

COMPLAINTS OF DISCRIMINATION PROCEDURE

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by the City of Turlock as to consultants, and Contractors. Intimidation or retaliation of any kind is prohibited by law. The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

Complaint Procedure

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a complaint with the City of Turlock. A formal complaint must be filed within 180 days of the alleged occurrence.
2. In cases where the complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The Title VI Coordinator will interview the complainant and if necessary assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the complainant or his/her representative.
3. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.
4. Within five (5) working days of receipt of the complaint, the City of Turlock will provide the complainant or his/her representative and any Contractor (respondent) with a written acknowledgement that the City has received the complaint.
5. A copy of the complaint will be forwarded to the City Attorney for review.
6. The Title VI Coordinator will assign an investigator to the complaint (this may be the Title VI Coordinator or other designated staff).
7. The Investigator will determine if the complaint has investigative merit:
 - a. It was received within 180 days of the alleged occurrence.
 - b. It does not appear to be frivolous or trivial.
 - c. It involves the City or City Contractors and not another entity.
 - d. The complaint is against a Contractor involved in a Federally funded contract.
8. Within 10 working days of receipt of the complaint, the complainant and Contractor or other party to the complaint will be notified of the status of the complaint, *by registered mail*:
 - a. That the complaint will not be investigated and the reasons why the complaint does not have investigative merit.
 - b. That the complaint will be investigated and a request for additional information is needed to assist the investigator.

9. Within 30 working days from the date of its request, the complainant or Contractor must submit the requested additional information. Failure of the complainant to submit additional information within the designated timeframe may be considered good cause for a determination of no investigative merit. Failure of the Contractor to submit additional information within the designated timeframe may be considered good cause for a determination of noncompliance under the contract.
10. Within 15 working days of the complaint's receipt, the internal investigator and/or Contractor must supply the Title VI Coordinator with status report of their investigation and/or resolution of the complaint.
11. Within 60 working days from the receipt of the original complaint, the investigator will prepare a written report for the Title VI Coordinator.
The report shall include:
 - a. A narrative description of the incident, including persons or entities involved.
 - b. A statement of the issues raised by the complainant and the respondent's reply to each of the allegations.
 - c. Citations of relevant Federal, State and local laws, City policy etc.
 - d. Description of the investigation, including list of the persons contacted and a summary of the interviews conducted.
 - e. A statement of the investigator's finding and recommendations for disposition.
12. The investigative report and findings of the complaint will be sent to legal counsel for review.
13. The Title VI Coordinator shall, based on the information before him or her and in consult with legal counsel, make a determination on the disposition of the complaint. Determination shall be made within 10 working days from Title VI Coordinator's receipt of the investigator's report.

Examples of disposition are as follows:

- a. Complainant is found to have been discriminated against. The City or Contractor is therefore in noncompliance with Title VI regulations. Reasons for the determination will be listed. Remedial actions that the City or the Contractor must take will be listed in a Final Remedial Action Plan.
- b. Complaint is found to be without merit. Reasons why will be listed.

14. Notice of the Title VI Coordinator's determination will be mailed to the complainant and Contractor. Notice shall include information regarding appeal rights of complainant and instructions for initiating such an appeal.

Example of a notice of appeal follows:

- a. The City will only reconsider this determination if new facts are presented, that were not previously considered.
 - b. If the complainant is dissatisfied with the determination and/or resolution set forth by the City, the same complaint may be submitted to the Federal Transit Administration (FTA) for investigation. For more information, please contact the Federal Transit Administration, Office of Civil Rights, 201 Mission Street, Suite 1650; San Francisco, CA 94105 / (415) 744-3133.
15. A copy of the complaint and the City's investigation report/letter of finding and Final Remedial Action Plan will be issued to FTA within 90 days of the receipt of the complaint.
 16. After receiving FTA's comments, briefings may be scheduled with all relevant parties to the complaint.
 17. A summary of the complaint and its resolution must be included in the annual report to the FTA.