

## **CITY OF OAKLAND**

### **TITLE VI AND RELATED CIVIL RIGHTS STATUTES COMPLAINT AND COMPLIANCE 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 Procedure is established so that members of the public who believe they have been subjected to Title VI 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 they have 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, a Title VI Compliance representative or designee may, on their 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.

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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.

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.

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

City of Oakland (Title VI Program)

Artisha McCullough  
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

### **Complaint Procedure**

#### **Title VI Complaints Processed Under the Federal Highway Administration (FHWA)**

Title VI complaints filed with the City of Oakland in which The City of Oakland is named as the Respondent will be forwarded to the FHWA Division Office. The Complainant will receive an acknowledgement letter informing them that the complaint has been received and forwarded to the FHWA.

Per the FHWA Guidance Memorandum, Processing of Title VI Complaints, dated June 13, 2018, received by a sub-recipient are to be forwarded to the City of Oakland to be submitted to FHWA Division Office.

## **Title VI Complaints Processed Under the Federal Transit Administration (FTA)**

Title VI complaints filed with the City of Oakland in which the City of Oakland is named as the Respondent will be processed by the City of Oakland. Per FTA, Title VI complaints are to be processed at the local level or elevated to FTA under egregious Title VI discriminatory circumstances. The Complainant will receive an acknowledgement letter informing them that the complaint has been received and whether the complaint will be processed by the City of Oakland or forwarded to FTA.

Title VI complaints filed with the City of Oakland against a sub-recipient will be processed by the City of Oakland. If the complaint is filed with the sub-recipient, the sub-recipient is responsible for investigating the complaint in accordance with FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients.

### **After receipt of the complaint:**

If a complaint is submitted directly to a City department, office, or staff member, the City department, office, or staff member shall review the complaint and where required, forward the complaint to the appropriate authority for processing.

- a. The coordinator/designee will make a determination of whether the City has jurisdiction over the complaint and send the Complainant an acknowledgement letter informing the Complainant whether the complaint will be reviewed/investigated or referred for external processing.
- b. If the Coordinator/designee finds jurisdiction, the coordinator/designee will notify the City department or agency that is the subject of the complaint and request a response to the complaint.
- c. Every effort will be made to obtain early resolution of the complaint at the lowest managerial/administrative level possible through a mutually agreeable solution.
- d. If it is determined that an investigation is warranted, the coordinator/designee will begin an investigation.
- e. An appropriate and impartial investigation of 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.
- f. 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.
- g. When the coordinator/designee determines that inappropriate conduct has occurred and an informal resolution is not reached, the coordinator/designee

shall make a recommendation to the City Administrator/designee for remedial actions. The City Administrator/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/designee will provide a written response to the Complainant at the conclusion of the investigation. The coordinator/designee 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 (where appropriate) any corrective actions to be taken by the City.

If the response does not satisfactorily resolve the issue, the Complainant can file their complaint with the associated federal or state agency.

The coordinator/designee shall maintain records of complaints received, informal resolutions and investigation findings.

These procedures do not deny the right of the Complainant to directly 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.

If the complainant is unable to write a complaint, the coordinator/designee should be contacted for assistance. The City of Oakland is committed to providing open access to its services to persons with limited ability to speak or understand English; if requested by the Complainant, the coordinator/designee will provide language translation services.

The Department of Justice, under Executive Order 12250, coordinates the enforcement of Title VI and related statutes by all agencies that administer federally assisted programs. If the Complainant cannot determine what Federal agency may have Title VI jurisdiction, or if the Complainant does not know where to send their complaint, they can send it to the Department of Justice. As the government-wide Title VI "clearinghouse," the Department of Justice will refer their complaint to the appropriate agency.

**The address is: U.S. Department of Justice Civil Rights Division Federal Coordination and Compliance Section-NWB 950 Pennsylvania Avenue, NW Washington, D.C. 20530 Title VI (1-888-848-5306) (202) 307-2678 (TDD)**

## **Federal Highway Administration**

U.S. Department of Transportation  
Office of Civil Rights  
1200 New Jersey Avenue, SE  
8th Floor E81-105  
Washington, DC 20590  
(202) 366-1396

## **Federal Transit Administration**

Civil Rights Division  
Attention: Complaint Team  
East Building, 5th Floor – TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
[888-446-4511](tel:888-446-4511)

## **Office of Environmental Justice**

**Phone:** (202) 564-2515  
**E-mail:** [environmental-justice@epa.gov](mailto:environmental-justice@epa.gov)  
**Mailing Address:**  
Environmental Protection Agency [Mail Code 2201A]  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

## **Complaints not covered by Title VI**

Complaints from members of the public that are not covered under Title VI and involve a City department can be filed directly to the City department, office, or staff member. The City department, office, or staff member should (where required), consult with the Title VI coordinator to determine jurisdiction and appropriate action.

Civil Rights complaints can also be filed with the Department of Justice Civil Rights Division or the State Department of Civil Rights:

**Department of Justice**

**Civil Rights Division**

(202) 514-3847

Telephone Device for the Deaf (TTY) (202) 514-0716

**State Civil Rights Department**

800-884-1684 (voice), 800-700-2320 (TTY)

2218 Kausen Drive, Suite 100

Elk Grove, CA 95758