



Lincolnton NC

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CITY OF LINCOLNTON

TITLE VI/DISCRIMINATION POLICY

AND COMPLAINT INSTRUCTIONS

December 2020

**CITY OF LINCOLNTON TITLE VI/
DISCRIMINATION POLICY
AND
COMPLAINT INSTRUCTIONS**

INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

CITY OF LINCOLNTON TITLE VI/DISCRIMINATION POLICY

It is the policy of the City of Lincoln to ensure that no person shall, on the grounds of race, color, national origin, limited English Proficiency, income-level, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City of Lincoln program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964, Title 49 Code of Federal Regulations (CFR), Part 21, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities.

The following practices are hereby prohibited throughout the City of Lincoln to comply, at a minimum, with Title VI and related requirements:

- Denying to an individual any standard service, financial aid, or other program benefit without good cause;
- Providing any service, financial aid, or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program;
- Subjecting a person to segregation or separation treatment in any part of a program;

- Restrictions in the enjoyment of any advantages, privileges, or other benefits enjoyed by others;
- Methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual or other integral activities; and
- Acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing;

The City of Lincoln Title VI Coordinator is responsible for processing complaints filed under Title VI of the Civil Rights Act of 1964 and related discrimination laws. Participants and beneficiaries of programs and activities administered or funded by the City of Lincoln who feel they have been discriminated against based on race, color, national origin, income-level, Limited English Proficiency (LEP), sex, age, or disability have a right to file a complaint.

FILING OF COMPLAINTS

1. **Applicability** – These complaint procedures apply to City of Lincoln programs, activities and services, and include city contractors and consultants.

Note: Title VI does not include internal complaints related to Equal Employment Opportunity (EEO).

2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination prohibited by any pertinent civil rights authorities, based upon race, color, national origin, sex, age, disability, income-level, or LEP, (and religion, where applicable) may file a written complaint with the City of Lincoln Title VI Coordinator. The law also prohibits intimidation or retaliation against anyone who files a complaint.

3. **Filing Options and Time Limits** – Complaints may be filed by the affected individual(s) or a representative and must be filed no later than 180 calendar days after the following:

- ☞ The date of the alleged act of discrimination; or
- ☞ The date when the person(s) became aware of the alleged discrimination; or
- ☞ Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Title VI and related discrimination complaints may also be submitted to the following entities:

- **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1896 or toll free 800-522-0453
- **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
- **Federal Highway Administration (FHWA)**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor, E81-314, Washington, DC 20590, 202-366-0693 / 202-366-0752
- **Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
- **Federal Transit Administration (FTA)**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
- **Federal Motor Carrier Safety Administration (FMCSA)**, Office of Civil Rights, 1200 New Jersey Avenue, SE, Room #W65-312, Washington, DC 20591, 202-366-8810
- **Federal Aviation Administration (FAA)**, Office of Civil Rights, 800 Independence Avenue, SW, Washington, DC 20591, 202-267-3258
- **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

4. Format for Complaints – Complaints **must be in writing and signed** by the complainant(s) or a representative, and include the complainant’s name, address, and telephone number. Complaints are to be filed with the City of Lincolnton Title VI Coordinator . Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille. (See Title VI Complaint Form included below.)

The Complaint Form can also be found at: www.ci.lincolnton.nc.us.

5. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, income-level, limited English proficiency (LEP), sex, age, or disability. The term “basis” refers to the complainant’s membership in a protected group category.

Protected Categories	Definition	Examples	Pertinent Statutes and Regulations	
			FHWA	FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200; (Executive Order 13166)	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; Circular 4702.1B; (Executive Order 13166)
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.		
National Origin (LEP)	Place of birth. Citizenship is not a factor. (Discrimination based on language or a person’s accent is also covered)	Mexican, Cuban, Japanese, Vietnamese, Chinese; Russian; French		
Income-Level	An individual or household determined to be low-income	Poverty status	Executive Order 12898	
Sex	The sex of an individual <i>Note: Sex under this program does not include sexual orientation.</i>	Women and Men	1973 Federal-Aid Highway Act	Title IX of the Education Amendments of 1972
Age	Persons of any age	21 year old person	Age Discrimination Act of 1975	
Disability	Physical or mental impairment, permanent or temporary, or perceived	Blind, alcoholic, paraplegic, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990	

