on the City's website and shall assist the Nondiscrimination Coordinator with any communication or outreach required under these Nondiscrimination Policies and Procedures.

E. General Services Director.

The General Services Director shall monitor compliance with program accessibility in City-owned physical facilities.

F. City Engineer.

The City Engineer shall monitor compliance with program accessibility in the new construction or substantial rehabilitation of City-owned physical facilities. The City Engineer shall also be responsible for compliance with all NEPA and Civil Rights requirements related to all City construction projects. The City will consider and evaluate environmental justice concerns in the selection of construction projects, including but not limited to the siting of new facilities or transportation routes.

G. City Attorney.

i. The City Attorney shall provide legal guidance to the Nondiscrimination Coordinator upon request.

ii. The City Attorney shall advise the Nondiscrimination Coordinator of any lawsuits against the City alleging a violation of the rights protected by these Nondiscrimination Policies and Procedures.

iii. Upon request, the City Attorney shall provide legal advice regarding the processing of complaints.

2. Public Notice

A. Generally: It is the policy of the City of Portsmouth to ensure that the general public is fully aware of these Nondiscrimination Policies and Procedures and how to file a complaint under them.

B. Notice of Nondiscrimination: The Notice of Nondiscrimination included with these Nondiscrimination Policies and Procedures shall:

- i. Be posted in the areas where public notices are posted in City Hall and in each off-site City office that provides services to members of the public;
- ii. Be posted on the City website, through a readily visible link on the website homepage;
- iii. Be referenced in City bids and solicitations; and
- iv. Be accessible to limited-English proficient and disabled individuals.

C. Complaint Form: The Complaint Form included with these Nondiscrimination Policies and Procedures and a summary of the complaint process shall be posted on the City website and also be made available through the Nondiscrimination Coordinator.

3. Program Accessibility

A. Physical Facilities: The City shall comply with all laws and regulations requiring that facilities used by the public be accessible, such that, when each City service, or activity is viewed in its entirety, it is readily accessible to and usable by persons with disabilities. In that regard:

i. Existing Facilities:

aa. Structural changes in existing facilities are not required when other methods provide program accessibility. Such methods may include:

- Redesigning equipment or the facility.
- Providing appropriate signage directing people to accessible features.
- Reassigning staff or services to accessible sites.

bb. The City will develop and maintain evacuation procedures from City facilities for persons with disabilities.

cc. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed in such a manner that the facility is readily accessible to and usable by persons with disabilities.

ii. New Construction and Alterations:

Each facility or part of a facility constructed by, on behalf of, or for the use of the City shall be constructed in such a manner that the facility is readily accessible to and usable by persons with disabilities.

iii. Non-owned Facilities.

All new contractual or lease agreements for the use by the City of non-owned facilities shall, to the greatest extent practicable, ensure that any program, service, or activity of the City in that facility is accessible. If a program, service, or activity is not wholly operated by the City, the City will attempt to assure that these programs, services, or activities, as a whole, provide an equal opportunity for the participation of persons with disabilities.

B. Reasonable Modifications and Auxiliary Aids and Services:

i. Requests.

aa. Requests for reasonable modifications or auxiliary aids or services to allow attendance at or participation in City Council meetings shall be made to the City Clerk not less than 72 hours prior to the applicable meeting. All advertisements for City Council public hearings shall contain language so advising the public.

bb. The Nondiscrimination Coordinator shall be notified of all other requests for reasonable modifications or auxiliary aids or services made to City staff for the purpose of allowing a disabled individual to participate in a City service, program, or activity. The Nondiscrimination Coordinator shall coordinate with appropriate City staff to respond to such requests.

ii. General Practices.

aa. Website Accessibility: The Marketing and Communications Director shall coordinate with the City's provider to incorporate to the extent practicable the principles set forth in the Virginia Department of Social Services Section 508 Policy, including:

- That content be perceivable, including such concepts as text alternatives for non-text content, captions and other alternatives for audio and video content, content that is adaptable and available for assistive technologies, and use of contrast to make things easier to see and hear.

