



# **Title VI Policy & Complaint Procedures**

**April 2013**

## **1. Introduction**

### **1.1 Purpose**

The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit discrimination on the basis of race, color or national origin in federally assisted programs. The intent of the law is to ensure that all persons, regardless of their race, color or national origin, are allowed to participate in these federally funded programs.

The City of Johns Creek has established the following procedures to provide monitoring of Title VI compliance activities and complaint processing in all City programs that receive federal funding.

### **1.2 Policy**

The City and its sub-recipients of federal funds will not:

1. Deny an individual service, or provide only inferior or discriminatory service, aid or benefits because of an individual's race, color or national origin;
2. Subject a person to segregation or treat a person differently in regards to eligibility for and participation in services because of race, color or national origin;
3. Restrict or discourage individuals in their enjoyment of facilities because of race, color or national origin;
4. Discriminate in any way against an individual in any program or activity that is conducted with federal funds.

The City will publicize its Title VI policy statement. The City will investigate Title VI complaints about City contractors. The City will refer any complaints that the City has violated Title VI on a Federal Highway Administration funded program to the Georgia Department of Transportation (GDOT).

### **1.3 Coordinator**

The City will appoint one or more Title VI Coordinators to implement and oversee its Title VI Policy and procedures.

# City of Johns Creek Title VI Policy & Complaint Procedures

## 2. Complaint Procedures

### 2.1. Required Time to File Complaint

To allow time to file first with the City and then externally with an appropriate outside agency or court, as the complainant chooses, any complaint to the City should be filed promptly and must be filed not later than one hundred eighty (180) calendar days after the alleged discrimination occurred. If the complainant is not satisfied with the findings or the proposed remedial action, the complainant may still file externally within any applicable statute of limitations.

If a complaint is filed within the City and is filed externally during the same time, the external complaint supersedes the internal complaint filing. Accordingly the City's complaint procedures will be suspended pending outcome of the external complaint.

### 2.2 Step 1- Informal Meeting with Department Head

The complainant and/or the complainant's representative are encouraged to initiate the process by meeting with the city department head of the service or facility where the alleged discrimination took place. The complainant should provide the basis of the complaint (race, color, national origin) and the nature of the incident that led the complainant to feel that discrimination was a factor.

The department head shall immediately notify the Title VI Coordinator. The department head shall, within ten (10) workdays after receiving the complaint, reach a decision and communicate the decision to the complainant and the Title VI Coordinator.

Upon receipt of a complaint, the Title VI Coordinator will determine jurisdiction. Complaints against the City involving Federal Highway Administration funds will be forwarded to the appropriate State agency, the Georgia Department of Transportation, for proper disposition pursuant to its procedures.

### 2.3 Step 2- Formal complaint to Title VI Coordinator

If the complaint is not resolved at Step 1, or if the complaint is not first brought to the department head, a written complaint shall be filed with the City's Title VI Coordinator.

The complainant should submit his/her complaint to the City in writing with the following information:

1. Name, address and telephone number of the complainant;
2. The location and name of the city department delivering the service;
3. The nature of the incident that led to the complainant to feel that discrimination was a factor;
4. The basis of the complaint (race, color or national origin);
5. Names, addresses and phone numbers of people who may have knowledge of the event;
6. The date or dates on which the alleged discriminatory event or events occurred.

## **City of Johns Creek Title VI Policy & Complaint Procedures**

The Coordinator shall notify the department head of the formal complaint and initiate an investigation immediately. The department head shall provide assistance during this internal investigation as requested by the Coordinator.

The internal investigation shall be completed within twenty (20) workdays of receipt of the complaint, at which time the Coordinator will inform the complainant in writing of its disposition, including any findings of fact and any actions to be taken.

### **2.4 Disposition of Complaints**

**Sustained Complaints** – If the complaint is substantiated, this policy and procedure prohibiting discrimination will be reviewed with the offender. Appropriate disciplinary action and/or training will be taken pursuant to the City’s disciplinary procedures.

**Unsustained Complaints** – If there is insufficient evidence to either prove or disprove the allegation(s), both parties to the complaint will be informed of the reason(s) for this disposition.

**Unfounded Complaint** – If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of “unfounded” shall be made.

**Exonerated Complaints** – If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of “exonerated” shall be made.

### **2.5 Review by Appeal**

If the complainant is not satisfied with the resolution, an appeal process is available. An appeal request for review of a determination of unlawful denial of access or accommodation to public transportation must be filed, in writing, within thirty (30) calendar days of the resolution of the complaint, with the Title VI Coordinator.

The written appeal must include the complainant’s name, address, and telephone contact number. A statement of reason(s) why the complainant believes the denial of the complaint was inappropriate is recommended.

The Title VI Coordinator will set a mutually agreed-upon time and place for the review process with the complainant–appellant and/or representatives and the City Manager or designee within thirty (30) days of the request. The complainant–appellant may submit documents or other information to be included with the record and considered in the review process. A record of the review will be kept by the City.

A complainant’s right to a prompt and equitable resolution of the complaint will not be impaired by the complainant’s pursuit of other remedies. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.

## **City of Johns Creek Title VI Policy & Complaint Procedures**

### **2.6 Complaint Log**

The Coordinator will maintain a Title VI complaint log to show identifying information type, and status of each complaint filed, including those filed under Step 1 of this procedure. When any investigation is concluded, the Coordinator will keep a copy of the report on permanent file.

### **3. Limited English Proficiency Policy**

The City of Johns Creek is committed to providing quality services to all citizens, including those who do not speak English as their primary language, and who have a limited ability to read, speak, write, or understand English. These individuals may be considered Limited English Proficient, or “LEP,” and may be entitled to language assistance.

As a recipient of Federal Transportation Funding, the City of Johns Creek must take reasonable steps to ensure meaningful access to its programs and activities by LEP persons. The U.S. Department of Transportation recommends analyzing the following four factors to determine the level and extent of language-assistance measures required within the grantee’s area of responsibility:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people’s lives; and
4. The resources available to the grantee/recipient or agency, and costs.

The intent of this policy is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on the City or department. Specific steps to be taken, in terms of translation or language interpretation, will depend on the situation at the time, from coordination with LEP individuals and the organizations that serve them and from analysis of the City of Johns Creek’s existing resources and the costs of providing language assistance.