



## Non-Discrimination Policy

### Purpose

The Lebanon Water Works Company, Inc. (LWWC) is committed to creating and maintaining a community that is free from all forms of discrimination, including harassment, differential treatment, failure to accommodate, and retaliation for participation in civil rights protected activity. LWWC has policies that prohibit all forms of discrimination and retaliation and is committed to providing equal access to water service for all individuals. The LWWC has established a grievance procedure to ensure prompt and fair resolution of complaints alleging violations of Title VI, Section 601 of the 1964 Civil Rights Act (prohibits discrimination based on race, color, or national origin including language), Section 504 of the Rehabilitation Act of 1973 (prohibits discrimination based on disability), Title IX of the Educations Amendments of 1975 (prohibits discrimination based on sex in education program or activities) and Age Discrimination Act of 1975 (prohibits discrimination based on age) in the administration of the LWWC's utility service.

### Grievance Procedure

The grievance procedure is intended to address allegations of discrimination, in which the individual(s) feel like they have been excluded from LWWC's services on the basis of:

- Age
- Color
- Disability
- National origin
- Sex
- Race

The grievance procedure provides a process for filing a timely complaint to the proper authority and describes the process that will be used to investigate and resolve the complaint. However, the procedures do not apply to administrative actions that are being pursued in another forum.

### Non-Discrimination Coordinator

The Non-Discrimination Coordinator for the LWWC is:

Johnnie Baum  
Lebanon Water Works Company, Inc.  
120 Proctor Knott Avenue  
Lebanon, Kentucky 40033  
Email: johnnie.baum@lebanonwaterworks.com  
Office#: (270) 692-2491

The Non-Discrimination Coordinator is the initial point of contact for all grievances. They are responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7 including Title VI of the Civil

Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and section 13 of the Federal Water Pollution Control Act Amendments of 1972. The Non-Discrimination Coordinator is also responsible for overseeing and guiding the complainant through the grievance process. The Non-Discrimination Coordinator manages files and records of complaints pertaining to the LWWC. In addition, they are responsible for coordinating the correct person(s) from the LWWC to ensure the grievance is processed efficiently and correctly.

#### Who Can File a Discrimination Complaint?

Anyone who believes that they or a class of persons have been discriminated against may file a complaint with the LWWC. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group. A complainant filing on behalf of or pertaining to another person(s) is responsible for securing any necessary written consent from that individual. 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.

#### Submission of a Complaint

##### A. Filing of Complaint

A person (or the authorized representative of a person) who believes that they or a class of persons has been discriminated against may file a complaint with the LWWC.

The complaint should:

1. be in writing;
2. be filed within 60 days of an alleged violation (except as otherwise indicated in the following paragraph);
3. describe with specificity the action(s) by LWWC that allegedly result in discrimination in violation of 40 C.F.R. Parts 5 and 7;
4. describe with as much detail as possible the discrimination that allegedly has occurred or will occur as the result of such action(s); and
5. identify the parties impacted or potentially impacted by the alleged discrimination.

The LWWC may request additional information from the complainant, if this information is needed to meet the complaint requirements described above. The LWWC may waive requirement two (2) in 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 60 days after an alleged violation. In the event of needing language and/or disability services, appropriate assistance will be provided to individuals with disabilities and individuals with limited English proficiency. Also, complaints in alternative formats shall be accepted from individuals with disabilities.

If the complainant is unable to submit a written complaint, the Nondiscrimination Coordinator should be contacted. LWWC will make reasonable accommodations in its policies and procedures which are necessary to allow persons with disabilities or limited English proficiency full access to the complaint filing and investigative process.

Please note that the following are examples of submissions that will NOT be taken into the complaint consideration process:

- Anonymous submittals
- Submittals too vague to reasonably determine the allegations of discriminatory conduct
- Submittals not sufficiently identifying the person(s) harmed or potentially harmed by the alleged discrimination
- Inquiries seeking advice or information
- Courtesy copies of court pleadings
- Newspaper articles
- Web-based media sources such as YouTube videos, e-mail strings, blogposts, comments strings, or web pages
- Courtesy copies of internal grievances
- Voice mail messages, telephone calls, or in-person conversations

Person(s) who believe they or a class of persons have been discriminated against and need more information, help with submitting a complaint, or an accommodation if you require an alternate means of submission may call or email the Non-Discrimination Coordinator, Johnnie Baum (contact information listed above).

Complaints may be submitted by emailing the information to the Non-Discrimination Coordinator. LWWC will also accept complaints mailed to the Non-Discrimination Coordinator.

Within 10 days of receiving a written complaint, LWWC will provide the complainant with written notice of receipt. At this time, LWWC may request any additional information needed to meet the complaint requirements above. Within 10 days of receiving any additional information, LWWC will create a case file containing all information in relation to the complaint and will provide the complainant with written notice that the complaint is complete.

#### B. Determination of Jurisdiction and Investigative Merit

The LWWC, based on information in the complaint and other information available, will determine if it has jurisdiction to pursue the matter and whether the complaint has sufficient merit to warrant an investigation. A complaint shall be regarded as meriting investigation unless:

- a. It clearly appears on its face to be frivolous or trivial;
- b. Within the time allotted for making the determination of jurisdiction and investigative merit, LWWC voluntarily concedes noncompliance and agrees to take appropriate remedial

- action or reaches an informal resolution with the complainant;
- c. Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or
- d. It is not timely and good cause does not exist for waiving the timing requirement under section A.2.

If the Non-Discrimination Coordinator determines the complaint submittal warrants further investigation, the Non-Discrimination Coordinator shall review the alleged facts to determine the course of the investigation. The investigation may include interviews of LWWC employees, other relevant witnesses, or others named in the complaint. Relevant LWWC employees shall make themselves available as necessary.

The Non-Discrimination Coordinator may reach out for additional information to work towards informal resolution of the complaint through direct communication with the complainant or their representative. Informal resolution may include open dialogue, discussion using a staff member as an intermediary, or other process that results in an acceptable solution within ten (10) business days from the acceptance of the complaint. Any such informal resolution agreement must be signed by both the Non-Discrimination Coordinator and the complainant.

#### Disposition of Complaints

Within 120 days of accepting a written complaint, LWWC will respond in writing to the complainant with resolution including whether discrimination is found and a description of the investigation process. During the investigation, The preponderance of the evidence standard will be applied during the analysis of each complaint.

#### Annual Review

LWWC intends to review annually this non-discrimination policy to ensure prompt and fair resolution of discrimination complaints. In evaluating the effectiveness of the procedure and the need for additional measures, LWWC will assess the feedback from agency staff and the public.

#### Retaliation and Intimidation

LWWC is committed to fostering an environment where individuals can invoke these grievance procedures without fear of retaliation or reprisal. LWWC explicitly prohibits retaliation against any individual for any purpose, including for the purpose of interfering with any right or privilege guaranteed under any state or federal statutes or regulations because that individual has filed a complaint or has testified, assisted, or participated in any way in an investigation, proceeding, or hearing of any kind or has opposed any practice made unlawful under any state or federal statutes or regulations. Prohibited retaliatory acts include intimidation, threats, coercion, or discrimination against any such individual or group. Any concern regarding retaliation should be reported to the Non-Discrimination Coordinator and will be handled promptly and fairly pursuant to LWWC's non-discrimination policy.