

## **CITY OF OAKLAND**

### **TITLE VI AND RELATED CIVIL RIGHTS STATUTES COMPLAINT AND COMPLIANCE REVIEW PROCEDURE**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act prohibit discrimination on the basis of disability by state or local government agencies and recipients of federal financial assistance.

Discrimination includes, but is not limited to, excluding an individual from participation in or denying an individual the benefits of any program or activity receiving Federal financial assistance due to the individual's race, color, national origin, including limited English proficiency, sex, age<sup>1</sup> or disability and further included intimidation and retaliatory conduct.

The City of Oakland does not exclude, deny benefits to, or otherwise discriminate against any person on the grounds of race, color, national origin, sex, age, or disability, whether carried out by the City directly, through a contractor, or any other entity with whom the City arranges to carry out its programs and activities.

This Complaint and Compliance Review procedure is established so that anyone who believes he or she has been subjected to discrimination in the receipt of benefits and/or services from the City on the grounds of race, color, national origin, sex or age, or has been subjected to intimidation or retaliation because he or she has exercised a right to participate in or opposed actions protected by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights, may file a complaint following the outline below. In addition, the Equal Employment Investigations and Compliance Department representative or designee may, on his or her own initiative, undertake compliance reviews to investigate compliance of City departments, agencies, or offices with Title VI, the ADA/Section 504, and other federal and state civil rights laws in the absence of a complaint on a periodic basis.

The complaint should be in writing and contain information about the complainant and the alleged discrimination such as:

1. The name, address, and phone number of complainant;
2. The name of the City department and/or employee(s) against whom the complaint is filed;
3. The location, date, and description of the alleged violation; and
4. The signature of the complainant or his or her designee.

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<sup>1</sup> Age Discrimination Act of 1975, Section 13 of Federal Water Pollution Control Act of 1972, and Title IX of the Education Amendments of 1972; EPA's implementing non-discrimination regulations at 40 C.F.R. Parts 5 and 7.

A complaint regarding discrimination in or language access to City services, programs and activities should be submitted by the complainant or his or her designee as soon as possible but no later than 180 calendar days after the alleged violation to:

Equal Employment Investigations and Compliance Department (Coordinator) –

Artisha McCullough  
Equal Employment Investigations and  
Compliance Department  
150 Frank H. Ogawa Plaza, 2<sup>nd</sup> Floor  
Oakland, CA 94612  
510-238-3500  
amccullough@oaklandca.gov

Equal Access Coordinator  
(Language Access)

May Tam  
Equal Access Office  
150 Frank H. Ogawa Plaza, 2<sup>nd</sup> Floor  
Oakland, CA 94612  
510-238-3112  
mtam@oaklandca.gov

If a complaint is submitted directly to a City department, office, or staff member, the City department, office, or staff member shall forward the complaint to the appropriate Coordinator within 5 calendar days.

After receipt of the complaint:

- a. the Coordinator, or her or his designee, will timely make a determination of whether the City has jurisdiction over the complaint, and send the complainant an acknowledgement letter informing her/him whether the complaint will be investigated;
- b. If the Coordinator finds jurisdiction, s/he will notify the City department or agency that is the subject of the complaint and request a response to the complaint, and will begin an investigation. The investigation may include interviews of the complainant, City employees, contractors, subcontractors, subgrantees, and witnesses to the alleged discrimination, as well as review of any physical or written evidence.

The Coordinator, or her or his designee, may attempt to conciliate and resolve the complaint through a mutually agreeable solution. Any informal resolution must be signed by both the City department that is the subject of the complaint and the complainant.

An appropriate, prompt, and impartial investigation of any allegations filed under Title VI or related federal non-discrimination statutes will be conducted. A preponderance of the evidence standard will be applied during the analysis of the complaint.

When the Coordinator, or her or his designee, determines that a violation has occurred and an informal resolution is not reached, the Coordinator shall make a recommendation to the City Administrator, or her designee for remedial actions. The City Administrator, or her designee will accept, revise, or reject the Coordinator's recommendations and order the complained-of City department, or other City entity[ies] to implement the accepted recommendations.

The Coordinator will provide a written response to the complainant at the conclusion of the investigation. The Coordinator will issue one of three letters:

- a. A closure letter summarizing the allegations and stating that there was not a violation and that the case will be closed; or
- b. A letter of resolution summarizing the allegations and describing the informal resolution mutually agreed to by the complainant and the department or agency about which the complaint was submitted; or
- c. A letter of finding (LOF) summarizing the allegations and the investigation of the alleged complaint, and explaining any remedial actions to be taken by the City.

If the response does not satisfactorily resolve the issue, the complainant has the right to file his or her complaint with the associated federal or state agency.

The Equal Employment Investigations Director/Coordinator and Equal Access Coordinator shall maintain records of complaints received, informal resolutions and investigation findings.

These procedures do not deny the right of the complainant to file a complaint with state or federal agencies, or to seek private counsel for complaints alleging discrimination, intimidation, or retaliation of any kind that is prohibited by law.