

## **ADM-18.02 - Title VI Civil Rights Complaint Procedures**

### **TITLE VI CIVIL RIGHTS COMPLAINT PROCEDURES**

*Administrative Rule Adopted by the Office of Management and Finance Pursuant to Rule-Making Authority*

ARB-ADM-18.02

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#### **Purpose:**

The City of Portland is responsible for complying with Title VI of the Civil Rights Act of 1964. One component of the City's compliance with Title VI is the development and implementation of procedures to ensure adequate tracking and investigation of complaints made under Title VI. This administrative rule establishes procedures and forms related to complaints covered by Title VI of the Civil Rights Act.

#### **Scope:**

Any person who believes she or he has been the object of unequal treatment or discrimination as to the receipt of benefits and/or services based on his or her race, color, or national origin or limited English proficiency has the right to file a complaint under Title VI with the City of Portland.

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, arising from any program, service of or activity of the City of Portland or its subrecipients.

These procedures are part of an administrative procedure that does not provide for compensatory or punitive damages for the complainant.

The City's complaint procedure for Title VI is not exclusive. This means that a person that files a complaint with the City may also file a complaint with other state or federal agencies or the courts. Other agencies will have time limits for filing complaints. Generally, federal agencies require Title VI complaints to be filed within 180 days of the date of the discrimination.

These procedures do not deny the right of a complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

#### **Limitations:**

The City of Portland's complaint procedures for Title VI Civil Rights does not cover complaints based on protections afforded under other civil rights statutes, such as sex, sexual orientation, gender identity, age or source of income. If a complaint is filed alleging such discrimination, the complainant will be notified that it cannot be processed as a Title VI complaint. However, the City will review complaints of discrimination based on sex, sexual orientation, gender identity, age or source of income to determine if they can be resolved through informal means.

Complaints of discrimination based on disability will be handled under the City's ADA Title II complaint procedures.

### **Title VI Complaint Procedures**

#### **Step 1 – Filing a Complaint**

1. The City of Portland has established a [complaint form](#) to make it easier to file a complaint. Complaints can use the form or provide the information below
2. To be accepted, a Title VI complaint must:
  - a) involve discrimination on the basis of race, color or national origin;
  - b) allege that the discrimination was committed by the City of Portland, a City of Portland employee or a subrecipient of the City of Portland;
  - c) be filed within 60 days of the alleged occurrence or when the alleged occurrence become known to the complainant;
  - d) involve a City of Portland program, service, benefit or activity by the City or a contractor with the City of Portland.
3. Complaints should be filed with Title VI Program Manager in the Office of Management and Finance.
4. Complaints must be in writing and signed by the complainant. If the complainant needs assistance in reducing the complaint to writing or signing it, he or she may request assistance from the Title VI Program Manager or may

have another person write and acknowledge the complaint on his or her behalf.

5. Complaints should include:

- a) the name, address and phone number of the person who experienced the discriminatory action;
- b) the date of the alleged act of discrimination or the date when the complainant(s) became aware of the alleged discrimination;
- c) a brief but specific description of the discriminatory practice or action and any relevant facts.

6. The complaint should include names and contact information of any witnesses, including City employees or contractors.

7. Allegations may be faxed or e-mailed and will be acknowledged and processed once the identity of the complainant and the intent to proceed with the complaint have been established. Allegations received by telephone or TDD will be reduced to writing on a complaint form and provided to complainant for confirmation or revision before processing.

8. The complaint form must be signed or acknowledged, and sent to the Title VI Program Manager for processing. The original copy may be sent, faxed or emailed to:

Title VI Program Manager  
1120 SW 5th Avenue, Room 1204  
Portland, Oregon 97204  
Fax 503-823-6924  
[title6complaints@portlandoregon.gov](mailto:title6complaints@portlandoregon.gov)

## Step 2 – Processing a Complaint

1. Upon receipt of the complaint, the Title VI Program Manager will determine whether or not:

- a) The City has jurisdiction
- b) The complaint is timely
- c) The complaint is complete
- d) Additional information is needed

2. The Title VI Program Manager will notify the complainant in writing within five working days of receipt whether the complaint is accepted or not. If the complaint is not accepted, the Title VI Program Manager will provide an explanation. If the complaint is not accepted because additional information is needed, the complainant will be notified what information is needed.

3. If the complaint is accepted, the City will investigate the merits of the complaint and will attempt to resolve it at the lowest level possible.

4. City bureaus that received complaints that have been submitted directly to them are responsible for forwarding those complaints to the Title VI Program Manager for intake.

5. In cases where the complaint is against one of the City of Portland's subrecipients, the City will assume jurisdiction and will investigate the complaint.

6. In some instances the City will have a legal obligation to notify a state or federal agency of a Title VI complaint, and in such instances that agency may investigate the complaint.

## Step 3 – Dismissing a Complaint

1. The City of Portland may dismiss a complaint for any of the following reasons:

- a) The complainant withdraws the complaint.
- b) The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- c) The complaint is untimely.
- d) The complainant cannot be located.

- e) The complaint is determined to be legally insufficient.

#### **Step 4 – Investigating and Tracking a Complaint**

1. The Title VI Program Manager will notify the complainant in writing within five working days of the decision to accept or reject the complaint. Notification will include a case number assigned to the complaint.
2. In cases in which the complaint is against the City, the Title VI Program Manager will work with the involved bureau and the complainant to attempt to resolve the complaint. The option of informal mediation meetings may be used at any stage.
3. If the parties are unable to resolve the complaint, the Title VI Program Manager will investigate the complaint. The complainant will be provided a written decision on the complaint within 60 working days of the acceptance of the complaint for investigation.

#### **Step 5 – Appealing the City’s Written Decision**

1. The Title VI Program Manager will only re-consider its decision regarding a complaint if new facts come to light.
2. If the complainant is not satisfied with the written decision of the Program Manager, the complainant has 14 working days from the date of the decision to provide the Program Manager with written notice of intent to appeal.
3. The appeal shall be sent to the director of the relevant City bureau no later than 14 days after the receipt of the written decision.
4. The bureau director shall issue a decision on the appeal within 30 working days of the notice of intent to appeal, which shall be the final decision of the City.

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#### **HISTORY**

Adopted by the Chief Administrative Officer January 10, 2014.  
Filed for inclusion in PPD January 10, 2014.