

TITLE VI EXTERNAL DISCRIMINATION COMPLAINT HANDLING PROCEDURE

CITY OF FORT WORTH

It is the policy of the City of Fort Worth (City) to employ its best efforts to ensure that all programs, services, activities and benefits are implemented without discrimination. The City of Fort Worth Human Relations Unit (HRU) provides information and services related to basic human rights, including enforcement of the City's anti-discrimination ordinance, federal housing, and employment and accommodation laws. The City's Transportation and Public Works Department (TPW) is implementing additional procedures related to the formal investigation of transportation related Title VI complaints. This document outlines the steps for tracking and investigating complaints alleging discrimination on the basis of race, color or national origin in transportation related projects.

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 may file a written complaint with the City of Fort Worth, the Federal Transit Administration (FTA) or the Secretary of Transportation. Furthermore, the City prohibits intimidation, coercion, or engagement in other discriminatory conduct against anyone because he or she has filed a complaint to secure rights protected by Title VI. Complaints to the City may be through regular or registered mail, by fax or delivered in person. Complaints should be sent to the Office of the Director of Transportation and Public Works or to the City Manager's Office, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102. The Federal Transit Administration's address is East Building, 1200 New Jersey Avenue, SE Washington, DC 20590, Telephone 202-366-4000.

The City will ensure that all complaints of discrimination are promptly investigated. All external discrimination complaints filed under Title VI against the City of Fort Worth in which the City or its sub-recipients are named as the respondent will be forwarded to TxDOT for investigation within 10 (ten) calendar days. Following an investigation, the City will attempt to resolve such complaints, and take corrective action within sixty (60) days of a finding of a substantiated complaint in a final report. If the investigation indicates that the discrimination may affect persons other than the complainant, the corrective action shall include those other persons. Upon completion of each investigation, City staff will inform every complainant of all avenues of appeal. While this procedure is directed at the processing of Title VI complaints, as a general proposition, complaints alleging either discriminatory impact or effect in the context of environmental justice will follow the complaint processing described below. All complaints must be in writing and signed by the complainant or his/her representative before action can be taken.

Acceptance of the Complaint: Each Title VI complaint received by the City will be entered into the City's official Title VI Discrimination Complaint Log (Attachment A). All external discrimination complaints filed under Title VI against the City of Fort Worth in which the City or its sub-recipients are named as the respondent will be forwarded to TxDOT for investigation within 10 (ten) calendar days. Additionally, all complaints filed against the City, as a Federal-aid sub-recipient of transportation related grants, and contractors performing work for the City shall be investigated by the City's Transportation and Public Works Department to determine validity and severity of the complaint. The Department will then prepare an internal report on its findings for City management.

Internal Investigation: Once it is determined that a complaint warrants further investigation, the Transportation and Public Works Department will conduct a factual investigation to determine whether the action at issue constitutes discrimination based on race, sex, color, age, national origin, or handicap. The investigating officer will:

- Initiate the investigation within ten (10) workdays of receiving the assignment to set up an interview
- Inform the complainant of his/her rights including the right to have a witness or representative present during the interview and submit any documentation he/she perceives as relevant to proving his/her complaint
- Determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned
- At the conclusion of the investigation, prepare a final report for City management within one hundred and twenty (120) calendar days of the date the complaint was received by the City.

As a minimum, the report will include:

- Summary of the complaint
- A statement of the issues raised by the complainant and the respondent's reply to each of the allegations
- Citations of relevant Federal, State, and Local Laws, rules, regulations, and guidelines influencing the decision
- Description of the investigation, including a list of the persons contacted and a summary of the interviews conducted
- A statement of the investigator's findings and recommendations

TPW Timeline Requirements:

- Signed complaint filed with the TPW 90 days
- Forward complaint to TxDOT for TxDOT's investigation within 10 days
- TPW written acknowledgement from date of receipt 15 days
- Begin City's internal investigation 45 days
- Complete internal investigation 120 days

If based on its investigation the City concludes that there is no discrimination, (or in the case of an environmental justice issue) there is no disparate impact/effect, the complaint will be dismissed. In the case of an environmental justice issue where an immediate health issue is alleged, the City may make an initial finding of a disparate impact within sixty (60) days after complaint is accepted. In such a case, TPW will notify the TxDOT Office of Civil Rights and the complainant in an effort to seek a response within a specified time period. Under appropriate circumstances, TPW may seek comment from TxDOT and/or complainant(s) on preliminary data analyses before making an initial finding concerning disparate impacts.

TPW will complete an investigation within one hundred and twenty (120) days of receipt of the complaint. If additional time for the investigation is needed, the complainant will be contacted. A written report will be prepared by TPW at the conclusion of the investigation.

Recordkeeping Requirements: The City will ensure that all records relating to the City’s Title VI Complaint Process are maintained with the department records according to the records retention requirements of the State of Texas and are available for review by the Department of Transportation (DOT) upon request. TPW will maintain a log of all complaints and appeals. The complaint will be noted in the log by case number based on year, month and sequence in which complaint was received (Example: A complaint received in December, 2012 and is the first complaint received in 2012 will be case number 2012 (year)-12 (month)-001 (sequence)).

Mitigation: If there is a finding of disparate impact the City will propose a plan for mitigating the disparate impact. If the City elects to submit a plan for mitigating the disparate impact, the proposed mitigation will be shared with the complainant and all parties will be so notified. Assuming that assurances are provided regarding implementation of the mitigation plan, no further action on the complaint will be required. A copy of the mitigation plan will be provided to TxDOT.

Appeals Procedures: The complainant has the right to appeal all written reports to the City Manager and or TxDOT. This appeal must be made in writing to the City Manager within thirty days (30) days of receipt of the department's final report. The appeal must specifically cite the portion(s) of the finding with which the complainant disagrees and his/her reason(s) for the disagreement. The TPW Director will forward this appeal within fifteen (15) calendar days to the City Manager and or TxDOT depending on agency to which the appeal is made. After a review of the entire record a written final determination will be made within sixty (60) days

_____ Date _____
Tom Higgins
City Manager
City of Fort Worth