

NONDISCRIMINATION COMPLAINT PROCEDURES

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by the City or its subrecipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the City. Any such complaint must be in writing and filed with the City's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, see the web site at www.greshamoregon.gov/titlevi or call the Title VI Coordinator, Aaron Abrams, at 503-618-2482 or email aaron.abrams@greshamoregon.gov

These 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. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

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, at any stage of the process. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with City's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements.
 - a. Complaint shall be in writing and signed by the complainant(s).
 - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
 - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. The complainant is required to mail a signed, original copy of the fax or e-mail transmittal for The City to be able to process it.
 - e. Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing. A complaint form

will be forwarded to the complainant for him/her to complete, sign, and return to The City for processing.

2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of the City's subrecipients of federal funds, the City will assume jurisdiction and will investigate and adjudicate the case. Complaints against the City will be referred to the Oregon Department of Transportation's ("ODOT") Office of Equal Opportunity ("OEO"), for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.
3. In order to be accepted, a complaint must meet the following criteria:
 - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
 - b. The allegation(s) must involve a covered basis such as race, religion, color, national origin, or gender.
 - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor.
 - d. The complainant(s) must accept reasonable resolution based on the City's administrative authority (reasonability to be determined by the City).
4. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to repeated requests for addition information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
5. Once the City or ODOT decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will received a case number and will then be logged into the City's records identifying its basis and alleged harm, and the race, religion, color, national origin, and gender of the complainant.
6. In cases where the City assumes the investigation of the complaint, the City will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of the City's written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. In cases where the City assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, the City's Investigator will prepare an investigative report for review by the City Attorney's Office. (the City's investigator can be one of the City's Title VI designees, an outside inspector, or the City's Title VI Coordinator.) The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.

8. The investigative report and its findings will be sent to the City Attorney's Office for review. The City Attorney's Office will review the report and associated documentation and will provide input to the Investigator within 10 calendar days.
9. Any comments or recommendations from the City Attorney will be reviewed by the City's Investigator. The Investigator will discuss the report and recommendations with the Title VI Investigator within 10 calendar days. The report will be modified as needed and made final for its release.
10. The City's final investigative report and a copy of the complaint will be forwarded to the FHWA and ODOT within 60 calendar days of the acceptance of the complaint.
11. The City will notify the parties of its final decision. The City will not reconsider its decision unless new facts are presented that warrant the City's reconsideration.
12. If complainant is not satisfied with the results of the investigation of the alleged discrimination and practices the complainant will be advised of the right to appeal to the U.S. Department of Transportation ("USDOT"). The complainant has 180 days after the City's final resolution to appeal to USDOT.