- That content be operable, including such concepts as making all functionality keyboard accessible, giving users enough time to read and use content, avoiding content that causes seizures, and helping users navigate and find content.
- That content be understandable, including such concepts as making text readable and understandable, making content appear and operate in predictable ways, and helping users avoid and correct mistakes.
- That content be robust, including by maximizing compatibility with current and future technologies.

bb. Language Assistance Plan: The City will implement the Language Assistance Plan included as part of these Nondiscrimination Policies and Procedures.

4. Training:

A. The Director of Human Resources shall coordinate training sessions for public-facing City staff regarding the requirements of these Nondiscrimination Policies and Practices, the role of the Nondiscrimination Coordinator, the Language Assistance Plan, and the process for handling requests (or the obvious need) for accommodation.

B. Training sessions will be held not less than once every two years and further on an as-needed basis.

5. Contracting:

All City contracts over \$10,000 for the purchase of goods or services shall require that the Contractor comply with the applicable federal non-discrimination requirements.

6. Public Participation:

A. Purpose: It is the City's goal to ensure that civic involvement is available to all persons regardless of race, color, national origin, disability, age, sex, or any other factor.

B. City Background: The City of Portsmouth is located in the Hampton Roads region of Virginia. The land area of the City is 34 square miles. The City features a number of federal and state facilities, including the Norfolk Naval Shipyard, the Portsmouth Naval Hospital, multiple Coast Guard facilities, and the Portsmouth Marine Terminal. As a result of government and religious facilities, less than 50% of the City's land is subject to real estate taxation. Based on the Census Bureau's 2022 estimates, the City's population is 97,209. The population is 52.2% Black, 38.1% White, 4.8% Hispanic or Latino, and 1.5% Asian. The median household income is \$54,020 and 17.2% of persons are classified as in poverty. The City has not been subject to any material lawsuits alleging that its programs or services violate federal civil rights laws over the past five years.

C. Outreach and Accessibility:

i. Public Meetings:

aa. Generally: The City shall ensure that the factors used to determine time, place, location, duration, and security at public meetings are developed and applied in a non-discriminatory manner.

bb. Notice: The City provides notice of City Council meetings through:

- i. Advertisement in the local newspaper;
- ii. Posting of notice on the City website, including posting of the entire agenda and all agenda materials no later than five days before the meeting;
- iii. Posting of notice in City Hall;
- iv. The City also offers members of the public the opportunity to sign up for email notifications of City meetings and agendas.
- v. Other public meetings not involving City Council are advertised through all of the above methods, except that in some cases advertisement in the local newspaper may not be provided (depending on Virginia law).
- vi. All public hearings of City Council or any Board or Commission are advertised in the local newspaper. The advertisements expressly identify the location of the meeting and the telephone number of a City staff member whom members of the public can contact with questions or concerns.

cc. Contacts:

- i. The City website and City Council meeting notifications and materials clearly identify the City Clerk's Office as the contact for questions about Council meetings, and as the contact for signing up to speak at Council meetings. These materials also provide the Clerk's Office phone number.
- ii. The City offers a "311" telephone service for members of the public to call with questions or concerns, including related to public meetings.

dd. Video:

- i. All public meetings of City Council are contemporaneously broadcast on the City's facebook page and the City website.
- ii. All public meetings of City Council, Planning Commission, Economic Development Authority, and Port and Industrial Commission are recorded and uploaded to the City's youtube site.

iii. Public meetings of City Council also air on the City's local access cable channel.

ee. Disability Access:

i. Notices of City Council meetings expressly inform members of the public that a reasonable accommodation to allow attendance at a meeting can be obtained by calling the City Clerk at least 72 hours in advance of the meeting.

ii. To the greatest extent possible, the City holds all public meetings in ADA-accessible facilities. When City Council public or community forums are held, the City utilizes school auditoriums.

ff. Monitoring: The City will continue to monitor changes in technology that will allow for greater accessibility to public meetings.

ii. Generally

aa. The City operates a "311" telephone service so that members of the public can contact the City with questions or concerns by dialing 311.

bb. The City homepage includes a readily visible icon that allows individuals to submit questions or concerns and also offers answers to frequently asked questions, such as voting and bill payment information.

cc. The City employs one staff member in the position of "Ombudsman". The Ombudsman is responsible for receiving citizen questions and concerns and either directing a citizen to the appropriate Department or having the appropriate Department contact the citizen.

dd. The City maintains a database of neighborhood Civic Leagues.

ee. The City will continuously monitor its interaction with members of the public in order to determine additional outreach needs.

