

This document outlines the Title IV complaint procedures related to providing programs, services, and benefits. However it does not deny the complainant the right to file formal complaints with the Alaska Human Rights Commission, Equal Opportunity employment Commission, Federal Transit Administration or to seek private counsel for complaints alleging discrimination, intimidation or retaliation of any kind that is prohibited by law.

Title IV of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs receiving Federal financial assistance.

General

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected- to discrimination on the basis of race, color, or national origin as noted below may file a written complaint with the /city and Borough of Sitka’s Public Works Department. Complainants have the right to complain directly to the appropriate federal Agency. Every effort will be made to obtain early resolution of complaints. The option of informal meeting(s) between the affected parties and the Municipal Administrator may be utilized for resolutions. The Public Works Director will notify The Municipal Administrator of all Title VI related complaints as well as all resolutions.

PROCEDURE

1. The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s). In cases where Complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The Human Resources Department will interview the Complainant and assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the Complainant or his/her representative.
 - b. Include the date of the alleged act of discrimination date when the Complainants became aware of the alleged act of discrimination; or the date on which that conduct was discontinued or the latest instance of conduct.
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint.
 - d. Federal and state law requires complaints be filed within 180 calendar days of the alleged incident.

2. Upon receipt of the complaint, the Director Public Works Director will detennine its jurisdiction, acceptability, need for additional information, as well as assign the complaint to the Human Resources Department to investigate the merit of the complaint.

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3. The Complainant will be provided with a written acknowledgement that the City and Borough has either accepted or rejected the complaint.
4. A complaint must meet the following criteria for acceptance:
 - a. The Complaint must be filed within 180 days of the alleged occurrence.
 - b. The allegation must involve a covered basis such as race, color or national origin.
 - c. The allegation must involve a City and Borough service of a Federal-aid recipient, sub-recipient or contactor.
5. 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 additional information needed to process the complaint.
 - c. The Complainant cannot be located after reasonable attempts.
6. Once the City and Borough of Sitka’s Human Resources Department decides to accept the complaint for investigation, the Complainant will be notified in writing of such determination. The complaint will receive a case number and will then be logged in a database identifying: Complainant's name, basis, alleged harm, race, color and national Origin of the Complainant.
7. In cases where City and Borough of Sitka’s Human Resources Department assumes the investigation of the complaint, within 90 calendar days of the acceptance of the complaint, the City and Borough’s Human Resources Director will prepare an investigative report for review by the Municipal Administrator. 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 reviewed by the Municipal Administrator and in some cases the investigative report and findings will be reviewed by The City and Borough of Sitka Legal Department. The report will be modified as needed.
9. Municipal Administrator will make a determination on the disposition of the complaint. Dispositions will be stated as follows:
 - a. In the event the City and Borough is in noncompliance with Title VI regulations remedial actions will be listed.
 - b. Notice of the Administrator’s determination will be mailed to the Complainant. Notice shall include information regarding appeal rights of Complainant and instructions for initiating such an appeal.
 - c. Notice of appeals are as follows:
 - i. The City and Borough will reconsider this determination, if new facts, come to light.
 - ii. If Complainant is dissatisfied with the determination and/or resolution set forth by the City and Borough, the same complaint may be submitted

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to the FTA for investigation. Complainant will be advised to contact the Federal Transit Administration, Region X, 915 Second Avenue, Federal Bldg., Suite 3142, Seattle, WA 98174, Telephone (206) 220-7954

10. A copy of the complaint and the City and Borough’s investigation report/letter of finding and Final Remedial Action Plan, if appropriate will be issued to FTA within 120 days of the receipt of the complaint.
11. A summary of the complaint and its resolution will be included as part of the Title VI updates to the FTA.

RECORDKEEPING REQUIREMENT

The Public Works Director and the Human Resources Director will ensure that all records relating to the City and Borough’s Title VI Complaint Process are maintained with department records.

Records will be available for compliance review audits.