

TITLE VI COMPLAINT PROCEDURES

COMPLAINT PROCESSING AND INVESTIGATION PROCEDURE

The Title VI Coordinator has a file established for all Title VI complaints. All complaints are investigated by the Title VI Coordinator or legal counsel. A record of the investigation accompanies a copy of the original complaint in the case file. Additionally, any notification of legal action, as well as the results of any legal action, will be filed with the original complaint and investigation documents.

Procedures

1. Upon receipt of a complaint regarding a violation of civil rights, a case folder is created with the name of the person filing the complaint and the date of the filing.
2. A copy of the complaint is placed in the case folder.
3. The case folder is filed within the Title VI file.
4. The original complaint is submitted to the Title VI Coordinator for an investigation.
5. Any additional correspondence from the person filing the complaint will be handled in the same manner with a copy being placed in their case folder.
6. Any correspondence from the third party claims adjuster or legal counsel pertaining to the claim will also be filed in the case folder.
7. If the third party claims adjuster determines it necessary, they will forward the claim to legal counsel.

TITLE VI ADMINISTRATOR/OFFICER PROCEDURES

1. Direct complainant to the Title VI Complaint Form (if not previously provided). Forms are available for download from the website or as hard copies sent by mail or picked up by complainants at headquarters. If complainant is unable to complete a written form, City staff can fill one out on their behalf.
2. Once a Title VI Compliant Form is received, it is to be placed in the Title VI Complaint file. Make determination that the complaint is covered by Title VI and indicate that the form is completed and signed. Complaint form must be received within 180 days of alleged incident. If no investigation is initiated, clearly document the reason.
3. Inform complainant that a formal investigation is being conducted or that their complaint is not covered by Title VI. This must be done within 10 working days of receipt of the completed and signed Title VI Discrimination Complaint Form.
4. Research existing information and attempt to determine the employee who is the subject of the complaint. Determine who will be conducting investigation and see what is known already.
5. Inform investigator that there is a formal Title VI complaint and what additional information, documentation and investigation deadlines are involved. This should be done within 5 working days for receipt of the Title VI Complaint.
6. Investigators should conduct investigation as informed by the procedures and policies of City. This could include contact and interviews with any witnesses. Actions could include counseling and discipline for employees.
7. Draft Investigation Report.
8. Review Investigation Report with investigator. Discuss findings and/or recommendation for resolution.
9. Finalize Investigation Report.
10. If finding of violation of Title VI discrimination, recommend appropriate corrective action. If no finding of Title VI discrimination, explain why not.

11. Notify Complainant of finding (issue determination letter) and right to appeal and appeal process. Complainant should be notified of findings within 60 days of receipt of the complaint form.
12. Notify investigator of finding (including determination letter).
13. Send Investigation Report sent to City Manager's office.
14. Complainant has 15 days after receipt of determination letter to appeal findings to the City Manager.
15. Update complaint file and log.

INVESTIGATOR PROCESS

The person conducting the on the ground investigation will be informed that the complaint is a formal Title VI Investigation within 10 working days of receipt (to the District) of a formal complaint.

Investigator must complete investigation (if necessary) and return completed Title VI Investigator Form within 20 working days of being informed of the formal complaint. Report must include names and titles of all who are contacted about the incident, any evidence reviewed (such as video tapes) and all other relevant information. Investigator is to state why the incident was not a case of discrimination or what action was taken regarding the person accused of acting in a discriminatory manner. Follow up information may be needed within the 60 day time frame to respond to the complainant with the findings. It is desired to submit a completed Title VI Investigator Form as soon as possible (well before the 20 working day due date).

The investigation may include discussion of the complaint with all affected parties to determine the nature of the problem. The complainant may be represented by an attorney or other representative of his/her choosing and may bring witnesses and present testimony and evidence in the course of the investigation.

The complainant has 10 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, the City can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.