7. Complaints:

A. Generally: Any person who believes that the City of Portsmouth has failed to provide services, denied participation in or access to City services, programs, or activities, denied benefits of City services, programs, or activities (including through the failure to provide required disability access or Limited English Proficiency assistance), or has otherwise subjected them or someone else to discrimination based on race, color, national origin, familial status, age, sex, sexual orientation, gender identity, gender expression, disability, or any other characteristic protected by applicable law can file a complaint.

B. Timing: A complaint must be filed within 180 days of the alleged discriminatory action or inaction. Complaints must be in writing on the Complaint Form provided in these Nondiscrimination Policies and Procedures and signed by the complainant.

C. Filing: Complaints must be filed with the Nondiscrimination Coordinator. Complaint Forms should be submitted in writing to:

Bernadette Hogge
Nondiscrimination Coordinator
City of Portsmouth, Virginia
801 Crawford Street, 5th Floor
Portsmouth, VA 23704
hoggeb@portsmouthva.gov.

Copies of the complaint form should be available on the City website and from the Nondiscrimination Coordinator upon request. Individuals with questions about completing the process of filing a complaint through alternate methods (including over the phone or with the assistance of an interpreter), or with general questions about the complaint process, should be directed to Bernadette Hogge, Nondiscrimination Coordinator, at (757) 393-5143, extension 4129. In the event a potential complainant needs assistance with making a complaint in writing, the Nondiscrimination Coordinator shall provide all necessary assistance.

D. Alternate Manner of Filing – Federal Agencies: If a complaint relates to a specific program, service or activity receiving federal funding, then an individual may also (or alternatively) file a complaint with the federal agency providing the funding. The Nondiscrimination Coordinator shall provide assistance to a potential complainant in determining what, if any, federal agency funded the service, program, or activity in question.

E. Complaint Processing: The Nondiscrimination Coordinator shall determine if a complaint is complete, whether the City has authority over the issue, and whether the complaint is timely. If appropriate and necessary, the City shall investigate the complaint, consider whether the complaint is valid based on the preponderance of the evidence, consider resolutions, and take any necessary responsive actions. The Nondiscrimination Coordinator will keep the complainant reasonably apprised of the status of the investigation. The Nondiscrimination Coordinator will respond to the complainant in writing (and/or, where appropriate, a format that is accessible to the complainant) with a determination or resolution within a reasonable period after the complaint has been filed, taking into account the level of detail provided by the complainant, the complainant's responsiveness to requests for additional information, the complexity of the complaint, and other relevant factors. The Nondiscrimination Coordinator will exercise reasonable diligence to attempt to provide a final determination or resolution of a complaint within 120 days of receipt.

F. Federal Notification: To the extent required by applicable regulations or funding requirements, the Nondiscrimination Coordinator shall be responsible for providing notice to federal agencies of complaints related to services, programs, or activities they have funding.

G. Intimidation/Retaliation: Attempted intimidation of and/or retaliation against a complainant is expressly prohibited by the City's Nondiscrimination Policies and Procedures. Anyone who believes that they have been subjected to intimidation or retaliation as a result of filing a complaint shall have the right to file a complaint related to the intimidation or retaliation, and such complaint shall be processed in the same manner as all other complaints hereunder.

H. Informal Complaints: If the Nondiscrimination Coordinator is contacted by a member of the public who has concerns about a possible instance of discrimination (including related to disability access or Limited English Proficiency assistance), but who does not wish to file a written complaint, the Nondiscrimination Coordinator shall nevertheless review and address the concern with the applicable Department. Where appropriate, the Nondiscrimination Coordinator shall inform the member of the public of the steps taken to address the concern raised.