COMPLAINT RECEIPT AND RESPONSE

1. The City of Lincoln Title VI Coordinator (the “Coordinator”) will provide written acknowledgment of the complaint within ten (10) calendar days, by registered mail.
2. The Coordinator will review the complaint upon receipt to ensure the required information was provided, the complaint was timely filed, and jurisdictional requirements were met.
 - a. If the complaint is complete and no additional information is needed, the Coordinator will send the Complainant a letter of acceptance as well as a Complainant Consent/Release form.
 - b. If the complaint is incomplete, the Complainant will be contacted in writing or by telephone to obtain the needed information. *Note:* Failure to respond and/or provide the

requested information within 15 calendars days may be considered good cause for a determination of no investigative merit.

3. Within 15 calendar days of receiving the complaint, the Coordinator will determine the City's jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Coordinator will notify the Complainant and Respondent (the person(s) against whom the complaint has been filed), by registered mail, stating the decision.

- a. If the decision is to not investigate the complaint, the notification shall specifically state the reasons for the decision.
- b. If the decision is to investigate the complaint, the notification shall state the grounds of the City's jurisdiction and require the Complainant and the Respondent's full cooperation in assisting the investigator.
- c. Interviews may be recorded during the investigation. Consent to record may be required if the interview is located outside of North Carolina.

4. The City will attempt to resolve all discrimination complaints within 60 days of accepting the complaint for investigation. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation between the affected parties and City staff may be utilized for resolution. The Coordinator will make known all filing options and avenues of appeal.

**CITY OF LINCOLNTON
TITLE VI/DISCRIMINATION COMPLAINT FORM**

Any person who believes that he/she has been subjected to discrimination based upon race, color, sex, age, national origin, disability, income-level, or limited English proficiency, may file a written complaint with the City of Lincolnnton Title VI Coordinator within 180 days after the discrimination occurred.

Last Name _____ First Name _____	
Male _____	Female _____ (Check one)
Mailing Address:	
City _____	State _____ Zip _____
Home Phone: _____	Work Phone: _____ Cell Phone: _____
Email Addrss: _____	

Identify the Category of Discrimination:			
Race _____	Color _____	National Origin _____	Limited English Proficiency _____
Age _____	Disability _____	Sex _____	Income-Level _____

Identify the Race of the Complainant:				
Black _____	White _____	Hispanic _____	Asian American _____	American Indian _____
Alaskan Native _____	Pacific Islander _____	Other _____		

Date and place of alleged discrimination action(s). Please include earliest date of discrimination and most recent date of discrimination. (Attach additional pages if necessary)

Names of individuals responsible for the discriminatory action(s):
(Attach additional pages if necessary)

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. **(Attach additional pages if necessary)**

The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action to secure rights protected by these laws. If you feel you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation. **(Attach additional pages if necessary)**

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint. **(Attach additional pages if necessary.)**

Name

Address

Phone

Email

1. _____

2. _____

3. _____

4. _____

Have you filed a complaint regarding the matter raised with any of the following? If yes, provide the filing dates.

Check all that apply:

Y/N

If yes, Filing Date

 Federal Highway Administration _____
 Federal Transit Administration _____
 Federal Motor Carrier Safety Administration _____
 US Department of Transportation _____
 Federal or State Court _____
 Other _____

Have you discussed the complaint with any City of Lincolnton employee or representative? If yes, provide the name, position and date of discussion.

Please provide any additional information that you believe would assist with an investigation.
(Attach additional pages if necessary)

Briefly explain what remedy, or action, you are seeking for the alleged discrimination.
(Attach additional pages if necessary)

WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.

COMPLAINANT'S SIGNATURE _____

DATE: _____

MAIL COMPLETED COMPLAINT FORM TO:

City of Lincolnton
Laura Elam, Title VI Coordinator
114 W.Sycamore Street
P.O. Box 617
Lincolnton NC 28093-0617

FOR OFFICE USE ONLY

Date Complaint Received _____

Received by _____

Case # _____

Referred to FHWA _____ FTA _____ FMCSA _____ FAA _____

Date Referred _____