I. Publication: These complaint procedures shall be published on the City website and shall be available in written form from Nondiscrimination Coordinator.

8. Data Collection and Assessment

A. Data Collection: The Nondiscrimination Coordinator will maintain the following data:

- i. A data base or log of complaints received under these Nondiscrimination Policies and Procedures and their disposition;
- ii. A log of requests for accommodation reported to the Nondiscrimination Coordinator and the response to the requests;
- iii. A log of modifications and auxiliary aids implemented or maintained in furtherance of full access to the City's programs, activities, and services; and
- iv. Training provided to City employees during the Fiscal Year.

B. Assessment: Commencing with the Fiscal Year ending June 30, 2023, the Nondiscrimination Coordinator will coordinate an annual internal review of these Nondiscrimination Policies and Procedures.

- i. The review will include:
 - a. An analysis of the data collected during the preceding Fiscal Year, including an evaluation of the timeliness of the City's response to

complaints and requests for accommodation and a comparison of the volume of complaints and requests to prior years.

b. A summary of any difficulties or challenges encountered by the Nondiscrimination Coordinator during the preceding Fiscal Year.

c. An analysis by the City Attorney of any material changes to the laws and regulations implemented by these Nondiscrimination Policies and Procedures that were enacted during the preceding Fiscal Year.

d. An assessment of existing impediments to meaningful access to services, programs, services, and activities for persons with disabilities and persons with limited English proficiency.

e. Any recommended amendments to these Nondiscrimination Policies and Procedures.

ii. The Nondiscrimination Coordinator will coordinate the preparation of a written report summarizing the review.

iii. In addition to the annual review, the Nondiscrimination Coordinator will conduct a semiannual analysis of complaints received as of each December 31 and June 30 for the purpose of identifying any patterns or potential systemic issues.

VII. Language Assistance Plan

Purpose: Recipients of federal assistance are required to take reasonable steps to provide reasonable access for Limited English Proficiency (LEP) populations to their programs, activities, and services.

Plan Overview: This Language Assistance Plan (Plan) has been developed to address the identified needs of the LEP population served by the programs, activities, and services of the City of Portsmouth. The Plan may be used for training, administration, planning, and budgeting by the City. The Plan includes the following elements: Identification of LEP persons; Language assistance measures; Staff training; Providing notice to LEP persons; and Monitoring and Updating the Plan.

Plan:

1. Identification of LEP Persons

The City has not had any reported issues with assisting an LEP individual. According to the 2017-2021 American Community Survey, “People Who Speak English Less Than Very Well” account for 1.7% of the City’s population. This is significantly less than the Virginia (5.8%) and US (8.2%) population. However, it is an increase over the 2010-2014 ACS five-year estimate (0.46% of the Portsmouth population). In addition, the percentage of the Portsmouth population reporting as Hispanic increased from 3% to 4.8% between 2010 census and the Census Bureau’s July 1, 2022 estimate. This suggests that the City may need to increase its focus on providing Spanish-language options.

2. Language Assistance Measures

The City will take reasonable steps to provide the opportunity for meaningful access to LEP persons who have difficulty communicating in English to include:

a. **Translation Services:** The City currently has a contract with Lionbridge to provide translation services, including oral translations over-the-phone. The services are utilized by the Departments of Social Services and Behavioral Healthcare Services. The City intends to make the service available to other Departments.

b. **Notification of Assistance:** Through both its website and its Notice of Nondiscrimination, the City will make the LEP population aware of the availability of assistance to those who require interpretation or translation to better understand City services, programs, and activities.

c. **Coordination:** Members of the LEP population needing assistance will be directed to the Nondiscrimination Coordinator, who will contact the appropriate staff members to provide assistance.

3. Staff Training

The City will provide training to public-facing staff not less than once every two years and on an as-needed basis regarding this Plan and the resources available to provide LEP assistance (including the Lionbridge or similar translation service).

4. Providing Notice to LEP Persons:

Notice of the availability of assistance will be provided to LEP persons primarily through the City's website and promulgated Notice of Nondiscrimination.

5. Monitoring and Updating the Plan:

The City will monitor and update this Plan as appropriate as part of the annual review of the City's nondiscrimination programs required by the City's Nondiscrimination Policies and Procedures. The City will particularly monitor the level of requests for Spanish-language assistance.

Complaint Procedures:

Complaints regarding this Plan, its implementation by the City's, or LEP access to City programs, activities, and services shall be filed and processed in accordance with the procedure for filing and processing complaints under the City's Nondiscrimination Policies and Procedures.

VIII. Complaint Form (Text)

The following is the textual component of the Complaint Form. The form for public distribution is to include the City logo and be formatted for user-friendliness.

City of Portsmouth, Virginia

Civil Rights Complaint Form

This information will help City of Portsmouth employees help you. It will determine whether your complaint is investigated by the City or another agency. Filing a complaint with the City does not prevent you from filing with other federal, state, or local agencies. Please include as much detail as possible. Attach additional pages as needed. Complaints must be filed with the City within 180 days of the alleged incident. If you do not know the answer to a question, write "unknown" in the space provided. If a question is not applicable, write "N/A". When the City receives this form, it will be reviewed to determine if the City has the authority to help.

1. Personal Information.

Your Name: _____
Street Address: _____
City/State/Zip: _____
Phone Number: _____
E-mail Address: _____

Best time to be contacted [Day(s) and Time(s)]: _____

Date of Birth: ____/____/____ Age: ____ Sex: ____ Gender: ____
Month Day Year

Race/Ethnicity:

- African American/Black Caucasian/White Asian/Pacific Islander
 Hispanic or Latinx American Indian Other: _____

Alternate person to contact if you cannot be reached: _____

Street or mailing address: _____

Telephone(s): (____) _____ (____) _____ Relationship: _____

2. Complaint Details.

2a. I believe I was discriminated against by a: (Check any that apply)

- City employee/Department City Contractor/Agent City Program/Activity
 City Owned/Operated Facility Other: _____

Date and Time of Incident: _____

Place of Incident: _____

2b. I believe I was discriminated against because of my? (Check any that apply)

- Race Color* National Origin* Religion
 Familial Status Age Sex Sexual Orientation
 Gender Identity Gender Expression Disability* Limited English Proficiency
 Other*: _____

*If you checked Color or National Origin, please specify: _____

*If you checked Other (Please explain in more detail): _____

*If you are claiming discrimination based on disability, please answer the following questions:

I have a disability

I do not have a disability
but I did have one

No disability but I am
treated as if I am disabled

What is the disability that you believe is the reason for the discrimination? Does the disability prevent you from doing anything? (Example: lifting, sleeping, breathing, walking, working, etc.)

2.c. Provide the name(s) of the City employee(s), contractor(s) or agent(s) who allegedly discriminated against you (if known), including their job titles (if known): _____

2.d. Which City of Portsmouth service(s), program(s), or activity was involved? _____

2.e. List individuals who witnessed or know about the incident. Include addresses and phone numbers, if available: _____

3. Please describe the alleged discrimination. Attach additional sheets as needed.

Include the actions taken by each person and the reasons, accommodations or suggestions provided. *For example, "On January 1, 2023, I was denied the opportunity to participate in swimming lessons by John Doe, Facility Manager, because the pool did not have an operational lift and I require a wheelchair."*

I understand that by returning this completed questionnaire to the City of Portsmouth Nondiscrimination Coordinator, I have filed an official complaint with the City of Portsmouth. The Nondiscrimination Coordinator will notify me: (1) whether the complaint has been accepted for investigation; (2) of the status of any investigation; and (3) of the resolution of any investigation.

I declare, under penalty of perjury, that the information provided herein is true and correct to the best of my knowledge.

Signature of Complainant: _____

Date: _____

Mail, email or return this form to:

Bernadette Hogge, Nondiscrimination Coordinator

City of Portsmouth

801 Crawford Street

Portsmouth, VA 23704

(757) 393-5143, ext. 4129

hoggeb@portsmouthva.gov